

Official Report (Hansard)

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Suggested amendments or corrections will be considered by the Editor.

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Northern Ireland Assembly

Tuesday 19 March 2013

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Matter of the Day

Security: New Barnsley Police Station Mortar Bomb

Mr Speaker: Mr Conall McDevitt has been given leave to make a statement on the mortar bomb found near New Barnsley police station that fulfils the criteria set out in Standing Order 24. Other Members who wish to be called should rise in their place and continue to do so. All Members who are called will have up to three minutes in which to speak on the subject matter.

Mr McDevitt: In opening, I extend my best wishes to the House on the St Patrick's festivities. Unfortunately, the weekend festivities did not start well in Belfast. At 7.15 am on Friday, a vigilant police officer leaving duty at New Barnsley police station noticed an unusual object in the proximity of the station. It turned out to be a viable mortar bomb launching device. That device was intended to kill or maim police officers or anyone else who might have found themselves subject to it, had the perpetrators succeeded in their intent.

An organisation calling itself Óglaigh na hÉireann claimed responsibility for planting the device. I am always amazed when organisations called Óglaigh na hÉireann claim things in Ireland because there is only one Óglaigh na hÉireann, and that is the defence forces of the Irish state. They are the only people who have the right to hold that name. They are the only people with a mandate to protect the citizens of the Republic of Ireland in that name. They have a proud heritage as peacekeepers and as people who serve everyone in their state.

I suspect that everyone in the House rejects those who placed that mortar bomb. The reject them because the PSNI was their target, and the PSNI is a police service that enjoys the support and consent of the great, great majority of people in this part of Ireland. It is a police service with a mandate given to it by the people

of this part of Ireland at the Good Friday Agreement, and nobody will ever take that away from it.

I say in conclusion that, if there are those in our society, in any quarter, who feel that they have something to say and disagree with the way that those of us who are elected go about representing them, they should come out of the shadows and allow themselves to be challenged, in private if necessary but in dialogue. The one thing history teaches us is that there is no end possible through violence, that it is futile, that it always fails and that the future of our island and of our little region — this place we call "Northern Ireland" — is utterly dependent on dialogue, democracy and peace.

Mr Speaker: Members need to continue to rise in their place if they want to be called.

Mr Hussey: I too begin by praising the member of the Police Service of Northern Ireland who discovered this object. I pay tribute to the Police Service of Northern Ireland and to our army technical officers, who risked their life by attempting to defuse the devices. We had a situation where people were intent on murdering either a police officer, a soldier or a member of the public, and nobody has that right.

Mr McDevitt referred to the organisation. I cannot pronounce that name, and I do not intend to attempt to pronounce it. What they are is terrorists. That is what their intention was. They were there to terrorise the people of west Belfast and further afield. In recent weeks we have also had the attack on Londonderry. The people who do this have no mandate, but that does not worry them, because they are continually attempting to undermine this House and this state. That is their intention. However, we must pay tribute to the bravery of those who are prepared to serve in the Police Service of Northern Ireland, and we must pay tribute to our armed services — the army who went to defuse the device. Without them, where would we be?

An explosive device can cause damage wherever it is, and those people went out to kill and maim. The House must reject them, and the people of Northern Ireland must reject them. There are people who know who they are. If we look into this incident and other incidents, we can see a trail that brings them back to the Provisional IRA. We know that explosives that were issued and used by the IRA and ammunition and guns are there, so there is a direct link. I call on anybody in the House and further afield who has any knowledge of these people to bring it to the immediate attention of the Police Service of Northern Ireland, because none of us wants to see these people succeed. Unfortunately, one day they will, and then there will be tears, wiping of eyes and people saying that it should not have happened. Unless we act now, it will happen. I call on all who have any information to take that to the Police Service of Northern Ireland.

Mr Bell: What we have to realise is that men and women today, as they did over the last number of days, have possibly kissed their wife, husband or children goodbye and gone off to work. The job that we as a people have asked them to do is to serve all the people of Northern Ireland in the Police Service of Northern Ireland. We have to be clear that what we are dealing with today and what we saw with the mortar bomb is an attempt to murder men and women in our society and to murder them indiscriminately by the planting of a mortar bomb, the only purpose of which is murder.

I join those who said that it was the alertness of our police service — in many ways, those men and women never really come off duty — their brilliance and their training that is, possibly, the reason why we are not looking today at the murder of police officers. Mortar bombs are notoriously indiscriminate, and we could well have been looking at the murder of men, women and children who were going about their daily business, never mind having to deal with the traumatic events of funerals being disrupted and children being brought out of school and having to be told by their teachers and parents what had occurred.

The reality is that Northern Ireland has chosen a different way forward that rejects terrorism unequivocally. I believe that that decision is irreversible. The people of Northern Ireland will not choose, in any way, to allow terrorism to play any part in effecting political change.

It is up to everyone to examine their conscience. People are aware of who did this. Human action engineered this event, and somebody somewhere got the material,

somebody constructed it, somebody drove the mortar bomb to its destination and somebody primed it. I believe that people will know about this, and an examination of consciences is required.

As a society, the people of Northern Ireland have chosen a different way forward, and terrorism will never be allowed to overrule their democratic will. That said, Northern Ireland is experiencing the lowest recorded levels of violence in any of our lifetimes —

Mr Speaker: The Member's time is up.

Mr Bell: It is important that we continue with that agenda.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I apologise for arriving late in the Chamber.

I want to add my voice of condemnation to those of my colleagues here today, and I reiterate the call to anyone who has information about this mortar attack to bring it to the authorities, to the PSNI.

There is an excellent cross-community project in the area where the mortar attack was planned to take place called the Black Mountain Shared Spaces project. It is aimed at developing the part of the Black Mountain that is bordered by Ballygomartin, Highfield, Springmartin, New Barnsley, Moyard and the greater Ballymurphy area, and it involves people from all those communities working together. That co-operation is in stark contrast to those who have no support whatsoever in the communities. I know that the disruption that took place the other day was shared disruption. Primary schools on the Springmartin and Ballygomartin side had to close, and the Owenvale nursing home for elderly people, on the nationalist side, was hemmed in. People could not come and go, visitors could not get in, and there was disruption to the whole community.

I want to reinforce my condemnation but also to point up the positive. The Black Mountain Shared Spaces project is about people working together. I say to those who are intent on bringing us back to the past, "There is no room at all for any type of armed actions. The community does not want it. Pack up, go home and go away. You are not wanted".

Mr Ford: I will add a few words in support of the comments that were made by Mr McDevitt and others.

It is clear that those who left that mortar were targeting the Police Service of Northern Ireland in New Barnsley. It is also clear that, as has been said, they caused huge disruption and, potentially, put lives at risk, not just in the New Barnsley and Moyard areas but across in the Springmartin and Ballygomartin areas. They speak for nobody who has any understanding of where this society is moving. It is pleasing to see that the condemnation is unanimous in the House. That needs to be carried from here out into the wider community.

We should all be grateful for the vigilance of the police officer who spotted the device.

We should also be grateful for the good work done by other police officers, the army technical officers and those who had responsibilities, whether in the schools or community facilities, in that area. All of that helped to avoid the disruption and danger becoming greater than it already was. I am not sure whether we should call the organisation responsible Óglaigh na hÉireann or ONH or terrorists, but the reality is that they sought to terrorise a very large section of west Belfast. The fact that they did not do that is due to good work done by people from that local community alongside the Police Service. We should be grateful to all of them.

10.45 am

Mr Allister: I join others in expressing thanks to the PSNI and, in particular, to the army technical officer who successfully diffused this murderous weapon of attack. The murderous attack was no doubt intended for the police station, but those who intended to use that weapon neither knew nor cared whether it would be just police officers that they might target and kill. In such a built-up area with schools and adjacent housing areas, and given the notorious unreliability of mortars, they knew that the prospect equally existed of many, many deaths either inside or outside the police station.

Therefore, one is particularly grateful and glad that we still have the services of the army technical officers; glad that we still have intelligence services such as MI5, which can help to thwart and derail these murderous attempts. However, as has been said, these people need only to get lucky once. Sadly, if they do, this House will be discussing carnage again.

These people are deploying and using the template set for them by the provisional IRA. Indeed, they now take the title Óglaigh na

hÉireann. Those who used that title previously were equally usurpers of the lawful authority of the forces of the Irish Republic and were equally terrorists in their manifestation and actions. A Provo template was used in the design, technology and tactics. It was wrong when it was executed by the Provos then, and it is equally wrong today. There was no justification then.

There is no point in talking in glib terms about there being no public support as though, if there were, that would make it right. It was wrong then, and it is wrong now. Terrorism of all shades and all types is always wrong. Sadly, political responses that pander to terrorism have guaranteed a continuance of terrorism. Let us be very clear: that which was attempted in that area last weekend is no different, no better and no worse than that which was perpetrated for years by those who then reaped the benefits in political concessions.

Mr Humphrey: I thank Mr McDevitt for bringing the matter before the House today. On Friday morning, I received calls from a local clergyman and parents of children at Springhill Primary School, of which I am a governor. When I visited the school at about 8.45 am on Friday, it had already been evacuated, as had the neighbouring Black Mountain Primary School. I

have to say that as I, along with my party colleague Alderman Frank McCoubrey, visited the nearby Cairnmartin nursing home, the schools and some of the hundreds of households that were evacuated, I was simply appalled, because I was able to see the nature of the device that we are talking about today. I was advised by the police that it was a device, which they had seen on many occasions, designed by people connected to the old IRA. We, in the House, all know that those who were involved in planting that device had no thought for life or the community and the people living in it, whether from Springmartin, Black Mountain or the Springfield Road. The device was trained on the police station to kill police officers. It is important to say that the device was detonated. Very fortunately, 6 lb of explosives stuck in the tube, and we are here today talking about something that could have been devastating for that community and for Northern Ireland.

I stayed in the area until close to 9.00 pm on Friday night, and I pay tribute to Belfast City Council, Ballygomartin Presbyterian Church for opening its facilities, the Police Service and, particularly, the army technical services. Given the terrain and the weather conditions, three different robots had to be deployed so the effect

on the community was prolonged. Hundreds of homes were affected as were thousands of people. The saddest cases for me were those of an elderly couple with a disabled son who could not get medication to treat their son because they live close to New Barnsley station, and a family who were burying someone who was a father and grandfather and had to walk out of the Black Mountain estate and could not get to the funeral cars.

The events of Friday and of the past number of weeks have shown that Northern Ireland could be on the slippery slope back to murder and mayhem. However, the resolve of the people of that area on Friday was that they are determined that the would-be murderers and perpetrators of evil — because evil people they are — will not and cannot win. We will not allow Northern Ireland to go back to the dark old days.

Executive Committee Business

Budget Bill: Royal Assent

Mr Speaker: I inform the House that the Budget Bill has received Royal Assent. The Budget Act (Northern Ireland) 2013 became law on 14 March 2013.

Assembly Business

Public Petition: Strabane Campaign for Jobs

Mr Speaker: Mr Joe Byrne has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak on the subject.

Mr Byrne: I thank you, Mr Speaker, and the Business Office for allowing me to present this petition this morning. I am presenting a public petition that requests, on behalf of the people of Strabane, a jobs initiative for a town and district that has consistently felt neglected and forgotten by government since partition.

Unfortunately, Strabane has a national and international image as the unemployment black spot of Europe. The petition represents and reflects the community's anger and frustration at Strabane's social and economic neglect being once again bypassed by government, most recently epitomised by the Agriculture Minister's decision to relocate 800 Civil Service jobs out of Belfast to Ballykelly, even though Strabane ranked first in the assessment criteria. Strabane scored 73, the next on the list scored 59, and the one after that scored 57. The people of Strabane have felt that the Assembly and Executive do not care about the unemployment situation in Strabane and, in particular, the grossly high levels of youth unemployment and lack of opportunity. My office in Strabane was inundated with phone calls and people visiting to complain about that decision. Despite Strabane having the highest score in the socio-economic assessment criteria for the destination of the jobs relocation, that did not merit a favourable decision.

Unfortunately, the people of Strabane feel let down because they had expectations that the devolved Assembly and Executive would not continue with the same pattern of government indifference and neglect that they have suffered for decades. As an MLA for West Tyrone, I am duty-bound to bring to the House this petition of over 2,000 signatures to highlight the genuine sense of grievance and hurt that now exists throughout the Strabane district, and indeed West Tyrone, about government indifference to the plight of my constituents.

It is with regret that I, as an MLA, and the local campaign group have to plead for Strabane to be regarded as a special case once again when it comes to the need for jobs. The community's

sense of disgust and annoyance about government in Belfast once again ignoring and bypassing the merited case for jobs being relocated to Strabane is palpable. People are asking why Strabane is being bypassed once again and whether, even with devolution, it will continue to experience economic discrimination. Mr Speaker, I present to you the signatures on this petition.

Mr Byrne moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of Agriculture and Rural Development and send a copy to the Chairperson of the Agriculture Committee.

Ministerial Statements

Northern Ireland Prison Service Estate Strategy

Mr Ford (The Minister of Justice): With your permission, I wish to make a statement on the Northern Ireland Prison Service (NIPS) estate strategy.

The prison review team, in its review of the Northern Ireland Prison Service, outlined the premise that prisoners can develop and change provided that they are given the opportunity to do so. It also set out the fundamental characteristics of an effective prison system that supports change and promotes desistance from crime.

The development of the prison estate presents an opportunity to create an environment that will promote change and rehabilitation, reduce risk and enhance public safety while providing accommodation that is fit for purpose and provides value for money. The prison estate that we build now will be our prison estate for the next 50 to 100 years. It is essential that we get it right. That is why I wanted to ensure that all responses to the proposals in the outline estate strategy, which was published for consultation last year, were properly considered and evaluated before making any final decisions.

In my interim statement to the Assembly in November last year, I announced a number of key decisions on the prison estate, and I committed to returning to the House to update Members on my final decisions on provision for young offenders and women offenders and the shape of the adult male estate, including a definitive statement on the future of Magilligan prison. Today, I am pleased to be able to bring that update to the House.

I want to take the opportunity to recognise the value that our key partners and stakeholders have brought to the development of the estate strategy. I thank officials in NIPS for their dedication and commitment to developing a strategy for the future and thank our partners in the statutory, community and voluntary sectors for their valuable contribution to the consultation process. I also recognise the positive approach to partnership working that was demonstrated by local councils and business representatives in the north-west, all of which helped to inform my decisions.

The prison review team was clear that although young offenders may be prone to prolific

offending and reoffending, they are also capable of change and redirection. Experience has shown a strong correlation between offending behaviour in young people and issues such as poor literacy, language or numeracy skills, or a history of unemployment.

Addressing the level of educational need among this group of offenders is essential if we are to improve their chance of rehabilitation and employment upon release. That is why, in November last year, I outlined my commitment to the reconfiguration of Hydebank Wood as a secure college offering young offenders a full programme of skills-based activities to better support rehabilitation and desistance. Building on the vision of the prison review team, my officials, with support from colleagues in the Department for Employment and Learning (DEL), have produced a concept development paper that defines the secure college model in more detail and identifies how it can best be achieved.

Work to improve the physical environment at Hydebank Wood and make it more conducive to learning has already commenced. New windows, furniture and fittings have been installed, and it is estimated that further improvements will be completed over the next six to 12 months. However, the secure college approach is more than just bricks and mortar; it is about raising the value placed on learning and skills and changing attitudes to offender management through positive engagement and interaction.

The new approach will enhance current multidisciplinary and multiagency working arrangements and result in dedicated, committed and fully trained staff, with the capacity to offer one-to-one interventions where needed, working with young offenders to support and encourage learning and development. Central to this will be the introduction of new professionally qualified custody officers, the upskilling of existing staff and the implementation of new and improved procedures to ensure that the individual needs of young offenders are identified and met. Engagement with statutory, voluntary and community services that can support young men on release from custody will also be routine.

At the heart of the secure college approach will be the introduction of a revised learning and skills curriculum that will focus on providing essential skills, including literacy, numeracy and ICT, as well as life skills, employability skills, vocational training and recreational services.

Consultation with trade unions and other key stakeholders is ongoing, and it is anticipated that the new curriculum will be introduced in 2014.

11.00 am

I am also pleased to announce that Paul Norbury, a governor with extensive experience working in the National Offender Management Service, will take up his appointment as governor of Hydebank Wood in April and will provide the necessary leadership and inspiration to deliver the secure college model.

My officials, in partnership with the Probation Board, have also been exploring what additional support and services might be put in place to manage young offenders in the community to enable them to benefit from multiagency co-ordinated services to contribute to their successful resettlement. The Probation Board for Northern Ireland (PBNI) has reviewed models of best practice for a multiagency approach for young offenders and has identified the resources that will be required for delivery, the potential target offender group, geographical location and potential stakeholders. I hope to be in a position to launch a pilot scheme in the coming months.

I have said before that prison should be used only when it is absolutely necessary and for the most serious and violent offenders. This is particularly true for women offenders. As a group, women offenders present low levels of risk but high levels of vulnerability that the justice system is not well placed to manage, particularly in relation to mental health, substance misuse and previous abuse. There is broad agreement that there should be significantly fewer women in custody and that it is far more effective to support women in the community to address the many complex issues associated with their offending behaviour.

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

Work to refresh the women's strategy and to put in place new actions aimed at reducing offending among women and to divert women away from custody is well advanced. This work has been shaped by engagement with a range of stakeholders, including women in the justice system, and my officials will continue to work with partners in the statutory, community and voluntary sectors to further develop and enhance existing supports and services.

The PBNI-led Inspire model, widely praised for its innovative, flexible and dynamic approach to reducing women's offending through targeted community-based interventions, is now well established in the greater Belfast area. It has also been successfully rolled out to the mid-Ulster and the north-west probation areas, and plans are in place to extend its reach to Ballymena and north Antrim during 2013-14. I want to make the Inspire model available across all of Northern Ireland so that this women-centred, community-based approach becomes the norm when dealing with women's offending.

For some women, secure custody will be the only proportionate response, but I have been consistently clear that the existing arrangements for women prisoners are not appropriate. This view, which is widely shared by stakeholders, was reinforced during the full inspection of Hydebank Wood, which took place in February. That is why I have committed myself to establishing a new separate facility for women offenders, combining both custodial provision for those who require secure custody and facilities for those for whom a community-based approach is more appropriate. My officials, working with colleagues in PBNI, are in the process of developing options in respect of the shape and size of the facility. A number of options for its location, including three areas on the existing Hydebank Wood site, are being considered. Subject to the approval of business cases and funding being made available, it is envisaged that a new facility for women offenders could be established as early as 2018.

In a more recent development, I have been made aware that the Probation Board intends to vacate Alderwood House, located in the grounds of Hydebank Wood. This presents an ideal opportunity to provide step-down accommodation for women prisoners who have been assessed as suitable for working in the community, and I have asked my officials to consider, as a matter of urgency, what future use might be made of that site. Progress has been made, but more needs to be done to identify the work that would be required to bring the building up to standard. The existing building would provide accommodation for up to six women, subject to planning permission. A design team has been asked to consider options to extend the building or to build additional accommodation on the adjacent land.

Last month, I officially opened the new 120-cell accommodation block, Quoile House, at Maghaberry prison. The opening of Quoile House marks the beginning of a new approach

to the development of the prison estate and is consistent with the strategic aims of NIPS to provide safe, secure accommodation, to reform and modernise the service, and to reduce the risk of reoffending.

Alongside the aim of creating an environment that encourages positive change by offenders, the estate strategy recognises the priority of the need to address the issues of overcrowding at Maghaberry. Good progress is being made toward the development of an additional 360-cell accommodation block. It is anticipated that construction of the new block will commence in late 2014.

The creation of this additional accommodation will not only ease accommodation pressures and lead us closer to the goal of reducing shared accommodation but enable NIPS to implement, on a phased basis, my earlier commitment to reconfiguring Maghaberry prison into three discrete areas — for remand prisoners, low- to medium-security sentenced prisoners, and prisoners requiring high-security accommodation — with appropriate support regimes and security for each. I believe that by moving towards a culture that relies more on dynamic security and less on physical security measures, we can develop a security regime that is proportionate to the risk presented. It will also help facilitate the delivery of better-tailored regimes to specific groups of prisoners and reinforce work to rehabilitate offenders.

The remand area will focus on the safe and effective committal and assessment of offenders; the provision of short or modular interventions, courses, work and programmes; and practical resettlement initiatives with considerable external support. Some of the existing facilities at Maghaberry will provide accommodation for low- to medium-security sentenced prisoners, and we will continue to provide step-down facilities for life-sentence prisoners.

It also remains my intention to create a discrete high-security facility, which will include provision for both separated prisoners and prisoners from the integrated population requiring high security. Work to convert the existing accommodation at Bush House and Roe House to a high-security facility will commence in early 2015. This will enable the Prison Service to deliver a regime appropriate to the prisoners held there, while allowing the remainder of the prison to develop a more dynamic regime, with appropriate staffing arrangements, that meets the needs of those prisoners not requiring the highest levels of security.

It is well-established that maintaining family contact is an integral part of effective resettlement. It helps prevent reoffending and contributes to the reduction of intergenerational offending. The existing facility at Maghaberry is not fit for purpose. I have asked officials to consider options for a replacement visits facility that will be more conducive to addressing and maintaining family links. Subject to the availability of funding, this work will commence in late 2015. In the meantime, plans are in place to commence work to refurbish the existing visits area at Maghaberry. This will provide families with a more positive visiting experience and encourage family contact.

The prison review team observed that the closure of the prisoner assessment unit left an important gap in custodial provision. In recognition of the importance of managing the difficult transition between prison and community, particularly for prisoners who have served long sentences, I indicated my intention to redevelop the prisoner assessment unit located on the Crumlin Road as a working-out unit for prisoners approaching the end of their sentence. As an interim solution, a business case for the refurbishment of the existing site is nearing completion. Subject to approval of this business case, work will commence later this year. I intend to review this provision after a year, at which time I will, if I deem it necessary, consider options for a rebuild on the existing site.

I have been consistently clear that my decision on the future of Magilligan prison needs to be based on what is best for the people of Northern Ireland in terms of enhancing public safety through reducing offending. In November, I indicated that I was inclined towards retaining a prison on the Magilligan site, subject to evidence being provided that issues concerning rehabilitation and family links could be adequately addressed.

Over the past few months, officials in NIPS have been continuing to engage with a range of stakeholders on the issue and have been working with local councils and business representatives from the north-west to consider how Magilligan could be used in a different way to overcome the challenges posed by its remote location. A councillors' forum has been established, and a number of workshops to help identify work and training opportunities in the community for prisoners have taken place.

A number of factors, including the responses to the consultation and engagement with the local councils, have helped shape my thinking, and I now consider that there is a case for the

retention of Magilligan. However, much of Magilligan is no longer fit for purpose and has outlived its useful economic life. To that end, my officials have engaged with a number of professional service providers to consider the options for a replacement prison on the existing Magilligan site. They are aimed at delivering a range of fit-for-purpose, flexible accommodation that provides staff and prisoner safety; encourages access to education and activities; and encourages and supports rehabilitation.

A number of high-level design concepts are being considered. Those include the option for phased redevelopment, which would allow the prison to remain open and operate as normal during construction. It is envisaged that key elements of the redevelopment will include the replacement of the H-blocks and other ageing facilities; the development of a central activities block; a new entrance building and welcome centre; and a new energy centre. There will also be the creation of a number of independent living units for prisoners nearing the end of their sentence, which will encourage prisoners to take responsibility for their day-to-day routine.

Subject to funding, it is anticipated that the phased redevelopment of Magilligan prison will be completed by 2020. In the immediate term, essential refurbishment and maintenance work will be carried out to ensure that Magilligan meets the minimum standards of safe, decent and secure custody.

In summary, I am today outlining to the Assembly my commitment to bringing forward, over the next 10 years, the reconfiguration of Hydebank Wood as a secure college; the provision of a separate, dedicated facility for women offenders that provides custodial and community services; the reconfiguration of Maghaberry prison, including the development of a new accommodation block and high-security facility; the development of a working-out unit on the site of the former prisoner assessment unit; and the phased redevelopment of Magilligan prison on the existing prison site.

The majority of the expenditure on the extensive capital investment programme required by the estate strategy will fall outside the current 2011-15 Budget period. So, the full implementation of the strategy will be dependent upon the level of funding in future Budget allocations. Although it is difficult to quantify at this stage, it is estimated that the total cost of the long-term redevelopment of the prison estate could approach £202 million. However, it is important to stress that all the projects will be designed and built with a view to

maximising the efficient and effective use of staff and facilities, and will, in the long term, result in significant resource savings for the Prison Service.

I thank all who have worked to develop the strategy for the future prison estate and to deliver the achievements to date. I thank my colleagues in the statutory and voluntary and community sectors, who, like me, have a shared vision of a fair justice system, an effective justice system and a safer Northern Ireland.

Mr Easton: I thank the Minister for his statement. I particularly welcome the announcement of the redevelopment of Magilligan, which will safeguard jobs and keep a lot of people in that area happy. That is very much welcomed.

I have two quick questions. First, the Minister mentioned £202 million for the estate strategy. Has he had any meetings with the Finance Minister on that £202 million? If so, could he tell us what occurred at those meetings? Secondly, will he let us know about any estates and land that have not been mentioned in the estate strategy and what the plans are for the future of those sites?

Mr Ford: I thank Mr Easton for his welcome of the announcement about Magilligan. I suppose that he had to get in there before his colleagues from the East Londonderry constituency got in on the act.

The costings I gave, of £202 million, are, at this stage, very much a broad estimate. As I indicated, the expenditure will largely lie outside this expenditure period. There will be significant issues to be considered, including, for example, whether the Department of Justice budget remains ring-fenced. So, I have not yet had any detailed discussions with the Finance Minister, although I suspect that there will be interesting issues to discuss.

As for other bits of the estate not mentioned, I can only assume that he is referring to the college at Millisle. It is well established that the college at Millisle will close and the site will be sold when the Desertcreat public service safety college becomes available for the Prison Service, Fire Service and Police Service.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire le haghaidh an ráitis seo ar maidin. I thank the Minister for his statement

and welcome it. I note that, in his opening paragraphs, he quoted the prison review team. As he knows, that is the sort of basis on which we are guided in all our deliberations around this.

11.15 am

I note, in particular in terms of the announcement about Magilligan, that the Minister said last November that he was:

"now inclined towards retaining a prison on the Magilligan site, subject to evidence being provided that issues concerning rehabilitation and family links can be adequately addressed." — [Official Report, Vol 79, No 7, p12, col 1].

Is the Minister now satisfied about that or can he give us a timeline for when he believes that the councillors' forum will leave him in a position that not only has he evidence but he is absolutely convinced that what led to the prison review team's conclusion about Magilligan is adequately addressed before any announcement of a newbuild?

Mr Ford: I thank Mr McCartney for his comments. The issue around family links was highlighted by the prison review team in the way in which Magilligan is currently used, namely as a prison for those serving custodial sentences from all parts of Northern Ireland, and the difficulty that creates.

By looking at the issue of those prisoners where there are no particular family links to be maintained and the potential for developing the prison's use, concentrating there more of those who live close to the north-west area in general — whether they be from Derry, Coleraine or further afield — there are opportunities to develop the use of Magilligan. It is also clear that there needs to be a strong engagement with businesses and local councils in the north-west to show that there is a willingness to have people playing their part in providing the rehabilitation opportunities that are a key part of the work that needs to be done in the Prison Service generally. If that can be done, Magilligan will be able to serve a very useful purpose.

Mr Dallat: I also welcome the statement, particularly in relation to Magilligan. Of course, the jobs are important but the inmates at Magilligan also stand a much better chance of addressing serious problems with literacy and numeracy.

We do not know what sentence the Minister will serve as Justice Minister or, indeed, why he was given the sentence. However, will he assure the House that this is not pie in the sky and that, come 2015, the ground rules will be there and we can be assured that there will be a new prison at Magilligan?

Mr Ford: I am grateful for Mr Dallat's opening remarks. I thought that it was clear why I am serving this sentence — because the House gave it to me by a majority verdict.

The plans are most certainly not pie in the sky. As I highlighted, however, there are issues around finances that need to be met, and there will have to be engagement on that as we look into future spending review periods. Unless Mr Dallat has more information than me about the mind of the Chancellor, I am not sure that I could give a commitment that the money will be available. We will seek to do all that we can in the timescale within which we believe it is possible. However, it is my intention that we will proceed as fast as possible with all the plans that I outlined today.

Mr Elliott: I thank the Minister for his statement, and the Magilligan part in particular. Some months ago here, the Minister indicated that the buildings at Magilligan may be partly retained and a new block built. According to his statement, however, it appears that it will be a complete newbuild. What changed the Minister's mind on that and is that a more or less expensive option?

Mr Ford: Mr Elliott raises a fair point about the capacity of the site as it exists. The reality is that there is simply one accommodation block within Magilligan that is fit for purpose — Howard House. The rest of it is well past its sell-by date. Most of the facilities for workshops and learning and skills are also well beyond their capacity. So, effectively, we are looking at an almost total rebuild within the Magilligan site. However, given the space that is available, it is possible to do that in a way that will enable the prison to continue to function. It is not so much a change of mind as an examination as to the best way of providing services within the site as it exists.

Mr Lyttle: I welcome the vision that the Minister of Justice set out for a prison system that supports change and reduces crime in Northern Ireland, and for setting out clear actions that he will take over the next 10 years.

As a member of the Committee for Employment and Learning, I heard only last week from the

Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) that central to reducing offending and crime in Northern Ireland will be improving the education and employability of young offenders. I commend the Minister for the action he has taken to create a secure young offenders college at Hydebank Wood. Will he reassure me that he will continue to work with the Minister for Employment and Learning and organisations such as NIACRO to ensure that the skills, training and careers guidance that we give to young offenders are relevant to the jobs available and needed in our economy?

Mr Ford: I thank my colleague for welcoming the statement in slightly broader terms that go beyond Magilligan. There has been useful engagement with DEL officials and, indeed, the Minister for Employment and Learning, who is always very amenable to suggestions that I put to him.

The Member also highlights the positive engagement with organisations such as NIACRO. Much of the good work that is done around the rehabilitation of offenders involves liaison with a significant number of voluntary organisations, of which NIACRO is merely one of the most prominent. As we look to the development of some of those plans, particularly around Hydebank Wood, I think that we will see the opportunity to extend that.

We have also had discussions with businesses that could be interested in providing opportunities for young offenders and women offenders in Hydebank. So, with a commitment from DEL and the Department of Justice, and both Departments working together alongside business and the voluntary sector, there is a real opportunity to make a success of the college proposals.

Mr G Robinson: Will the Minister give assurances that he will ensure that Northern Ireland firms are employed, as far as possible, in the proposed construction of the new facilities to create much-needed permanent construction jobs in Northern Ireland and in my East Londonderry constituency, which has suffered so many job losses in recent years?

Mr Ford: I cannot give Mr Robinson the full assurance that I suspect he wants. There will be certain issues relating to the size and scale of contracts, which may have to be advertised in the European journal. I can certainly give an assurance that justice has been done for the college at Desertcreat. Everything will be done to ensure that apprenticeships are provided and

that people are taken from the unemployment register. It will be a matter of seeing exactly how contracts are configured and what can then be put into the detail of that. I am fully aware of the issue, but there are requirements of European and UK law that mean that we cannot necessarily be so specialised and local as the Member might wish.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas ar maidin. I thank the Minister for his statement this morning. Anne Owers's report highlighted the fact that facilities for women were very poor; women have been poorly served by the prisons estate over the years; women are a small group in the prison population but mostly comprise vulnerable people; women were inadequately provided for; and there was a requirement for a new prison. I find it disappointing that the plans for the new women's prison are couched in the statement in vague terms compared with the plans for other prisoners. Will that be reviewed? What interim measures can be taken to improve facilities for women?

Mr Ford: I am disappointed that Ms McCorley describes the proposals as vague. The fact that we are actively looking at alternative sites for a facility for women and are developing the concept that will combine custodial facilities with community facilities, which builds on the Inspire model and on experience from which Dublin and Glasgow have lessons to teach us, are perhaps not as specific as she might have hoped, but I certainly do not think that they are vague. There is a clear intention and direction.

As we look at the options, particularly for developing other areas on the Hydebank site, it should be possible, in the relatively near future, to have some firm proposals that will build on the options for different sites that I outlined and the option of step-down facilities, and building the Inspire model into that. That is a very clear direction. I fully acknowledge that the current facilities in Ash House are well short of what we regard as appropriate for women prisoners.

Mr McQuillan: I thank the Minister for his statement this morning, particularly the detail on the newbuild at Magilligan and the phased redevelopment of Magilligan in the meantime. When will that begin, Minister?

Mr Ford: I am not sure that I can give the precise timescale that Mr McQuillan is seeking. There are a number of different aspects to how we may look at the Magilligan timescale, but there are areas of work that need to be done

simply to make some of the current accommodation, if not exactly fit for purpose, better than it is currently. We will seek to do some work on those areas fairly speedily. The key issue is to get plans under way for proper redevelopment. The issue is that there will have to be a balance between what is spent on short-term remedial work and the long-term development of our plans.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. Minister, you mentioned a councillors' forum. What is the make-up and remit of the forum? Has it met? Is there a budget to identify work and training opportunities in the community?

Mr Ford: I can inform Mr Lynch that the councillors' forum grew from discussions that originated when a delegation from Limavady Borough Council, Coleraine Borough Council and Ballymoney Borough Council came to speak to me to make the case, as they saw it, for the retention of Magilligan prison. Prison Service representatives and I put back to them the case that any justification for its retention would be on the basis of providing useful opportunities for family links and working opportunities for rehabilitation. The forum is working with the Prison Service. It is not a particularly formal body, and I do not know whether it will ever be put into statute. However, it offers an opportunity for the Prison Service to engage with local representatives, in the same way as it engages with local business, to see what the opportunities are to make the best use of Magilligan prison, its location and the facilities in the immediate vicinity to aid the rehabilitation of prisoners.

Mr A Maginness: I welcome the Minister's statement, although my welcome is tempered by the uncertainty surrounding future funding. Nonetheless, will the Minister expand a little on how the new curriculum will be provided in the secure college at Hydebank? Will it be provided in-house or by a regional college?

Mr Ford: I thank Mr Maginness for his welcome, and he raises a significant question. The details of the best way to provide the appropriate learning and skills curriculum are being explored.

I believe that, just as when the Prison Service decided a few years ago that it was not best placed to provide healthcare, and arrangements were made to outsource it to the South Eastern Health and Social Care Trust, the learning and

skills agenda would be better provided by a specialist organisation. That is being discussed with the Department for Employment and Learning to see the best way in which we could manage that. There are tendering issues that might have to be taken into account. It may be simplest if it were simply outsourced to one of the local regional colleges. That is certainly a key potential option. Although the detail has not been fully worked out, it is being worked through.

Mr McCarthy: I also welcome the statement from the Minister. This is a good news story that should, when implemented, be a win-win situation for everyone.

It is obvious that the consultation process has been taken very seriously, not only by the Minister but by the Prison Service. It demonstrates the value of engaging with all of the stakeholders all of the time. Will the Minister confirm to the Assembly that he and his Department will continue with that approach as the prison strategy is implemented over the next number of years?

Mr Ford: I thank my colleague for the compliment. As I have said on a number of occasions, when the Department of Justice conducted consultations, they were genuine and open. I am not sure that, at the first meeting that we had with a group of councillors from the north-west, that was entirely believed. Indeed, one gentleman told me that I had my mind made up to close Magilligan prison. I hope that, today, he realises that that was not the case.

I see Mr Robinson, on the DUP Benches, smiling. He can perhaps take that back to his colleague and tell him that that was not the case.

11.30 am

The reality is that it was an open consultation. It certainly happened on the basis of the PRT's recommendations, but it sought to find the best way forward for Northern Ireland in the current circumstances. It has produced a result that is different from the initial suggestion by the PRT because of the strength of the responses and the detail that went into the consideration of those responses. I am happy to say that I intend it to be the policy of the DOJ to do consultations in a meaningful way.

Mr Allister: I welcome the Minister's direction of travel on HMP Magilligan, and I congratulate those who campaigned for its retention.

I would like to ask the Minister for clarification. In his statement, he said:

"A number of high-level design concepts are being considered. Those include the option for phased redevelopment".

This suggests that there are other options, and yet, in his summary, the Minister committed to the phased redevelopment. So, is there an absolute commitment to phased redevelopment, or is he considering something else in parallel with that? Can he assure us that within this budgetary term he will make the commitment on the design and the necessary works that will enable capital grants to be availed of in the next budgetary term? In other words, will he nail down now his commitment to the future?

Mr Ford: Again, I thank Mr Allister for his complimentary remarks. I said that I did not think that anybody who does not know the full mind of the Chancellor of the Exchequer can be certain of exactly where we stand in respect of the next Budget period. It would be a foolish Minister who said that he could give an absolute guarantee about what will happen. I certainly know what our intention is and what we will seek to do, but we can be sure only when we get the detail of the budgetary processes and when certain things are determined, such as whether justice will remain ring-fenced or be included in general Executive funding. Therefore, it simply is not possible to give a hard and fast determination at this stage about what will happen during the next CSR period.

Mr McClarty: I heartily thank the Minister for this morning's announcement. It is terrific news for the people in my constituency of East Londonderry and beyond. When the review of the prison estate was first announced, it was suggested that Magilligan was on the list for closure and we were not going to enter into real consultation. The Minister, of course, assured us that that would not be the case and there would be real consultation, and so it has proved. So, I thank him for being a Minister of his word. Will he confirm that the award-winning rehabilitation programmes that are in place at Magilligan were one of the key aspects for him in coming to his decision?

Mr Ford: After adulation such as that, I certainly should thank Mr McClarty for his question and acknowledge the role that he and others in the three councils played in putting together a sufficiently good case to ensure that we could see a future role.

One of the key issues was the work done around learning and skills training at Magilligan, which has always been a positive. One of the disadvantages that Magilligan tends to have, of course, is that, frequently, prisoners are not there for very long. It was exceptionally good to see some of the work done at Magilligan during my visits there. That was one of the key factors that showed its positive sides. The important thing will be to tie the work that is done in the prison to the opportunity outside for learning, skills training and job activities, as prisoners near the end of their sentence. That is a key part of the work that we look to do in consultation with local business and local councils.

Mr Humphrey: I apologise to the Minister for missing the early part of his statement to the House: I was at a Committee meeting. As a Member for North Belfast, I congratulate the Minister on his decision to retain the prisoner assessment unit at Crumlin Road. I welcome that decision and commend the Minister for it.

Youth crime and offending is obviously a serious issue. Will the Minister advise the House how the enhanced family visiting facilities that he plans for Maghaberry will reduce intergenerational crime?

Mr Ford: I thank Mr Humphrey for identifying the working-out unit on the Crumlin Road. I think that he is the first Member to mention it. We had to go through quite a number of issues before we got there, so I thank him for that.

The issue of how prisoners relate to their family in preventing the continuation of crime into further generations is not always recognised. There is no doubt that, when our visiting facilities are not particularly good and there are limited opportunities for families to have the contact that they would wish, that can create further difficulties. It can perhaps lead to difficulties with children not receiving the attention that they would otherwise have from a parent in prison. A key part of making things different is the provision of the best possible facilities to allow those visits to take place and enable family contacts to be maintained in a way that allows parents to play their parenting role.

Shortly after I became Minister, I opened the facility at the back of Ash House for extended family visits. It allows women in custody to have visits from children somewhere other than simply in the main visiting centre. That is an example of what can be done for women. It is important to also allow men to have the opportunity for extended and extensive contact

with their children. The facilities that we have, which tend to be rather crowded and cramped, do not meet the best needs of families.

Mr Wells: I think that most people in the Chamber would agree that the decision on the prisons estate is a balanced one that will generally find a very favourable reaction. Although I am happy with what the Minister has announced, I am most concerned about the comment that he made to Mr Robinson. He said that he would have the same flexibility in contracts as he had with Desertcreat. As he knows, I am extremely concerned about how restrictive some aspects of the Desertcreat contract were. Will he give the House his assurance that he will ensure that the contract for this huge project, which will bring jobs to so many, will be flexible enough to ensure that every builder in Northern Ireland who has the skills and experience can submit a bid? It would be criminal — if you do not mind me using the word — to exclude any potential contractor with the skills from the project because he has been too specific in the materials and design.

Mr Ford: I fear that Mr Wells is trying to drag me into areas that are more properly for the Minister of Finance and Personnel. I think that he is also a little uncertain in his description of how contracts were awarded for Desertcreat; I am not sure that they were always as precise as he feels they were. I will certainly give a commitment that, whenever I have any responsibility for contracts, I will ensure that they are as open as possible to allow local businesses to compete. However, I do not know whether I could guarantee that every local building firm will have the opportunity to compete for contracts of that scale. The important thing is to see that, within the limits of competition law, we do as much as we can to encourage the provision of local materials in the contracts and see that there is provision of local jobs, including, in particular, apprenticeships.

Transforming Your Care

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Deputy Speaker, I wish to make a statement to the Assembly on the outcome of the consultation exercise on the proposals contained in 'Transforming Your Care: Vision to Action'.

Members will recall that I first presented the 'Transforming Your Care' (TYC) report to the Assembly on 13 December 2011. Since then, considerable work has been taken forward to develop the proposals into detailed plans that will provide the basis for the transformation set out in TYC over the next three to five years. Those draft plans were made available publicly when I made my statement to the House in July 2012. Following a process of quality assurance, I announced the launch of the public consultation to the Assembly on 9 October 2012. The consultation closed on 15 January. I now want to share the outcome with Members and outline the key stages, moving forward.

First, let me remind Members what Transforming Your Care is about and why reform is needed. In Northern Ireland, as in all health and social care systems, there are significant pressures that can be addressed only by radical change: a growing and ageing population, a growth in chronic conditions, a growth in demand and an over-reliance on hospital beds. There are also advances in medicines and technology that require us to innovate. We need to address growing public expectations on the need for high-quality and compassionate health and social care services.

The 'Transforming Your Care' report presented a compelling case for the reform of health and social care services and demonstrated a clear need to tackle the demand for services, which is predicted to continue to grow by around 4% a year until 2015. The report set out strategic proposals that have the potential to make a huge difference to how we plan and deliver health and social care services both in the medium and the long term. It described a new model for the delivery of integrated health and social care services focused on prevention initiatives, early interventions and promoting health and well-being. It also highlighted that more services should be provided in the community, closer to people's homes, where possible, and that there should be more personalised care.

As I said in the House on 13 December 2011, in setting my vision for health and social care services, my overriding concern was to drive up

the quality of care for clients and patients, improve outcomes and ensure that the patients and clients of our services have the best possible experience in every aspect of their care. I have not wavered from any aspect of that. I was clear when I made that first statement, and I remain clear now that we need to think differently about how and where we deliver our services in the face of increasing and changing demands. We need to stop doing things that do not work, challenge out-of-date practices, ensure the best value from every penny available to us and maximise the use of our skills bases, particularly in prevention and early intervention.

The Francis report provides a stark reminder that quality of care must consistently be at the front and centre of all that we do. We all want the best care for our families, and that means care that is focused on achieving the best outcomes for our patients and service users. That is embedded in the aims of Transforming Your Care and is at the core of my vision for our health and social care system. In the face of those pressures and the compelling need for change, I believe that local commissioning has a critical and powerful role to play in driving change and innovation. We need to ensure that care is provided in the right place, at the right time and by the right people. That means providing care nearer to the home and shifting services from the secondary setting to the primary and community setting.

Everything that has come to attention since the launch of the consultation reinforces the need for change. That is what TYC was about. At its simplest, it is about basic good management and planning. Unplanned change and a lack of preparation will inevitably result in poorer care and treatment, with poorer health outcomes. Without a planned and coherent approach, we will be unable to meet future health needs and will fail patients and our workforce.

Healthcare is universal. It is one of the few things that touch the life of just about everyone in our population. The TYC proposals present a landmark change in the delivery of that care. Therefore, to drive change, we needed to listen to patients, carers, doctors, nurses, staff, managers and, indeed, to everyone who felt they had something to say on the future delivery of health and social care. That is exactly what we did.

In October, I launched 'Transforming Your Care: From Vision to Action'. I asked people to seize the opportunity to make their voice heard as part of the consultation. After three months of engagement, during which every household

in Northern Ireland was offered the chance to take part and thousands participated through public meetings and social media, the Health and Social Care Board (HSCB) has captured, analysed and summarised the public responses in the post-consultation report. That was published today and is available on the HSCB website.

I have been heartened by the reaction and the public endorsement of the transformation proposals. It was very encouraging to see the number of professional bodies, voluntary and community sector representatives and other representative groups that took the time to canvass their membership and respond to the proposals. I am grateful to all those who took the time to respond to the 'Transforming Your Care: From Vision to Action' consultation.

11.45 am

The consultation revealed overwhelming support — 97% of those who responded to the questionnaire — on the need for change. It also provided insight into the concerns of those who provide the services and those who use them. The post-consultation report that the HSCB has produced details the board's proposed responses to the views expressed in the consultation. There are areas in which, I believe, it is important to take immediate action now to drive transformation in key areas. In some other areas, we need to take some time to reflect on the views that have been expressed before final decisions are made. I will say more about those shortly.

Let me be absolutely clear that I do not want to see the transformation process slowed down in any way. Time is not on our side, and we need to take action now to effect the changes that are so critically needed. I intend to ensure that that happens.

The consultation exercise has demonstrated that there is clear support for the concept of changing the way in which health and social care is delivered in Northern Ireland. In many areas of the consultation, the majority of respondents endorsed the need for change but also highlighted important issues that needed to be addressed to ensure effective transformation. For example, there was recognition of the importance of promoting health and well-being and early intervention, building on 'Fit and Well', the 10-year public health strategic framework for Northern Ireland. The importance of the implementation of existing strategies and plans such as 'Living Matters, Dying Matters: A Palliative and End of Life Care Strategy for Adults in Northern

Ireland' and the continued implementation of the Bamford review were also highlighted.

Consultees also highlighted the importance of early, local intervention in relation to mental health issues, and, in that context, I am pleased to say that it is intended that some £13 million will be invested over three years to 2014-15 to support the development of community care, prevention and early intervention activities and to continue the resettlement of existing long-stay residents.

I am also pleased to advise that the HSCB now has plans in place for the completion by 2015 of the resettlement of those with learning disabilities who are in long-term institutional care. It is intended that £20 million will be invested over three years to cover the resettlement programme, as well as in services to support the development of community care, prevention and early intervention activities. Care will, of course, be taken in resettlements to ensure that it is done sensitively and in consultation with the individuals and their families.

As well as endorsing the need for change, the consultation highlighted several overarching issues that need to be addressed to ensure full and effective transformation. They include the need to enhance our support for carers. Consultees told us that we needed to provide more information and more support and to ensure that carers' needs are considered fully when designing services. I will look to the Health and Social Care Board to ensure that that happens. I can inform the House that, at this point, targets have been developed and set for 2013-14 to monitor the number of carers identified, the number of assessments offered and the number accepted. In addition, £500,000 has been invested to encourage innovation in respite and short breaks.

The need to ensure that new service models are adequately funded and established before the withdrawal of any service was also highlighted. That will need to be at the heart of the planning process moving forward so that, from a whole-systems perspective, the transition to new arrangements will be as seamless as possible. I also want to assure our service users that, even though I am announcing today a further step towards the implementation stage of Transforming Your Care, there will be no major service change without further specific consultation, where appropriate.

Our workforce is key to our health and social care services. It is the single most important

enabler for the delivery of transformation. We have a workforce to be proud of, and it is incumbent on us to make sure that we make best use of it in this new model of care. It will be absolutely key to the success of this transformation that we give priority to ensuring that our staff are fully informed of service changes through meaningful engagement. We already have a regional workforce planning group to co-ordinate that important work. A key element of that work will be the assessment of the implications of the proposed changes for training and development for various professions. A service and workforce planning tool will be introduced for use across all health and social care organisations to assist in that process. We need full and effective planning to ensure our workforce is equipped and trained to work in a new environment, where that is the case.

A further important issue that was raised was the need for more co-ordinated, cross-governmental working to monitor the impact of proposed welfare reforms on the lives of some service users and their health and social care service needs. Others have suggested that there should be closer working with local government or other bodies to improve service delivery and to tackle health inequalities. I agree fully that there are important issues that require attention to ensure the effective and co-ordinated delivery of services. Good communication, working together, learning from and encouraging each other are essential for effective service delivery.

One of the key recommendations in 'Transforming Your Care' was the introduction of integrated care partnerships (ICPs). ICPs will enable local health and social care professionals and the voluntary and community sector organisations to work more closely together on a collaborative basis to improve efficient and effective service delivery. These multisectoral collaborative networks will include statutory, independent and voluntary and community practitioners and organisations in their membership. They will come together to respond innovatively to the assessed care needs of local communities, provide support for service users closer to home and avoid unnecessary visits to hospital. Much work has been done to ensure clarity on how ICPs will operate and where they will focus their energies in their formative stage. I have decided that their initial focus will be on the frail elderly and aspects of long-term conditions for all ages; namely, diabetes, stroke care and respiratory conditions. ICPs will initially undertake two key strands of work. At a strategic level, they will focus on improving care pathways locally. At

individual level, they will undertake case management for those most at risk, improving their overall care. I expect the HSCB to establish the first nine ICPs over the next few months and all 17 ICPs to be in place by this time next year, providing full regional coverage. To enable this, we intend to invest over £15m in the development of ICPs and the improvement of care over the next Budget period. The leadership of the ICPs will reflect their multidisciplinary make-up.

I am aware of concerns raised by general practice in regard to the proposed revisions to the general medical services contract for next year, combined with concerns about potential workload increases from a transfer of care under TYC from secondary to primary and community care. Each year, there is a negotiation of revisions to the contract involving the four Health Departments in the UK and the General Practitioners Committee (GPC) of the BMA. Unfortunately, it was not possible to reach agreement nationally with the General Practitioners Committee last year, and each Health Department has therefore engaged separately with their respective GPCs on proposed changes for next year. I wish the dialogue with the GPC in Northern Ireland to continue in an effort to reach an acceptable agreement. I acknowledge the professionalism and efforts of GPs in Northern Ireland. It is vital that they play a full part in the transformation process to ensure that it is a success. That is in the interests of patients, GPs and the health sector as a whole. I want to make it clear that my focus is to secure the best services for patients and clients across Northern Ireland. It is essential that every sector of the health and social care system plays a full and positive role to achieve the best possible outcomes for patients. GPs have an invaluable contribution to make to that process.

A further area that attracted significant interest in the consultation process was the needs of older people. Over 70% of respondents to the questionnaire agreed with the service proposals. However, there was considerable interest in the provision of statutory residential care. Our focus is on delivering better, targeted care for older people, closer to home, that will enable them to stay at home and, where possible, remain independent. This will provide the better services that people want and will reduce demand for residential care. I propose to reduce the number of statutory residential homes by around 50% over the next three to five years. As it stands today, some of our existing homes are no longer able to provide a sustainable service, while others struggle to meet the modern standards expected from the

sector and require expensive capital work that would be better spent on models that offer a choice to older people. This does not mean a reduction in residential homes provided by the independent sector. Where there continues to be a demand for those services, they should continue to be provided.

However, the planned reduction in the number of residential homes signals our commitment to thinking outside an institution-led approach to health and social care provision and to considering new opportunities for ensuring that care provision is service user-led and committed to supporting our citizens to stay at home where possible.

The majority of respondents tell us that our older people prefer to be closer to home, and we have set about making that possible. We intend to invest £3.2 million in social care reform, including reablement, over the three years 2012-13 to 2014-15. We will provide an additional 479 supported living places over the same period, and we intend to invest £1 million to train staff in nursing homes to support people at the end of their life.

I recognise the concerns of the public where facilities are proposed for closure. I know that, for many individuals, that is their home and the transition must be managed sensitively and with appropriate consultation with families and carers. As I have stated before, suitable alternatives must be in place before services are removed. I also know that some people have expressed concern about the possibility of having to pay top-up fees if they are transferred to an alternative residential home. I want to assure you that, where a trust is unable to secure a statutory residential place at the core rate of £550 and uses a higher rate place in the independent sector, the trust will pay the difference in costs.

In relation to mental health, 'Vision to Action' proposed the development of six inpatient acute mental health units for those aged 18 and over, with one each sited in the northern, southern, south-eastern and Belfast areas and two in the western area. It recommended that, following clinical best practice and in order to reduce stigma and ensure good access to acute care, mental health hospitals should be located close to acute hospital provision where possible. Based on those criteria, it was proposed that the second location in the western LCG area would be in the proximity of the new South West Acute Hospital. That matter has attracted a mixed reaction, and, in light of that, I want to take more time to consider the issues raised before I reach a final decision on the way forward. A business case will be produced that

fully examines the options. I have asked for that work to begin now.

The proposals on acute hospital care in 'Transforming Your Care' are about putting the patients and service users front and centre in our care provision and ensuring that services are safe, of high quality, resilient and sustainable. Members will be only too well aware of the challenges facing our hospital services, notably in our emergency departments. I acknowledge the good work that has been done towards removing 12-hour breaches, but there is still some way to go. There must be an increased focus on improving the four-hour performance. That is not a target to strive for; it is a standard that users of our system should expect and deserve. We need to make sure that every effort is made to achieve that standard across all our emergency departments. In tackling unscheduled care waiting times, it is evident that it is not a problem that rests solely with the emergency departments. It requires improvement and enhancement across the whole hospital, as well as the improvement of community health and social care services.

Another key issue in 'Transforming Your Care' was the proposal for the development of five to seven acute hospital networks. Those include hospitals of different sizes working with each other to deliver the fullest range of hospital services that we should expect. For our hospitals, the change from an individual institution-based approach to a more sustainable networked approach will undoubtedly involve a change in culture, but that is an essential change to ensure greater engagement and communication and more effective delivery of the services that are appropriate to the secondary sector.

The network approach is by no means new to our hospitals. For example, at the high dependency unit at the Daisy Hill Hospital, the telepresence robot enables intensive care specialists from Craigavon hospital to talk with and support patients in another location. That made national news headlines, and it happened here in our hospital. It is the "without walls" approach that I want to see replicated across Northern Ireland as we work together, not as individual institutions, but as networked services that respond flexibly to our patients' and service users' needs.

12.00 noon

The optimisation of service configurations and locations in trusts and hospital networks will be an ongoing process that will respond to current

and predicted needs in a local area. In that context, I am pleased to tell the House that £8 million will be invested in additional cardiac catheterisation services over the current Budget period, and £7 million will be invested in additional orthopaedics capacity in the Southern, Western and Belfast Trusts by March 2015 to reduce waiting times and improve outcomes. We will also move ahead with the implementation of the proposed neonatal transport arrangements.

It is my belief that, as we secure the major benefits of successful prevention, early intervention and more effective integration with primary and community care, we can expect our secondary care institutions — our hospitals — to evolve and change in response to this shift in the provision of care and treatment. By helping people to stay at home when possible and to access services in their local communities, we will be working to prevent the development of conditions that might later require hospitalisation.

I know that the uncertainty surrounding the future of the Causeway Hospital has been unsettling for patients, service users and staff. There was significant support in the consultation for taking action on that issue. I want to remove that uncertainty and ensure that there is stability in the way forward. For that reason, I am asking officials to begin work now to take forward a detailed options appraisal, as was outlined in the consultation document. It will consider the future management arrangements for the Causeway Hospital and whether it should remain within the Northern Trust or transfer to the Western Trust. That work will begin straight away with a view to completing the appraisal within six months. The responses also indicated that it should include community services.

In my statement today, I have outlined to the House the overwhelming public support for the new service proposals, some of the challenges involved to deliver the transformation and the effort and dedication that will be needed from all involved to provide a safe and sustainable health and social care service that is fit for the future. We must ensure that we keep our service users and patients at the front and centre of this process and that the provision of safe, sustainable, resilient and effective services is in the right place at the right time by the right people.

I ask Members to consider the report and the endorsement for change. I am determined that we will now move forward on the specific actions that need to be taken to implement the

proposals, finalise the action plans and engage locally on proposals for specific changes to improve the quality of care in our community.

I commend the statement to the House.

Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his lengthy statement and for his earlier pre-briefing, which was useful.

In the statement, the Minister states that nine integrated care partnerships will be established over the next few months and the remaining partnerships will come into being further down the line. Where will those nine partnerships be?

He also talked about ongoing negotiations with GPs about their contracts. I am aware that GPs have serious concerns because of the ongoing negotiations and proposed changes to their contracts. Given that under Transforming Your Care, we are talking about more services being brought into the primary care sector from the secondary and acute sectors, does he believe that GPs will be available, and can he secure the commitment that they will take on those changes, because GPs are vital to this?

The Minister also mentioned acute hospitals and A&E departments. We have heard about A&E departments over the past number of months. He said that improvement and enhancement is required across the whole hospital. Will he outline what has been done on that issue? I agree with him that A&E departments are under pressure because other parts of the hospital do not seem to be delivering or working outside what they see as nine-to-five working hours. It would be useful to find out whether any enhancements or improvements have been made in that sector.

Mr Poots: I will deal with the issues in the order that the Chairperson raised them, the first of which was the locations of the new integrated care partnerships (ICPs). There will be 17 integrated care partnerships located across all the trusts. It is our intention and hope to have at least two running in each trust over the next few months. The Western Trust does not have as many ICPs identified, but there may well also be two there. There will be four ICPs in the Belfast Trust, and we hope to have two of those up and running very soon.

Negotiations on GP contracts continue. In England, GPs were given a take-it-or-leave-it option. We are not doing that; we are

continuing to engage in discussions with our GPs. In Scotland and Wales, agreement has been reached on the issues. Hopefully, we will get to that stage in the not-too-distant future. I agree with the Member that it is important that we have the GPs and, indeed, all key service providers on board. GPs have a very important role to play. Therefore, it is essential that GPs remain available to us. I want to ensure that they give us their full support. It is in their interest and that of their patients that we go down this route.

A number of trusts have been able to get on top of the issue in emergency departments. We generally find that the Southern Trust and the Western Trust have very limited numbers of 12-hour breaches and reasonably good outcomes on four-hour breaches. In the Belfast Trust, 12-hour breaches have largely been eliminated this year. The Royal, which was under considerable pressure last year, has really got on top of 12 hour-breaches very well. That is not to say it does not still have its moments, as will every emergency department from time to time.

Antrim has continued to be a challenge for us. Although it has improved, we seek further improvement. A turnaround team in Antrim is supporting the work done there, and it will report to us very soon. The Ulster Hospital has found this year quite challenging, with larger numbers coming through its doors and more people needing admission. We have been more active, particularly recently, in diverting ambulances from hospitals that are under pressure. It has been a difficult enough winter. Our emergency departments have performed better than they did the previous year, which was less difficult in the sense that fewer people required admission, but there is still work to be done on that front.

Mr Wells: The Minister, in his statement, outlined that he intends to close 50% of residential homes over a three- to five-year period. Undoubtedly, the question in the community will be about which residential homes will close and which will remain open. Will he outline to Members how he intends to implement that decision? What will be the time frame? When will individual communities know the fate of their residential home?

Mr Poots: Implementation will be a matter for the trusts. If it is identified that some homes are largely respite facilities with very small numbers of permanent residents, their long-term future as providers of permanent residential care will certainly be challenged.

Let us be quite clear where we are going: this is about ensuring that people have the support in their own home to enable them to stay there. That is a choice that people want to have. The creation of 479 new care packages, which will support our frail and elderly to stay at home, is a very important step. The fact that there is not the same requirement for statutory residential care homes means that the situation is considerably better because we are keeping people in their own homes.

I should add that many of the facilities in the statutory residential sector do not meet modern standards. The rooms are too small and do not have adjacent bathrooms. In many instances, people are sharing. We want to do better for our older people so that in their later years they will have a better quality of life. This is not about closing down residential homes, it is about providing a better alternative for people in their later years.

Mr McDevitt: I acknowledge the work that departmental officials and others have put into the process. Today is the day we begin to realise the impact that Transforming Your Care will have on our health service. We know that 180 beds will close in our hospitals and, as the Minister just said, that there will be a significant reduction in the number of beds in residential care homes.

One area that was absent from the analysis of the original Transforming Your Care (TYC) was the impact of welfare reform on the proposed changes. What further consideration have the Minister and the team given to the impact of welfare reform on the future configuration of health services in Northern Ireland?

Mr Poots: With welfare reform, one of the big issues that has come up in recent days has been the bedroom tax. That is not something that will impact on us, because where people require someone to stay with them in their homes they will be covered to have that second bedroom. So, those types of things will not impact on us in the same way.

There is a need for intergovernmental working, and that was recognised in the original TYC report, with proposals focusing on the wider role of the Executive in decision-making that can impact on health outcomes and joint-working areas, such as rural isolation and transport. The recent consultation on our vision to action highlighted the issue of welfare reform and particularly how those proposals will impact on the lives of some groups of service users and, by extension, how they could impact on what

they will need from health and social care services.

The post-consultation report highlights the need for ongoing engagement with the Department for Social Development (DSD) and other agencies to ensure that we understand and share plans for welfare reform and housing and for close working with local service providers to continue to engage with local councils during the roll-out of local implementation plans. So, it is important that that collaborative approach continues so that something does not happen in one Department that has a significant impact on another area of government. Joined-up working is something that needs to be applied to welfare reform.

Mr McCarthy: I welcome the Minister's statement this morning. I reiterate the concern expressed by our Committee Chair on the reliance on GPs as we move forward with Transforming Your Care. The vibes that I am getting from the GPs are that they are very concerned. I note the Minister's optimism and wish him every success in bringing about a fruitful conclusion.

The other issue is acute hospitals. Will the Minister advise the House of progress in reducing the over-reliance on A&Es by ensuring that patients are diverted to more appropriate services, such as minor injuries or out-of-hours, to make more space available in the A&Es for urgent cases?

Mr Poots: As I indicated, we are working with the GPs, and hopefully we will get a package that involves them.

In terms of diverting people away from hospitals, the ICPs will be the bodies that do the most for us. We do not have the answers here on the hill. The answers to problems in the health and social care sector lie with people at the coalface who are working on a daily basis with those who have long-term conditions and those who are unwell. I have great confidence in the individuals who will come forward and represent their various sectors of the health and social care sector to table proposals and ideas that are best suited to the communities that they serve. The solution for inner-city Belfast may not be the solution for west Fermanagh.

We need to have that flexibility in place, and the 17 ICPs will give us the opportunity to do that in a flexible way and will ensure that we identify the solutions that ensure that people are treated, first, in their local community and that hospital is there to provide that skill base and

support when the local community health sector cannot meet those needs.

12.15 pm

Ms Brown: I thank the Minister for his statement. I appreciate his update on the integrated care partnerships, when he said that a number are to be started within the next number of months. What money will be available to support the ICPs and how will the money will be spent?

Mr Poots: We identified that we needed around £70 million to deliver on Transforming Your Care. We received an injection of cash in the first year from the Finance Minister — I believe that it was around £18 million — and we will be seeking close to £30 million this year. Some of that will be put towards establishing our integrated care partnerships. We see them as a key item of early work that needs to be carried out, and the appropriate financial support will be provided through this Department. If we can get funding in the monitoring rounds, that will be good and will assist us with it. We will continue with that work.

Ms Maeve McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I note that he confirmed today the closure of 50% of residential care and outlined the £3.2 million for social care, which will include reablement. The Minister's statement says that:

"suitable alternatives must be in place before services are removed."

What suitable alternatives are in place? Given the increasing levels of dementia across our communities, I urge the Minister to intervene directly in the case of Slievemore House in my constituency and to consider a purpose-built dementia unit.

Mr Poots: My understanding is that Slievemore is not a facility that is fit for purpose and would not pass the standards that are expected nowadays. That will be the case in a number of our residential homes. A lot of facilities that were developed 40 and 50 years ago are no longer fit for purpose, and we should not expect our elderly people to stay in facilities that are second- or third-rate. We want the best options and the best opportunities for our elderly people, and, primarily, that will be in their own home. That is why we have identified the 479 places and why an additional £3.2 million is

being pumped in to support people who require that domiciliary support in their homes.

There is, in my opinion, a degree of disconnect between what we are doing and what is happening on the ground. The trusts need to be very clear that this is the route down which we are going, and they need to ensure that the domiciliary care packages that are put in place are fit for purpose. An elderly person may come to me — as they do — and say that they have osteoporosis and all sorts of problems and that the 15 minutes that someone calls with them in the morning to get them dressed is not long enough. If they need 20 minutes or 25 minutes, the trust should provide that.

One size does not fit all, and we need to ensure that the Executive, the Assembly and I, in my role as Minister, respond properly to the community's needs to ensure that the flexibility is there so that the person who is managing the domiciliary care for each trust has the ability to give people that little bit longer if, for example, they need that extra time in the morning and perhaps not as much in the evening. That will ensure that we provide the appropriate care for our elderly people.

Ms P Bradley: I thank the Minister for his very comprehensive statement and for bringing up the issue of top-up fees. As we know, there is great variance between residential and private care, and I welcome the fact that he has said that the Department will pay the top-up fees of anyone who needs to move. He talked about additional support. Can I ask the Minister for more emphasis on respite care and on how we are going to take that forward? We know that that prevents long-term admissions into nursing and residential care, and greatly eases the burden that carers have to bear.

Mr Poots: We know that individuals benefit from convenient services through effective person-centred assessment, care planning and review arrangements. Self-directed support initiatives such as direct payments allow individuals to decide when and in what form they get the services that they want. Trusts are continuing to explore new and innovative ways to provide that personalised support, and I made it very clear in my previous answer that that has to be done.

We need to look at new approaches to respite, including short breaks for clients and carers, day trips and outings, evening groups and one-to-one support in the client's home. In addition, trusts will have to continue to provide more traditional nursing or residential home placements for respite when appropriate.

Again, flexibility to meet individuals' needs is very important, and we perhaps need to ensure that people who are at the coalface and who recognise the needs of the individuals for whom they are providing support and care are unshackled and unharnessed to be able to provide appropriate care.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I also thank the Minister for his statement. Minister, you talked about the need for enhanced support for carers, and you mentioned cross-government monitoring of the impact of welfare reforms. The possible impacts of welfare reform on carers are not yet clear. If welfare reform is rolled out in conjunction or in parallel with Transforming Your Care, will the Minister ensure that, if extra appropriate support is required for carers, who are an integral and important part of Transforming Your Care, it will be available?

Mr Poots: Welfare reform is a decision for the Executive and for the Assembly. The truth is that a lot of us do not like what is proposed on welfare reform. I do not think that any party in this House likes what is being proposed on welfare reform, but we are working against the backdrop that, if we do not like the proposals, we do not have to implement them but have to pick up the tab. If we pick up the tab, what impact will that have on education, health, regional development and everything else?

Although I believe that we can do things to reduce some of the damaging impact of welfare reform, I believe that that involves things that cost in the small tens of millions. If we take out huge swathes of the welfare reform proposals and run ourselves into hundreds of millions, you will see a devastating impact on the healthcare that is provided for our people. Frankly, we cannot afford to take that out of the health budget and put it into the welfare budget. That is not something that Northern Ireland can do, so we all need to work together very rationally to mitigate the more damaging aspects of welfare reform on our community. We all know that many people will be hurt as a consequence of what the Conservatives, which used to be the Ulster Conservatives and Unionists - New Force (UCUNF), and the Liberal Democrats, a sister party of Alliance, are doing. We are all damaged by what is happening, and we must all respond in a way that does least damage to our community.

Mr Buchanan: I thank the Minister for his statement. Of the six inpatient acute mental health units, two are in the Western Trust area.

One is in Omagh and has done an excellent job over many decades. In the Western Trust area, the consultants, the nurses and the community are all in favour of the mental health inpatient provision remaining in Omagh, and we are looking forward to the bringing forward of the second phase of the new hospital to facilitate that. What evidence is there for the suggested relocation to the South West Acute Hospital in Enniskillen?

Mr Poots: The Member states a number of groups that support it staying in Omagh. I should also probably say that the Health and Social Care Board (HSCB), the Royal Colleges and Bamford favour it moving to Enniskillen. That is the unfortunate position that I am caught in, and I have to make the decision. We are not at the stage where we can identify that it is one or the other, but there is a course of work to be completed to identify the best outcome. I know that the Member and some of his colleagues have been lobbying very hard on the issue. We will look very carefully at the proposal to get the best possible outcome for the south-west region.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement. Recently, we have heard about hospitals or consultants cancelling hospital appointments. Then we hear how millions have been spent on private healthcare. How does that fit in with your statement that:

"we need to ... ensure the best value from every penny available to us"?

Mr Poots: There are reasons why consultants cancel appointments, and most of them are not because they are at home tidying out their sock drawer. Generally, an emergency operation has come in the previous night, so they are not available the next day. That is pretty understandable. Consultants have to do courses to develop their skills, and the notice of them can come in within three or four weeks; therefore, those are cancelled over a longer period. In general, however, consultants do not cancel without having good reason to do so, and we need to nail that.

I welcome the fact that the numbers have come down in the areas of consultants' cancelling and, indeed, patients' cancelling, and we want to see that coming down further. I am wholly unapologetic for the £52 million that was spent on acquiring additional support from the private sector for our health and social care, because we have driven down all areas of waiting times. Two years ago, we were told of cataclysmic

outcomes for the health service but, two years later, we have shorter waiting lists. I think that the Member should be thanking the health and social care sector for that, instead of criticising it.

Mr I McCrea: I thank the Minister for his statement. From his years as a local councillor, he will know the benefit that councils have in reading the opinion of the local community and working with the local community in respect of these things. Can he inform the House how the community planning and the voice of local councils will be taken into account as we move this forward? Will he assure the House that he has confidence in the Northern Trust to deliver the proposals that he has outlined?

Mr Poots: I always considered community planning to be far more significant for local councils than some people were saying that it was. In the field of health, there are terrific opportunities, particularly for the roll-out of documents that we have produced, such as 'Fit and Well', in dealing with health inequalities and taking actions on prevention and early intervention. That community planning and the work that is done with local authorities are absolutely essential.

We can make appropriate use of our libraries, our sports facilities and our arts facilities, and we can ensure that elderly people have the opportunity to come together and enjoy each other's company as opposed to being in rural isolation — or, indeed, in urban isolation, because you can be isolated in urban communities too. Our local authorities will have a key role in all of that, and the community planning gives us a great opportunity to ensure that that is rolled out by local communities, identifying what their needs are in those local communities.

Again, one size does not fit all. The better proposals will come from the people working on the ground who know and understand their community and the issues that exist in their community. I know that local authorities do that very well.

12.30 pm

Mr G Robinson: I thank the Minister for his statement. If a transfer to the Western Trust area was to occur, would that secure the future of the A&E at the Causeway Hospital, which is very much needed because of the wider local needs and the large influx of visitors to the area during the tourist season?

Mr Poots: It is essential that there is 24/7 access to emergency urgent care at Antrim Area Hospital, Causeway Hospital and, indeed, Altnagelvin. Across that area, we need to ensure that people receive the right support. Clearly, the Causeway Hospital has an issue in that it is somewhat isolated from other areas. Having a community of that scale and size necessitates having a hospital that is robust, resilient and capable of providing the vast majority of the care that people in that area need, especially in emergency situations, given the travel time involved in getting to either Altnagelvin or Antrim to get further services.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. The Minister may be aware of some of the concerns that have been raised by the unions. He recognised in his statement that the workforce is:

"the single most important enabler for the delivery of transformation."

Given that, when was the last time that he had any discussions with the unions?

Mr Poots: As a sector, we meet the trade unions on a regular basis. Those are meetings that I drop in to and attend. I am happy to do that. I am happy to engage in meetings with the trade unions, as and when I am asked to engage with them. In responding to the trade unions, I am not sure that I have turned down very many meetings, if any — maybe some. I call in occasionally when the trade unions are in workforce meetings with departmental officials, and I have spoken at trade union conferences. Dealing with the trade unions is something that I am very happy to do. We do not always end up in agreement with each other, but, nonetheless, engagement is about actually talking to people about the issues that are prevalent. Very often, issues are raised by the trade union sector that I am not aware of or that have resonance. We will take those concerns on board.

Mr Spratt: Minister, thank you for the statement. You are aware of the very great work done by the voluntary and community sector around healthcare. What work will be undertaken to look at procurement in relation to the voluntary and community sector?

Mr Poots: The voluntary and community sector can offer so much more than just actual care. I know that, in some areas, domiciliary care is provided by the voluntary and community sector. We will look to means whereby we can

take other issues into account. So, it is not just about the cost of provision but about where we can see benefits; for example, if employment opportunities are created in areas where there is considerable long-term unemployment and where social economy businesses can actually feed the benefits back into a community. So, there are good opportunities for us to work with the more advanced social economy sectors to provide services and support for people in their community. There is a greater opportunity, particularly with the strategic investment fund, for such well-developed local communities to bid for work from the HSC.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. The statement makes reference to clinical best practice and says that mental health hospitals should be located close to acute care. Is it the case that the clinicians want to secure all the services at the acute hospital? Will the Minister also give us an indication of the time frame for the business case that he has commissioned?

Mr Poots: In respect of the business case relating to Omagh, it will be a number of months before we can come back to the House on the issue, but we will do that. We are, to be truthful, getting mixed messages. Therefore, it will not be a clear-cut decision. A balanced decision will have to be taken on the issue. It is somewhat difficult. Nonetheless, we will try to arrive at the right and appropriate outcome for people in County Tyrone and County Fermanagh.

Mr Beggs: I thank the Minister for making the statement. For those already living in a statutory residential care home, however, and those considering residential care, living close to family and friends is important to their well-being. As domiciliary care is not suitable for everyone, how will the Minister ensure that voids in residential care are not created so that people from Larne, Carrickfergus and Newtownabbey will have an opportunity to live close to their family and friends when it is appropriate?

Mr Poots: It is a matter for the trust and the LCGs to ensure that they procure services in the right places. Therefore, if there is a considerable lack of residential care in an area, it may be premature to close a facility in such an area if there are no alternatives there.

Most trusts have not been receiving large numbers of people into statutory residential care for about a year and a half. The average length of stay in residential care is six and a half

years. Some people move on to nursing care, and others, sadly, pass away. However, the average length of stay is six and a half years, and the roll-out of this programme is over the next three to five years. I want it done in a way that causes the least upset or distress possible to any elderly person in residential care, and I would not want to cause alarm at this stage.

Numbers have crept down very low at many facilities. In those instances, you would want to try to ensure that people who have developed friendships and relationships move together. Three or four people would move from one facility to another so that the bond that they had established with others would not be broken. Of course, that would be done in conjunction with their families. We can do a lot of this in a sensitive way and still achieve the best possible outcome for individuals.

Mr Dunne: I thank the Minister for his answers and for the work and determination that he has shown in delivering Transforming Your Care so far. How will the review of paediatric services integrate with Transforming Your Care?

Mr Poots: Obviously, paediatric services are a major issue for us, and paediatric facilities in Northern Ireland prove to be challenging in a number of areas because we have a relatively small paediatric population when it comes to specialities. However, the review of paediatric services aims to provide a strategic direction for the development of HSE services over the next 10 years for children and young people aged from nought to 18. It recognises the interface between hospital and community services.

The scope of the review relating to the healthcare services is being completed in three phases. It will be outcome-focused in recognition of the significant interface between hospital and community, the need for continuity of care and the ethos underpinning Transforming Your Care, including the shift of service provision from hospital to the community. Phase 1 is hospital services: super-regional, regional and area, and local. Phase 2 is community services and will be developed concurrently. Phase 3 is palliative and end-of-life care for children, which, sadly, we always have to deal with. Those children very often have complex and life-limiting conditions. That will need to be considered separately to give prominence to such an important topic. It is expected that the consultations on the draft documents will be published in the coming months, and the final document, which will cover the component parts, will hopefully be published in early 2014.

North/South Ministerial Council: Languages

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. With your permission, Mr Principal Deputy Speaker, and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council (NSMC) Language Body meeting, which was held in Armagh on 6 March 2013.

The Executive were represented by me, as Minister of Culture, Arts and Leisure, and junior Minister Jonathan Bell from the Office of the First Minister and deputy First Minister. The Irish Government were represented by Dinny McGinley TD, Minister of State with special responsibility for Gaeltacht affairs.

In their opening remarks, Ministers congratulated both agencies on organising successful events recently. Foras na Gaeilge was congratulated on the launch of the new English-Irish dictionary, and the Ulster-Scots Agency was congratulated on the official opening of its new regional office in Raphoe. Minister McGinley also advised the NSMC of events relating to languages that are taking place as part of Ireland's presidency of the European Union.

The meeting dealt with three main issues relating to the Language Body and its two constituent agencies, Tha Boord o Ulster Scotch — the Ulster-Scots Agency — and Foras na Gaeilge, the Irish language agency. The Council also approved the Language Body business plan and budget for 2012. Ministers agreed to extend the existing core funding arrangements to 31 December 2013. They also directed that plans be advanced for introducing a revised model for core funding that takes into account the relevant language strategies in both jurisdictions with a view to making a final decision no later than June of this year.

Ministers also noted a presentation by the CEO of the Ulster-Scots Agency that outlined the flagship school programme and other projects being progressed as part of the agency's Ulster-Scots and education initiative.

The Council agreed to hold its next Language Body meeting on 12 June 2013.

Mr Irwin (The Deputy Chairperson of the Committee for Culture, Arts and Leisure): I begin by commenting on the shortness and apparent lack of substance of the agenda for

the meeting. That clearly demonstrates that there is little value in some of these meetings. Why was the agenda so brief? Why was there no discussion on waterways, as would normally be the case?

Ms Ní Chuilín: I thank the Member for his question. At the previous sectoral meeting, we agreed to have discussions on how we could progress issues in between sectoral meetings. Because no final decision was made regarding core funding arrangements, it was felt appropriate at this stage just to have a meeting on the Language Body. There was, therefore, no need to have a meeting on waterways. There is no point in bringing people together for the sake of it.

I disagree with the Member: it was a valuable exercise, and it was worth doing. It provided clarity not only to those of us who have responsibility but to the language bodies.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. Ba mhaith liom ceist a chur uirthi. Who decided to terminate the contract for the Irish language newspaper 'Gaelscéal'? Is Foras na Gaeilge considering any alternative sources?

Ms Ní Chuilín: I thank the Member for his question. The decision regarding the 'Gaelscéal' contract was with the board of Foras na Gaeilge. Its decision to terminate the contract was due to targets not being met. Given that those targets were not met, it was deemed appropriate not to continue the contract and, in fact, to terminate it.

With regard to the latter part of the Member's question, I think that it is appropriate that Foras na Gaeilge is considering other options, particularly for the provision of an online service. Foras na Gaeilge will have to determine whether that is around news or an investigative type of service, but I look forward to receiving presentations on that at future NSMC sectoral meetings.

12.45 pm

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis agus as ucht a cuid freagraí go dtí seo. An bhféadfainn a fhiafraí den Aire cad iad na príomh-chritéir ar chóir a úsáid agus na pleananna a n-ullmhú don tsamhail nua maoinithe?

I thank the Minister for her statement and her answers up until now. What principal criteria should be used to guide the preparation of plans for the new funding model for the Irish language organisation?

Ms Ní Chuilín: I thank the Member for his question. I have no doubt that the criteria need to take into consideration the language plans of the North and the South. As the Member will be aware, we are still going through the lengthy responses to our Programme for Government consultation on a strategy for the Irish language. That is one of the criteria. The other is that we need to look at the long-term planning, development and needs of the language. That includes not only its needs but the needs of people in the sector who will deliver the strategy. One of the reasons for having the meeting was to ensure that, first, consultation on the Irish language was reflected in any new funding arrangements. That is critical because it was a PFG commitment to consult on the development of and strategy for the language. Therefore, it is appropriate that its needs are reflected in the delivery of any new funding arrangements. It is to ensure that the long-term planning, use and protection of the language is at the centre of any new funding arrangements.

Mr McGimpsey: Like Mr Irwin, I am surprised not to see any mention of Waterways Ireland, which receives substantial amounts of money through this body. I am looking at the Minister's statement. She says that the existing core funding arrangements for Foras na Gaeilge will be extended to 31 December 2013. Why are we doing that? From when are those arrangements being extended, and how much money are we talking about? I note that the previous paragraph states that the Language Body's business plan and budget for 2012 are being approved only now. So, we are a year behind with that and now we are extending things. Are we not getting our accountancy arrangements somewhat upside down?

Ms Ní Chuilín: I thank the Member for his question. We are not getting our accountancy arrangements upside down. The money was already in the budget. The schemes were due to end in June 2013 and have been extended. That has been allowed for in the budget. Why have they been extended? As I said in answer to Mr Dominic Bradley's question, the schemes have been extended to ensure that they take into consideration the Programme for Government commitment to have a consultation on the Irish language.

I find it a bit rich that the Member, who is a previous Minister of Culture, Arts and Leisure, lectures anybody on budgets, given that we are still trying to catch up from his watch in 2000 and 2001.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas agus as a cuid freagraí go dtí seo. What is the position on the 2013 business plans and budget?

Ms Ní Chuilín: We have just finalised the plans for 2012 because of the efficiency savings that were asked of us, as is the case for all language bodies and North/South bodies. Those efficiency savings have been delivered. We are now in a position to look at the draft plans received from Foras na Gaeilge and the Ulster-Scots Agency, which detail the activities that they are required to achieve to meet the goals that they set out in their respective corporate plans. Recently, the NSMC issued guidance on how North/South bodies should draft their 2013 business plan and, indeed, detailed the exchange rates that should be used for the planning process. My main anxiety was that I was reluctant to go further than the efficiency savings that we agreed in 2012 for this year. That was my position, and my position remains that we need to make sure that front line services and facilities and support in the community are not affected by cuts, regardless of what they are or which part of the jurisdiction it is.

Mr Humphrey: I thank the Minister for her statement to the House. She may be aware that, a number of weeks ago, the Culture, Arts and Leisure Committee received a presentation from the chief executive and deputy chief executive of Foras na Gaeilge about 'Gaelscéal', the Irish language newspaper. My understanding of the Committee's information is that the paper needed a circulation of 3,600 copies to break even. In the final year of its four-year funding of €1.6 million, there was a circulation of 1,300 copies across the island of Ireland. Does the Minister think that that is an acceptable use of public money? Is her Department going to make contact with the board of Foras na Gaeilge to investigate why that venture was allowed to proceed at the level it did?

Ms Ní Chuilín: My officials are working with Foras na Gaeilge on that and other matters. I am sure that one of the reasons why Foras na Gaeilge's board decided to terminate the contract was that the terms and conditions were not met.

First, it is important that we establish what the circulation is, what the demand is, where the need is in relation to news and, as I said previously, the type of news that we need to deliver and then look at the appropriate method for doing that. The business case presented to me on this or any future arrangement will be tested and stretched, regardless of where it comes from. That is wholly appropriate. We need to make sure that we protect public money, that we get value for money and, importantly, that we deliver to the appropriate level for service users' needs, and we need to demonstrate what those needs are.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her statement. Has the Ulster-Scots Agency launched any other projects or programmes as part of its initiatives?

Ms Ní Chuilín: I was pleased to be at the Ulster-Scots Agency's launch of its flagship education programme in November. I was pleased not only to be there but to see the level of interest from all the primary schools across the nine counties of Ulster. I think that there were almost 90 schools, if not more, in attendance, which is quite an achievement, as anybody who has attended such launches knows.

The Ulster-Scots Agency has also launched other initiatives around information and communication technology (ICT) that deliver learning through Ulster Scots, particularly in literature, history, music and heritage, as well as innovation and invention through the use of science and technology, engineering, arts and maths (STEAM). I see STEAM creeping in everywhere; it seems to be replacing STEM. In addition, I know that, during 2013, the agency plans a rerun of its touring drama 'Fair Faa Ye', as well as a major revision of its peripatetic tutor programme, which provides opportunities for young people to develop their musical and cultural skills and talent. I have to say that I am pleased by the additionality that Ulster Scots brings to us in the sectoral format and, more importantly, to the community that it serves.

Mr Principal Deputy Speaker: That concludes questions on the statement. The Business Committee has agreed to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The sitting was suspended at 12.53 pm.

On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Mr Deputy Speaker: Question 14 has been withdrawn and requires a written answer.

Investment: Newry and Dundalk

1. **Mr Brady** asked the Minister of Enterprise, Trade and Investment what work Invest NI undertakes in co-operation with the Industrial Development Agency Ireland to promote the Newry/Dundalk region for foreign direct investment, given the area's ease of access to the two largest centres of population on the island. (AQO 3643/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): It should be noted that Invest Northern Ireland is in direct competition with the Industrial Development Agency (IDA) for many of the inward investment projects that it targets. Any co-operation between the two agencies must be put in that context. It does not extend to the collaborative active promotion of cross-border areas for foreign direct investment (FDI) purposes. Invest NI will, however, co-operate with the IDA when it considers that it is in the best interests of Northern Ireland to do so.

Mr Brady: I thank the Minister for her answer. How does that relate to wider FDI strategies in the Department? Go raibh maith agat.

Mrs Foster: As I said, we are often in competition with the IDA for foreign direct investment. We will, however, work with the IDA when we think that there is a prospect of us working together. We will do that, of course, without any difficulty at all. We want to ensure that we meet our Programme for Government targets for foreign direct investment. Those are the targets that have been set for Invest Northern Ireland, and they are the targets by which it works.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer.

Last Thursday, the Committee for Enterprise, Trade and Investment visited Derry to hear about the City of Culture and proposals that have been developed in that regard. During that time, we met certain sections of the business community who were very anxious to establish whether specific strategies have been developed for the north-west. Will the Minister advise whether specific geographic strategies are being developed for areas such as the north-west?

Mrs Foster: I am glad that the Member enjoyed his time in Londonderry when he was with the Committee. We have been very pleased with the way in which the UK City of Culture has really put the city on the map. The Executive have received the One Plan from the city. There are big plans for the city and the region. Invest Northern Ireland has very much bought into that. We will develop the plan along those lines, because it has been developed by the city, Ilex and all the different stakeholders up there.

Mr Newton: I thank the Minister for her answers so far. What work is she doing with UK Trade and Investment (UKTI)? What benefits does she see in exploiting the GREAT campaign for Northern Ireland?

Mrs Foster: We work ever more closely with UKTI because of its network right across the world. It has great specialisms in certain offices across the world, and we want to take advantage of that. There has been regular engagement — more so since I became the Minister — with UKTI. Dialogue is happening across all levels of UKTI and Invest Northern Ireland.

We have ensured that the GREAT campaign messaging and core script include the appropriate reference to the wider Northern Ireland business and tourism offering. We are also working very closely with UKTI to ensure that the Northern Ireland message is included and applied at the relevant international events. Companies such as Wrightbus have been included in the GREAT campaign. We are very pleased to see that that is the case.

Economy: Fiscal Deficit

2. **Ms Fearon** asked the Minister of Enterprise, Trade and Investment to outline how the fiscal deficit is taken into consideration when economic strategies are being developed. (AQO 3644/11-15)

Mrs Foster: Our economic strategy recognises that an over-reliance on the public sector is a key long-term challenge to be addressed. That, alongside a comparatively small private sector, has contributed to a large fiscal deficit. In order to grow our economy and enhance prosperity, the economic strategy aims to rebalance the economy by promoting a sustainable and growing private sector with firms competing successfully in global markets. The strategy also highlights the need to develop the areas of the private sector that offer the greatest potential for growth, including telecommunications, information and communication technology (ICT), life and health sciences, agrifood, advanced materials and advanced engineering.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Will the Minister detail how she plans to lower the fiscal deficit?

Mrs Foster: It is very clear. We intend to grow our private sector, and that is very clearly set out in our Programme for Government. Of course, at a national level, we are dealing with a very significant deficit and, as part of the United Kingdom, we bear part of that deficit. We want to be able to grow the private sector and, I have to say, reduce our welfare benefits. Of course, welfare reform is dealing with that at the moment.

There are also deficits across the euro zone. We look with interest and, indeed, some alarm, at what is happening in Cyprus and the fact that Italy was unable to elect a clear Government. There are problems across the euro zone and some alarming signs, particularly in relation to what happened in Cyprus over the weekend.

Mr Dunne: Does the Minister acknowledge that lowering corporation tax in Northern Ireland would help to rebalance the economy? Does she believe that the Prime Minister should bring the corporation tax debate to a conclusion when he meets the First Minister and deputy First Minister in the next two weeks?

Mrs Foster: I thank the Member for his question. We have long said that we need corporation tax powers as a tool to help to close the deficit and bring economic prosperity to Northern Ireland. There is a well-established, long-standing need to rebalance the Northern Ireland economy.

This morning, I was very interested to read that the chair of the Confederation of British Industry (CBI) here, Ian Coulter, has started a campaign

similar to the UK City of Culture in relation to corporation tax, and has adopted the Snow Patrol song 'Just Say Yes'. The CBI is going to keep pushing the issue until the First Minister and deputy First Minister meet the Prime Minister. I wholly support that. It is two years since the initial consultation was launched, and the delay in reaching a decision means that we are losing out on real jobs and investment opportunities at a time when we need them most. We absolutely need a positive conclusion to be brought to that debate.

Mrs Overend: Will the Minister outline what consideration, if any, she has given to the forthcoming Westminster Budget? In particular, has she considered the aspect of childcare costs that is being talked about and how that could be an economic driver? I would like to hear the Minister's views on that.

Mrs Foster: Like the Member, I have an interest in that particular fiscal intervention. If it is the case that tax breaks for childcare will be given to parents, that can only be to the good. It will encourage parents to get involved in employment and, in many cases, start their own businesses. I would very much welcome that tax intervention if it comes about.

Renewable Energy

3. **Ms Lo** asked the Minister of Enterprise, Trade and Investment what steps she has taken to develop a long-term vision for renewable energy to 2050 and beyond. (AQO 3645/11-15)

Mrs Foster: The strategic energy framework sets out the direction for Northern Ireland energy policy up to 2020, including renewable energy targets. My Department is leading a study that will help us to set a long-term vision for energy. It is not just about renewable energy, as you have to look at the system as a whole up to 2050. This is a complex matter that requires the consideration of many difficult issues, not least cost to consumers. The study should be completed by spring or early summer. However, it is important to recognise this is only the first step in a broader direction of travel.

Ms Lo: I thank the Minister for her response. I am very glad to hear that there has been some discussion on that matter. Will the Minister consider working across the border with the Republic of Ireland to develop some joint actions?

Mrs Foster: The important thing for us, first, is to look at our own piece in order to work out what we see as the broader energy framework going forward to 2050. We have had four consultation sessions to try to inform us about the development of the vision. That will certainly set the direction of travel for us, but it will be difficult to set any concrete targets further than 2020. Fifty years is a long time, although it is 37 now, but we need to recognise that there will be changes in technology. If we looked forward from 1976, would we have been able to foresee all the new technologies that are available to us now? We have to factor that in to any vision that we have for 2050, and we also have to look at our carbon reduction targets, which have been set, to make sure that our vision for energy policy sits with them.

The work has begun, and we will certainly be looking at other areas to see whether we can learn or, indeed, work together on anything. I think that the key element for us is to make sure that we have our own vision for 2050.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. The Minister will be aware of a recent report on energy that PricewaterhouseCoopers (PwC) published that said that the extraction of shale gas could lead to a reduction in energy prices of between 25% and 40%. Would the Minister agree with that claim, or would she agree with me that it would be extremely naive for any of us to think that those with a vested interest in high energy prices would allow the production of shale oil that would be sufficient to result in such a huge reduction in energy prices?

Mrs Foster: The Member moved from shale oil to shale gas, so I am not sure what he is referring to. However, I am, of course, aware of the PwC report, as, indeed, I am of numerous reports that are being made available on shale gas, hydraulic fracturing and shale oil.

We will take all that information and look at it in the round, and we will not be basing our decisions on one report or another. The Member knows that we have had reports from, for example, a House of Commons Select Committee, which believes that we should proceed with hydraulic fracturing in a regulated environment. We can take that report or that from PwC, or we can take others that are very firmly against hydraulic fracturing and the benefits of shale gas and shale oil. We need to deal with the facts, and, at present, we are looking at the fact that Tamboran Resources Ltd has not yet submitted an application to drill a test hole to retrieve rock cores. That would usually happen under

permitted development, but that is, of course, entirely a matter for Planning Service in the Department of the Environment.

After that test hole is drilled, Tamboran will undertake environmental baseline studies before putting in a planning application. So, there is a long way to go in this process, and we are only at the beginning. I have no doubt that many other reports will come forward in the intervening period.

Mr Moutray: If a long-term strategic look is to be taken at the Northern Ireland energy market up to 2050, should we look at all forms of energy generation, including nuclear?

Mrs Foster: As I indicated to Ms Lo, as we look forward to 2050, we see that there are major uncertainties with new technologies, some of which will flourish and some of which will fail. Indeed, we must also consider how behaviours and infrastructure will have changed over the intervening period. So, I believe that it is wrong to rule anything out of the equation. Of course, nuclear energy is a reserved matter that still sits with Westminster, and therefore, it will remain there. However, that does not stop us including nuclear energy in any vision that we may have for 2050.

Mr Byrne: I thank the Minister for her efforts in trying to improve the energy mix in Northern Ireland. What can she say about the effect of the infrastructure grid restrictions on making sure that renewable energies can be realised here in Northern Ireland, particularly where the North/South interconnector and the east-west connectors are concerned?

Mrs Foster: The Member knows that I am on record as being very concerned about the slow pace of the North/South interconnector. As I understand it, NIE is planning to resubmit its application for the Northern Ireland element of the interconnector in the near future. That application will then go to the Planning Appeals Commission, probably for a public inquiry. It is my hope that the commission will deal with the application as expeditiously as it can, because this matter is becoming urgent for security of supply and, indeed, for ensuring that we have that grid infrastructure in place.

2.15 pm

The Member raised another important issue about the grid infrastructure; and I presume that he was referring to the west of the country where a lot of our wind energy and new anaerobic digesters are located, although not

uniquely so. I am concerned that we need to make sure that we have the appropriate grid in place. Now, there are many discussions about who pays for that grid — whether that should be the consumers or the companies that are in charge of transmission and distribution. However, we must make sure that we have the appropriate grid for all sorts of reasons, not least the fact that we need to make sure that the lights stay on across Northern Ireland.

Granville Industrial Estate, Dungannon

4. **Lord Morrow** asked the Minister of Enterprise, Trade and Investment for an update on the disposal of land at Granville industrial estate/business park, Dungannon. (AQO 3646/11-15)

Mrs Foster: All of the land at Invest Northern Ireland's Granville industrial estate has been allocated to businesses in support of economic development. However, as you will be aware, it has recently developed Dungannon business park, which is adjacent to the Granville estate. I am delighted to be able to advise you that Invest Northern Ireland has very recently completed the sale of almost 15 acres of this new industrial land to a business, in support of its economic development project. Invest Northern Ireland also has registered interests from six businesses seeking to acquire land within Dungannon business park, and it will work closely with them to develop those interests further.

Lord Morrow: I thank the Minister for her reply, and I particularly welcome the good news that she made known. Can the Minister do anything about energy costs for businesses based at Dungannon business park or at the Granville industrial estate?

Mrs Foster: I thank the Member for his supplementary. Indeed, energy costs and the costs of doing business have continued to rise. It concerns me considerably that a lot of our companies have difficulties with their energy pricing. That is one of the reasons why I was delighted to see the Executive approve putting up to £32.5 million towards extending the natural gas network to main towns in the west and north-west, including Dungannon.

An extension of the gas network will provide an alternative, currently cheaper, energy source for business and domestic consumers. We hope that the Utility Regulator will shortly commence a public consultation on a licence for taking gas to the west and the north-west. A licence award is expected in or around the end of 2013.

We hope that that will encourage people to take up use of the network that will be there for them, thereby reducing their energy costs.

Mr Swann: The site had been valued at £4.2 million. Has the Minister any idea what value she expects it to yield at the minute?

Mrs Foster: The entirety of the site?

Mr Swann: Yes.

Mrs Foster: The Member knows that we have just managed to sell 15 acres of that site for economic development to a local, indigenous company that exports across Europe and that we are delighted to see expand in that area. Although the Member referred to it, the cost of the site is not the primary operation of what we do through Invest Northern Ireland. What we try to do is to intervene where market failure has occurred, so that we can provide the space for companies to come in as foreign direct investors or, as in this case, for local companies to expand their businesses. Therefore, although we always have to ensure value for money in our purchase of sites, we also want to ensure that we have land available for companies that want to expand.

Agrifood: Beef Contamination

5. **Mrs McKevitt** asked the Minister of Enterprise, Trade and Investment what discussions she has had with her Executive colleagues and others on the impact on the agrifood sector of the discovery of horse and pig DNA in processed beef products. (AQO 3647/11-15)

Mrs Foster: I have discussed the meat contamination issue with the First Minister and deputy First Minister, the Agriculture Minister and the Health Minister. My Department is represented on the food and feed incident management group, which has met regularly since this issue first came to our attention, and my officials provide daily updates on the key issues. I assure the Assembly that the Department of Enterprise, Trade and Investment (DETI) is working closely with all the relevant bodies in Northern Ireland to ensure that all efforts are being made to protect the reputation of our home-grown produce, the sector and its contribution to our economy.

Mrs McKevitt: What action has the agencies and Departments taken between them to make sure that there are no gaps in the system that she is discussing with them and to give

confidence to consumers that they are safe in the knowledge that what they purchase and eat is exactly what it is described as?

Mrs Foster: As the Member knows, we have long said that Northern Ireland has a strong traceability system in place, so there is traceability from the farm to the fork. We should be very confident of all fresh produce in Northern Ireland, and we will continue to be confident of it. We must recognise that contamination is a Europe-wide issue, and I believe that a solution will come from a European level. We will, of course, work with all the relevant agencies to make sure that that is the case.

I reiterate: food produced in Northern Ireland is of stellar quality. We should all be ambassadors for food from Northern Ireland. I had the great pleasure of doing that on HMS Belfast last Friday, 15 March, when I hosted an Invest Northern Ireland reception celebrating St Patrick. We talked a lot about St Patrick's Trail and all that south Down has to offer, but we also talked about good food and the fact that food from Northern Ireland has a strong heritage and authenticity, of which we should be proud.

Mr I McCrea: I do not think anybody could say that I am not an ambassador for good food in Northern Ireland. *[Laughter.]* Does the Minister accept that the contamination of processed beef products with horse and other species provides a tremendous opportunity for Northern Ireland farmers and beef processors?

Mrs Foster: I thank the Member for his question and for all that he does for the food industry in Northern Ireland on a very personal level.

As I said, the traceability controls in our agrifood supply chain are very strong. They emphasise the benefits to consumers and businesses of purchasing local produce. I welcome Tesco's announcement last week that it plans to double the amount of fresh meat that it sources in Northern Ireland. It is an important commitment by Tesco, and hopefully other retailers will follow so that profitability will flow down to farmers and have a positive knock-on impact on our agrifood sector, which is also important.

Mr Kinahan: I probably help the food industry here as well. Does the Department have a campaign planned to ensure that we promote processed food and local fresh food in Northern Ireland?

Mrs Foster: Each and every part of government should be doing that in any event, and we will continue to do it through Invest Northern Ireland's food department. The Northern Ireland beef and lamb farm quality assurance scheme celebrates its twentieth anniversary this year. We do not want duplication, but we do want results. Invest NI can talk about the extensive traceability controls throughout the supply chain and assure customers of the total integrity of the Northern Ireland beef product. I hope that the farm quality assurance scheme will step up a gear so that we can assure consumers that if they eat produce from a Northern Ireland farm, they will enjoy it very much.

Tourism: Overseas Visitors

6. **Mr Molloy** asked the Minister of Enterprise, Trade and Investment how the number of overseas visitors during 2012 compared with the target set out in the Programme for Government. (AQO 3648/11-15)

Mrs Foster: Full-year figures for 2012 on visitor numbers are not yet available. The annual tourism statistical report for 2012 is due to be published by the Northern Ireland Statistics and Research Agency on 9 May 2013.

Mr Molloy: I thank the Minister for her reply, and I regret that the figures are not yet available. Will she tell us how the toing and froing of visitors, North and South, affects visitor numbers here?

Mrs Foster: The difficulty with the figures is one reason why tourism statistics are coming back into the Department. As the Member says, we do not have all the information at present, so I cannot give a full picture for the tourism sector. Latest estimates indicate that we welcomed over one million visitors from Great Britain and overseas in the first nine months of 2012, but those figures are still provisional estimates, and I am waiting for the full figures.

The domestic market and our visitors from the Republic make up more than half of our overall tourism performance. Unfortunately, I do not have those figures to hand because they have not been made available to us, but it is safe to say that we had a very good 2012. A record 45 cruise ships called at Belfast port, and, as of the end of February, Titanic Belfast had over 700,000 visitors since it opened on 30 March 2012. The Giant's Causeway has had over 325,000 visitors from over 130 countries from July 2012 to the start of January 2013. Those

are very good statistics, but we will have the full statistics in May.

Mr Anderson: What more can be done to encourage new air routes to come to Northern Ireland?

Mrs Foster: The Member knows, as does the House, that better air access directly into Northern Ireland is a continual focus of mine. The abolition of air passenger duty (APD) on direct long-haul flights has made us a viable option for some destinations in which we may not otherwise have been able to compete.

I am spending a lot of my time working with Tourism Ireland, Belfast International Airport and others to maximise the opportunity presented by the elimination of direct long-haul APD and attract new long-haul services. Direct connectivity would hugely increase the number of tourists who come directly to Northern Ireland, which would be all to the good of the sector.

Mr Cree: The Minister may remember that I thought that the targets were bullish anyhow. Does she intend to revise the target for visitors to the Titanic centre, bearing in mind the experience of last year?

Mrs Foster: The Audit Office set the target of 400,000 visitors a year, which it thought we would not meet. With the year not even complete, we are now at 700,000, and the number continues to rise. Titanic Belfast has been a game changer for tourism in Northern Ireland. It has been a real catalyst. When I speak to tour operators, whether in Germany, San Francisco or Dubai, they always talk about Titanic Belfast and the fact that it would be a key element of their visit to Northern Ireland.

Of all the figures available, and taking into account that the targets include the Great Britain, overseas, Republic of Ireland and domestic markets, we are broadly on track to meet the overnight visitor and revenue targets, so I do not see any need to revise them at this time.

Renewable Energy: Intergovernmental Agreement

7. **Mr Rogers** asked the Minister of Enterprise, Trade and Investment what discussions she has had with the Irish and British Governments in relation to the proposed intergovernmental agreement on renewable energy. (AQO 3649/11-15)

Mrs Foster: I have been in correspondence with the Rt Hon Edward Davey MP, Secretary of State for Energy and Climate Change and his predecessor, Charles Hendry, on this issue for some time. Although this is a reserved matter, I have highlighted its potential impact on consumers and the renewable energy sector in Northern Ireland.

There is an enormous amount of analytical work to do before proceeding to an intergovernmental agreement. Northern Ireland will be fully involved in discussions to examine the costs and benefits of any renewable energy co-operation.

Mr Rogers: Trade in renewable energies will be possible only if it is facilitated by the required legislation across Departments and the different Governments. What are the implications for the Department of Enterprise, Trade and Investment?

Mrs Foster: The UK renewable road map, which was published in July 2011, sets out the Government's intention to enable the export and import of renewable energy under the flexibility mechanisms in the renewable energy directive in order to secure the greatest benefit to the whole of the UK.

Although the renewable energy directive contains a provision to enable co-operation across Europe, the detailed practical arrangements, which are largely left to member states to determine, are still to be worked out. That is why the memorandum of understanding is aspirational at present. A huge amount of analytical work needs to be carried out, particularly, from our perspective, on the impacts that such trading would have on Northern Ireland. Obviously, we do not want offshore energy from the Republic of Ireland to be traded into the UK, thereby skewing the renewable obligations under which we operate currently.

That is why I believe that we need to be at the heart of any discussions between the UK Government and the Irish Government on this issue.

2.30 pm

Regional Development

Schools: Speed Limits

1. **Mr I McCrea** asked the Minister for Regional Development to outline any plans to reduce

speed limits to 20 mph close to schools in Mid Ulster. (AQO 3657/11-15)

Mr Kennedy (The Minister for Regional Development): My Department's Roads Service's speed management policy is supportive of the roll-out of 20 mph zones and 20 mph speed limits in residential areas and locations where high numbers of vulnerable road users, such as schoolchildren, are present. 'Northern Ireland's Road Safety Strategy to 2020' contains action measures that are consistent with Roads Service policy. Traffic calming schemes in residential areas often benefit local primary schools and normally include self-enforcing engineering measures, such as road humps, to ensure that traffic speeds are less than 20 mph.

I consider the safety of schoolchildren to be of paramount importance. Over the years, my Department has developed several policies to enhance the safety of children on their journeys to and from school. Those have ranged from additional signing and road markings at schools to central refuge islands and off-road set-down and pick-up areas. Other initiatives include the development of safe walking and cycling routes to schools from neighbouring residential areas.

Despite those measures, there remains a public perception that traffic in the close vicinity of schools travels at inappropriate speeds. Roads Service officials have conducted considerable research to ascertain whether there are additional measures that would be effective in reducing the speed of traffic at school operational times. It was concluded that it would be worthwhile piloting part-time 20 mph speed limits at schools during opening and closing times. Analysis of the pilot schemes has indicated that they were and continue to be very effective at reducing vehicle speeds at schools during operational times, as drivers could observe that there was activity at the schools and, therefore, were more likely to respect the lower speed limits.

Mr I McCrea: I thank the Minister for his commitment and his acceptance that the safety of schoolchildren is paramount. He will have heard of the primary school in Newtownards where the children were stopping cars that were breaking the limit, even if only by 1 mph. I heard it on the radio, and they were certainly not holding back in telling them —

Mr Deputy Speaker: We need a question shortly.

Mr I McCrea: — that they were doing so. Does the Minister agree that there are schools in rural locations that need more measures to be put in place? Cars were passing near a school in my constituency at 70 mph, and I am happy to discuss the specifics of that with the Minister. However, does he accept that rural schools need more attention?

Mr Kennedy: I am grateful to the Member for his supplementary question. I am happy to discuss any individual cases that he wishes to raise. As I said, generally, my commitment to the road safety of schoolchildren and, indeed, everyone is of paramount importance. Roads Service officials have concluded that the provision of 20 mph part-time speed limits at schools is effective. We have carried out pilot studies, and we hope to take those forward. We are developing a new policy encompassing all existing school safety measures that will incorporate the use of 20 mph part-time speed limits where appropriate.

Mrs Overend: I congratulate the Minister on his commitment to road safety at schools. Will the Minister update the House on the 20 mph pilots that have been conducted, please?

Mr Kennedy: I am grateful to the Member for her comments and her question. As I said, three pilot schemes were implemented. Those were at Hezlett Primary School between Articlave and Castlerock, Kilmoyle Primary School near Ballybogy and Templepatrick Primary School. The pilot schemes were developed in response to ongoing concerns that traffic is passing schools at excessive speeds, despite the provision of other engineering measures to warn of the presence of schoolchildren and provide protection. After research on the options, it was agreed that the most promising one would be to trial an enforceable, part-time 20 mph speed limit at the beginning and end of the school day. Traffic speeds were monitored for a year at all three sites. There is evidence from the analysis that the introduction of part-time speed limits has been effective in reducing vehicle speeds when the speed limits are illuminated. That continues to be the case, and there has been very positive support from schools and local communities at all three locations. As I have said, officials are developing a new policy encompassing all existing school safety measures that will incorporate the use of 20 mph part-time speed limits where they are appropriate.

Mr McDevitt: Does the Minister accept that the case for 20 mph speed limits in urban

residential areas and around schools is beyond argument, both from a road safety point of view and a well-being and public health point of view? Is the Minister aware of the huge progress that has been made in Lancashire, where kids — schoolchildren — have played a very active role, alongside members of the community, in regulating and enforcing 20 mph zones and have done so with fantastic results?

Mr Kennedy: I thank the Member for his supplementary question. Great is the zeal of the convert. The Member has spoken to me directly on the issues. It is not that I or the Department need convincing of this: we are convinced. The issue is the practical rolling out of schemes, particularly, as the Member mentioned, in residential areas. Part of that would be the enforcement of such measures and co-operation with bodies and agencies such as the PSNI.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. Should schools wish to be included in the safer routes to school programme, how do they go about that?

Mr Kennedy: I am grateful to the Member for his supplementary question. If he has particular schools in mind or if schools want to correspond with me directly or with my Department, I will be happy to hear from them, and we will see whether we can make progress.

Car Parking: Season Tickets

2. **Mr McClarty** asked the Minister for Regional Development whether he has any plans to promote the use of season tickets for Roads Service car parks to encourage businesses to make full use of the car parks. (AQO 3658/11-15)

Mr Kennedy: A limited number of monthly and quarterly season tickets are made available at the majority of Roads Service's charged car parks. A season ticket offers a substantial cost saving in comparison with daily charges. For example, a monthly ticket for the Central Car Park in Limavady or the Waterside car park in Coleraine will potentially achieve a saving of up to a third in comparison with the daily rate, while a quarterly ticket may achieve an even greater saving. The number of season tickets made available for each car park is usually a twentieth of the overall total — 5% — and that will depend on the number of spaces and their normal usage.

It is most likely that season tickets are used by all-day parkers. However, it should be noted

that a season ticket does not automatically guarantee the availability of a parking space. The availability and turnover of parking spaces is ultimately in the best interests of town centre traders and shoppers. However, any request for an increase at a specific car park will be considered by Roads Service officials, taking into account current utilisation levels and the uptake of season tickets.

Mr McClarty: I thank the Minister for his response, particularly the last bit, when he stated that the Department would listen to any further requests. Is he aware that many local businesses that are adjacent to or very close to Roads Service car parks are interested in making use of season tickets, particularly for their staff and particularly in car parks that are not full to capacity from Monday to Friday?

Mr Kennedy: I am grateful to the Member for his supplementary question. He has written to me about the issue, and we hope to meet to discuss car parking season tickets in the east Londonderry area. I am aware of the point that the Member makes. The balance is that we must keep sufficient spaces available to ensure the flow of parking in town centres. All Members will know the pressure that town centres are under, and blocked and all-day parkers do not really contribute significantly to alleviating those conditions. Recently, I was able to convince Executive colleagues that there should be a moratorium on increases in car parking charges until 2015 at the earliest. That was welcome news, as, indeed, was the non-implementation of on-street car parking charges in most of our towns across Northern Ireland. We continue to take measures and will look at all requests in a way that will be positive not only for members of staff and people who want to avail themselves of season tickets but for town centres generally and small businesses in those areas.

Mr G Robinson: Will the Minister examine the removal of the double yellow lines at the perimeter of the Connell Street and Newtown Square car parks in Limavady and their replacement with one- or two-hour restrictions?

Mr Kennedy: I am grateful to the Member for his supplementary question. It was not possible to predict such a question and, therefore, to have an instant response. I am happy to take the issue forward and will correspond with the Member as soon as possible.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Does the Minister recognise that

there are disparities between some on-street parking machines? That has caused confusion, and people have been fined after using the wrong machine.

Mr Kennedy: I am grateful to the Member for his supplementary question. That is an occasional problem that has been highlighted particularly in the media, and I recognise it. When parking our cars, all of us should give due care and consideration to how we park and for how long and ensure that we pay the appropriate amount of money if necessary. Common sense goes a long way in these issues, and that point has been made to the appropriate staff.

Old Warrenpoint Road, Newry

3. **Mrs McKevitt** asked the Minister for Regional Development what plans his Department has to provide ongoing monitoring of traffic and road safety on the Old Warrenpoint Road, Newry. (AQO 3659/11-15)

Mr Kennedy: I am grateful for the opportunity to respond to the question. I and my Department's officials were greatly saddened to learn of the recent tragic accident that occurred on Wednesday 6 March involving a cyclist, Mr Lewandowski, on the Old Warrenpoint Road in Newry. I am sure that the Member — indeed, all Members of the House — will join me in extending our sincere sympathy to the family circle at this time. My officials have advised that police investigations are under way, and, when they are complete, Roads Service officials, together with the PSNI, will determine whether additional traffic management measures are considered appropriate at that location, as is the case after all fatal incidents on the road network. Officials will continue to monitor that road and all others throughout Northern Ireland, in line with established policies and standards. One fatality on our roads is one too many, and my Department remains committed to continuing its good work with the Department of the Environment and the PSNI as part of the Northern Ireland road safety strategy to 2020 to further reduce the number of casualties on our roads.

Mrs McKevitt: I join the Minister in offering my condolences to the family of the gentleman who was killed on 6 March. Can the Minister assure the House that a full consultation process will take place with residents and the neighbourhood policing team before there are any changes to road safety on the Old Warrenpoint Road?

2.45 pm

Mr Kennedy: I am grateful to the Member for her supplementary question and, indeed, for her sympathy to the family. Over recent years, Roads Service has received many requests from locally elected representatives and residents to consider a reduction in the speed limit on the Old Warrenpoint Road from 40 miles per hour to 30 miles per hour. The existing speed limit has been reviewed in line with current policy for the setting of local speed limits, and, to date, it has been considered that the 40 miles per hour limit remains appropriate. That is the shared opinion of Roads Service and the PSNI.

Northern Ireland Water: Board Members

4. **Mr Lynch** asked the Minister for Regional Development to outline the appointment process used to select board members of Northern Ireland Water. (AQO 3660/11-15)

Mr Kennedy: The Department is responsible for managing the selection process and making the appointments of non-executive members to the board of NI Water (NIW). The process is regulated by the Commissioner for Public Appointments in Northern Ireland. This means that it is based on merit after a fair, open and transparent process that involves independent scrutiny. At the outset, officials seek the Minister's agreement to the role profile, person specification, including the essential criteria for the positions, and appointment timetable. They also consult on how the final submission of candidates suitable for appointment should be presented, either in merit order or an unranked list. Applications for appointment to the board are invited by means of public advertisement. A selection panel, including an independent assessor, then shortlists candidates who meet the essential criteria for the positions. These candidates are then invited for interview. Following the interviews, the panel makes its recommendations for appointment to me to consider. In accordance with the commissioner's code of practice for public appointments, the Minister must record the rationale for his decision on whom to appoint.

The only appointments that I have made to the NI Water board were in August 2011. This competition had commenced whilst my predecessor, Conor Murphy, was in office. He had agreed the role profile, person specification, including the essential criteria for the positions, and appointment timetable. He had also agreed that the final submission of

candidates suitable for appointment should be presented by means of an unranked list. I appointed four non-executive members to the board from this competition. There were no complaints or legal challenges to this process.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra. I thank the Minister for his answer. Minister, given that you did not alter the selection process used by your predecessor and that you also rejected Dr Alan Lennon's application to be a member of the board, how can you justify the acceptance, at the cost of £290,000 to the public purse, that your Department discriminated against Dr Lennon in his application for a position in NIW?

Mr Kennedy: I am grateful for the supplementary question. The Member will know that the issues were all teased out in considerable detail at a recent meeting of the Regional Development Committee. The Member has made another good try today to ask me to comment on the legal and privileged counsel of which I am in receipt as an Executive member. The fact that Dr Lennon had applied for the post of a non-executive director in Northern Ireland Water became public through the tribunal case. In the non-executive director competition, the appointments panel found that there was a very strong field of 13 candidates who were suitable to be recommended for the four appointments to the NIW board. As there were only four appointments to be made, it was inevitable that a number of strong candidates would be disappointed. These are often difficult choices, but I based my decision on what I believed was a combination of the best skills and experience for the board of NI Water. I believe that the board has worked well together, and the improved performance and public perception of the organisation is testament to that. I restate that there have been no complaints or legal challenges to this competition.

Mr Hussey: Will the Minister confirm again that he has made four appointments — I think that that is what he said — since his appointment to office, and will he give us some assistance as to the community background of those who were appointed?

Mr Kennedy: I am grateful to the Member for his supplementary question. Overall, I have made 19 first appointments following open competition since May 2011. I have made a total of 38 appointments: 19 were first appointments, as I said; five were non-executive reappointments; 10 were councillors;

and four were ex officio board members, such as the chief executive of NI Water. Of the 19 first appointments of board chairs and non-executive board members that I have made, six were Protestant, eight were Roman Catholic, and the community background of five was not known or acknowledged. I simply confirm that all my appointments have been made on merit.

Mr Deputy Speaker: Before calling the next Member, I remind Members that they must ask a single question and supplementary questions should not be read.

Northern Ireland Water: Chief Executive

5. **Ms Fearon** asked the Minister for Regional Development whether the retiring chief executive of Northern Ireland Water will receive any bonuses on his retirement. (AQO 3661/11-15)

Mr Kennedy: The chief executive is an employee of Northern Ireland Water, and his contract is with the company. He will not receive any bonuses on his retirement. He will, of course, be entitled to the normal retirement package based on the length of his service with both Water Service and Northern Ireland Water. I am sure that the Member would wish to join me in paying tribute to Trevor Haslett for the very valuable contribution that he has made as chief executive over the past two or three years in bringing stability to Northern Ireland Water and addressing the problems in the organisation, particularly after the difficult freeze/thaw winter a couple of years ago.

Ms Fearon: Go raibh maith agat. I thank the Minister for his answer. Has the retiring chief executive received any productivity or other bonuses from NI Water?

Mr Kennedy: The terms and conditions of employment contained in the contract of the retiring chief executive of Northern Ireland Water did not change as a result of his taking on his present role. He remained subject to the same terms with regard to salary progression and pension entitlement as was the case in his previous substantive role in the company. The chief executive has been subject to the terms of the pay freeze as set out in the terms of the Northern Ireland public sector pay policy during the pay period 1 April 2010 to 31 March 2012, and his salary remains subject to the pay progression constraints contained in the 2012 Northern Ireland public sector pay policy, as set out by DFP.

Mr Cree: Will the Minister provide an outline of the type of package available to the incoming chief executive? Does he consider that to be adequate to attract the right type of applicant?

Mr Kennedy: I am grateful to the Member for his supplementary question. Obviously, this is a matter primarily dealt with by NI Water and carried forward by it. In many ways, it is an impossible question to answer until the market has been tested. It may have an impact on the quality of applicants interested in the position. However, the appointment and the selection process will determine that. NI Water is now treated as a non-departmental public body for public expenditure purposes, although it was established as a government-owned company, with the intention of giving the organisation greater freedom and flexibilities. The fact that domestic charges have not been introduced means that tighter public expenditure controls are exercised over the company, and that includes the remuneration for senior officials. The Member may know that the post is to be advertised at a salary level of £150,000. That salary is somewhat lower than the current package for the chief executives of Invest NI and Translink and significantly less than the remuneration package for the chief executive of Scottish Water.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his integrity in dealing with matters at NI Water and issuing an apology to Mr Gormley on behalf of the Department. On that point and with regard to the appointment of board members and the procedures and protocols dealt with by the Department and through NI Water, will the Minister advise whether there has been a review internally in the Department or through the Civil Service of how matters would be dealt with in the future in circumstances in which critical PAC reports are brought to the fore? Indeed, the independence of the alleged independent review panel has certainly been brought into question, as has the amount of money paid in that regard. Has there been any extensive review either internally in the Department or at Senior Civil Service level in the office of the head of the Civil Service?

Mr Kennedy: I am grateful to the Member for that somewhat lengthy supplementary question. It contained a number of questions. Let me make a general statement: as Minister, I expect the highest standards when important public appointments are made. I think that I continue to display that through my record. I very much hope that the incidents that I have had to deal with — I did not invent them, but I inherited

them — will now finally be put to rest and companies such as NI Water can continue to make significant progress and retain the confidence not only of Members of the House and my Executive colleagues but of the general public.

Southern Relief Road, Newry

6. **Mr Wells** asked the Minister for Regional Development for his assessment of the projected cost of the southern relief road, Newry. (AQO 3662/11-15)

Mr Kennedy: I consider the southern relief road to be a priority for the Newry area and welcome the positive findings of the feasibility report on the transport benefits that a new road linking the A2 Warrenpoint dual carriageway to the A1 Belfast-Dublin key transport corridor could provide. That would include the potential removal of some through traffic from the city centre road network and improved access to Warrenpoint port.

The feasibility study considered four route options to provide a link between the A2 Warrenpoint dual carriageway and the A1 Belfast-Dublin dual carriageway. Estimated costs range between £100 million and £200 million. The range of costs reflects the challenges presented by the characteristics of the location, including the significant engineering and environmental challenges associated with crossing the Newry river and the canal, making contact with Fathom Mountain on the other side, and crossing the Belfast-Dublin railway line. Nevertheless, affordability in the current economic climate remains challenging, and I am unable to outline any timescale for implementation of the scheme or further public consultation. Timing will, however, depend on a number of factors, including the development process and the proposal clearing the statutory procedures, which includes formal public consultation. It must continue to have a satisfactory economic appraisal, and, given other competing priorities, progress to construction will depend on the funding made available in future Budget settlements.

Mr Wells: I welcome the fact that the Minister has suggested that this is a priority for Newry. I totally agree with him. I also accept that the cost is extremely high. It is a very difficult technical project. Given that it is highly unlikely that that sort of money will be available in the foreseeable future within his present budget, would he consider other options for funding the project, such as a public-private partnership or

some form of tolling, or some different way in which we could raise the capital required?

Mr Kennedy: I am grateful to the Member for his supplementary question. I am not sure that tolling my constituents would be terribly popular. I caution him on that, because he is in the neighbouring constituency. I have no ideological opposition to looking at ways in which we could involve the private sector. Therefore, I am happy to explore any such opportunities.

Finance and Personnel

Mr Deputy Speaker: I inform Members that question 1 has been withdrawn. Mr Gerry Kelly is not in his place —

Mr Weir: He has escaped.

Mr Wilson (The Minister of Finance and Personnel): On the run.

Mr Deputy Speaker: Order, please. Some remarks made from the Benches just now were totally inappropriate — I do not imagine that we will hear them again.

Mr Conall McDevitt is not in his place. We move on to Mr Roy Beggs, who is in his place.

3.00 pm

Some Members: That is you, Roy.

Mr Beggs: Question 4. *[Laughter.]*

Civil Service: Jobs

4. **Mr Beggs** asked the Minister of Finance and Personnel to outline how he determines new locations for Northern Ireland Civil Service jobs. (AQO 3675/11-15)

Mr Wilson: I am glad to see a fair degree of confusion this afternoon.

It is up to individual Departments and Ministers to consider the relocation of Civil Service facilities and jobs subject to the normal requirements of business need, value for money and affordability.

Mr Beggs: Apologies; I did not realise that a number of questions had been withdrawn or that a number of Members were not in their place.

Will the Minister ensure that in determining locations for civil servant jobs, business cases are made, value for money is a major consideration and that lessons are learned from other places such as Scotland and the Republic of Ireland?

Mr Wilson: Those are prerequisites. In departmental relocations, there will normally be necessary capital expenditures. There may well also be revenue consequences such as travel expenses for the initial period of relocation, the fitting-out of offices etc and staff redeployment. All of that will require a business case, and, of course, when that is submitted, we look at the value for money, affordability and costs involved in such relocation.

Mr Byrne: I welcome the Minister's comments. Does the Minister still favour the economic merit of Northern Ireland having some decentralisation? Will he comment further on what he means by value for money in a private sector-led office relocation?

Mr Wilson: As I said, it is really up to individual Ministers to decide what their Department most needs and what opportunities are available. If there is to be a relocation or dispersal of jobs, that is usually best done when a new function comes on to the books rather than looking at existing functions. However, there may well be occasions when existing functions can be relocated. As far as I am concerned, that is a responsibility not for me or the Department of Finance and Personnel (DFP), and not even for the Executive, but for individual Ministers. All that we wish to ensure — I am sure that the Member will agree with me — is that in times of financial austerity, we do not spend money simply on an ideological commitment to disperse jobs despite that requiring immediate capital expenditure and additional revenue expenditure in the long term.

Mr Deputy Speaker: Minister, you are over your time.

Mr Wilson: When determining whether we get value for money, we look at the costs and benefits.

Mr Deputy Speaker: I remind the Minister that he is on a two-minute limit, which he exceeded.

Mr McQuillan: Will the Minister outline the current policy on the dispersal of Civil Service jobs?

Mr Wilson: The current policy is that it is up to individual Ministers to decide where best to locate the functions that their Department has to carry out. If Ministers decide to change how and where those jobs are located, they have to make a business case to the Department of Finance and Personnel. Some time ago, the Bain report suggested pilot schemes for the dispersal of jobs, but no pilot scheme was implemented by the Executive. A cost of £40 million was attached to the pilot scheme, and I do not believe that that would be money very well spent in the present climate when we are looking for every penny that we can get to deliver front line services.

Review of Public Administration: Finance

5. **Mr G Robinson** asked the Minister of Finance and Personnel what is the total financial allocation for delivery of the review of public administration. (AQO 3676/11-15)

Mr Wilson: The Executive agreed an allocation of £47.8 million for the review of public administration (RPA) in local government. Of that, £17.8 million will be allocated in the years 2013-14 and 2014-15. That money is to be used to fund transitional costs, such as the councillors' severance scheme, shadow councils, change management, staff induction and the winding up of old councils. It also includes £2 million each year towards the cost of servicing the borrowing that councils will need to undertake for the convergence of ICT systems.

The remaining £30 million will be allocated in the next Budget period. That is designed to deal with rates convergence after the mergers have taken place, and it will be across a three-year period from 2015-16 to 2017-18 and, therefore, will fall beyond the current Budget period.

Mr G Robinson: How will rates convergence be managed?

Mr Wilson: We are looking at a number of models. First, we could simply support individual ratepayers; secondly, we could support council clusters; thirdly, we could have differential rates for a period after the merger while convergence actually happens.

We have not decided on which is the best model. We are doing some work on how they would be implemented and the cost of implementing them. Obviously, there will be administrative costs. We are also looking at

which model would be the most effective way of doing it and which would encourage convergence over the period. The one thing we do not want to happen as a result of RPA is that some ratepayers find that they get a huge hike in their rates because rate levels are different in two councils that join the cluster.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Has the Department made any assessment of what savings there would have been to the taxpayer had the review of public administration gone according to the original timetable? Does he agree that we need to ensure that there is no further delay in the process?

Mr Wilson: We have not assessed the savings that have been lost so far, but, of course, a lot of them would have been long-term savings, such as those resulting from councils sharing services, downsizing or avoiding duplication of services, etc. Off the top of my head, I think that the total saving was about £400 million over a 20-year period. There would have been initial costs to the councils due to redundancies, but those costs should have quickly resulted in savings, as councils would have had fewer staff to pay, less top management and have been using shared services.

I think that it would be a mistake to have further delay in the review of public administration and the bringing together of councils. Do not forget this: the real benefit in this is for councils, which will have additional powers and be able to do things in their areas that they cannot do currently. It will make the councillors' job very exciting and give councils a real ability, at a micro level and at a local level, to make big changes for their constituents.

Mr Durkan: I thank the Minister for his answers thus far. He spoke of the provision for rates convergence. I know that there is still work to be done on this, but will he explain how he foresees the money being shared out among councils?

Mr Wilson: Some councils will not get any of it, because, in some cases, there will be no problem of rates convergence; there will not be a huge difference between the rates in one council area that is joining with another. I am reluctant to give the Member a list of the main places, in case I leave out an area. If I do that, people will come to me and ask, "Why are we not getting anything; there is a difference here." The main areas were, of course, Fermanagh, south Tyrone and Omagh, where there was a big difference. There will be some differences

around Belfast, Castlereagh. There are other areas, and if I have not mentioned them, it is only because I have forgotten them. Where there is a substantial difference in rates, money will, of course, be made available for convergence. How it will be distributed will depend on whether we use the individual ratepayer method, the council cluster method or convergence over a period.

Mr McCarthy: This has been going on for almost 10 years. Is the Minister convinced that, after a 20-year period of jumping through hoops, pain and agony, there will be significant savings for the ratepayer? That is what it is all about; saving the ratepayer huge amounts of money.

Mr Wilson: There are two elements to RPA. First, there will be savings. It stands to reason that if, for example, three councils merge, there will be no need for three chief executives or three directors of environmental services, recreation services, or whatever it happens to be. Therefore, there will be staff savings.

Secondly, as a result of councils coming together like that, they will be able to engage in shared services. Indeed, it is hoped that there will be shared services not only in clusters but between clusters. That will lead to savings. That is one aspect of it.

To me, the more exciting aspect is that councils will now have the ability to do far more things. They will have greater economic, vesting, planning and tourism powers; a whole range of things that they can do. To me, that is what is really exciting about RPA. The Member has been a councillor for a long time —

Mr McCarthy: And still is.

Mr Wilson: He still is — and an excellent councillor he is, I believe.

Some Members: Hear, hear.

Mr Wilson: Of course, it depends who you speak to. Other people might have a different view.

I am sure that he knows the kinds of things that he would love the council to be able to do, but councils do not have the powers. After RPA, they will have those powers. That is where the big gain from RPA lies.

Mr Deputy Speaker: Before I call the next speaker, I remind Members that if they are interested in being called to ask a

supplementary question, they must continue to rise in their place. Otherwise, I have no way of knowing whether their particular questions have been answered.

Community Safety College: Funding

6. **Mr I McCrea** asked the Minister of Finance and Personnel whether he has received any requests for additional funding for the Desertcreat training college. (AQO 3677/11-15)

Mr Wilson: My Department has not been approached by the Department of Justice (DOJ) or the Department of Health, Social Services and Public Safety seeking additional funding for the joint Northern Ireland community safety college at Desertcreat.

On 4 March 2013, I met Minister Ford to discuss the options that the Department of Justice is considering to progress the project. As part of that process, the Department of Justice, along with colleagues in the Department of Health, will seek measures that will reduce the cost of the project in order to ensure that it remains affordable from existing agreed budget allocations.

Along with the Justice Minister and the Health Minister, I remain committed to the project. I hope that those difficulties can be overcome within the next few months.

Mr I McCrea: I welcome the Minister's commitment and support to continue to provide that long-overdue college in mid-Ulster. Will he explain what steps are being taken to keep the project on track?

Mr Wilson: Since the problems came to light, the programme board, which was set up by the police and the two Departments, has worked to identify and develop the best way forward. The first step was an analysis of the additional cost that was undertaken to determine exactly what elements have resulted in the cost escalation. As the tender costs exceed those in the business case significantly, DOJ will seek DFP approval for a revised business case. Work on that is currently under way. As that progresses, health estates will continue to provide advice on the best way forward.

Mr Deputy Speaker: I call Mr Patsy McGlone for one supplementary question.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Thank you very much,

indeed, Mr Deputy Speaker, for your guidance as usual.

Will the Minister advise the House whether any advice or information has been provided by the programme board as to how the projected costs have been so far out of kilter with the actual tendered costs for that project?

Mr Wilson: Mr Deputy Speaker, you will note that the Member kept his question to one question. He kept it succinct. I will try to answer him succinctly while also giving him a full answer.

3.15 pm

I have not spoken to the programme board about this, but from my conversations with DOJ and my Department's knowledge of the project, it is my understanding that the difference between the tenders and the business case relates solely to the capital costs of the project. The Department informed me that there were a number of reasons for that: first, inaccurate cost planning; secondly, inaccurate market testing; and, lastly, failure to factor in all the additional costs resulting from the design changes. That is the information that I have been given. Of course, the review will go back over some of that to see where some of the costs can be taken back from the original design so that we get back within the 10% tolerance level for the budget that was allocated.

Budget: Review of Financial Processes

7. **Mr Easton** asked the Minister of Finance and Personnel for an update on the review of financial processes. (AQO 3678/11-15)

Mr Wilson: In February 2011, the Executive commissioned a review of financial processes in Northern Ireland by my officials. On 9 March 2012, following consultation with the key stakeholders, including the Assembly, I circulated a paper to the Executive reporting the outcome of the review. To date, the report has not been tabled for discussion at the Executive.

I recently held meetings with the Education Minister and the Minister for Regional Development regarding concerns that they raised on sections of the report. I am hopeful that we will be able to agree a way forward and that the review report will be considered by the Executive shortly. I believe that this is an opportunity for the Executive to deliver significant reform. I also believe that the review will help the Assembly to better understand the financial processes and, therefore, be in a

better position to scrutinise the way in which Ministers and Departments use the money that is allocated to them.

Mr Easton: I thank the Minister for his answer. Will he let us know what has delayed Executive discussions on the review report, plus the action plan?

Mr Wilson: The main delay has been the opposition from the Education Minister, which, as I have said many times in the House, I do not understand. There was no response from the Office of the First Minister and the deputy First Minister (OFMDFM) or the Department of Agriculture and Rural Development (DARD), but I take their silence as an indication that they agree with the paper.

The Education Minister's concern is that he does not seem to want scrutiny of his budget. He would rather have one budget line, which, I think, is about £1.5 billion, because, provided that is not broken down, he would not have to explain the moving of money between one part of his Department's expenditure and another. I have had discussions with him, and he has made some suggestions, which do not change the one big, broad budget line but which would give greater transparency to what goes on within it, and my officials and I are looking at that.

The Minister also expressed some concern about the Education and Skills Authority (ESA) being included in this and the fact that there would not be a dry run for it, which could create problems with the Northern Ireland Audit Office. We have undertaken to speak to the Northern Ireland Audit Office to illustrate that, in the first year, there may be information that cannot be easily transposed into the new arrangements and that the Department of Education should not be penalised for that.

We are trying to make some progress but, to date, we have not been able to get the paper to the Executive. Since all parties in the Assembly have raised this matter with me on many occasions, I want to point out that, if we do not get a decision made fairly quickly, we will not be able to get the necessary legislative changes through before the end of this Assembly period.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister accept that progress could be made if individual Ministers were assured that reform of the financial process would not impact on their existing control of their budgets?

Mr Wilson: I find that fairly difficult to understand because Ministers do, of course, have control over their own budgets. The first thing to say is — I have been criticised by the Public Accounts Committee over this — that we do not want to micromanage Departments' budgets, and we have never sought to do that. Indeed, we have been criticised for not scrutinising savings delivery plans enough and for not giving enough guidance on them. The argument that we have always put forward is that we do not want to tell Ministers how to run their Departments.

There is considerable scope for Ministers to use their own budgets. For example, there is a £1 million de minimis level below which they do not have to seek approval from the Department of Finance and Personnel. They can also make proactive management changes, which they simply notify to the Executive in monitoring rounds after the event. I cannot think of any time when a Minister has been refused that. Ministers can also make bids at monitoring rounds. Even for money that they have to surrender, they can make bids to have it brought back into their budget. Very often, that happens as well.

There is no reason why a Minister should argue that the changes remove the scope for him or her to manage their budget. The Assembly ought to be concerned about a Minister who wants to do that, since the Assembly votes money to Departments for specific purposes. I doubt that anyone in the room would want a Minister, after having bid for money and the Assembly having voted for that money, to have the power to spend it on something different.

Mr Cree: I note what the Minister said. It is certainly not a matter of holding people to account for any particular reason; it is to make it open, transparent and accountable. The existing system is poor enough. Does the Minister not think it a failure of government that the matter has not been resolved because of the delay with one particular Minister, who clearly does not understand the issue?

Mr Wilson: I regard it as a failure of the Executive not to have agreed this, but I point out to the Member that that is not a failure of all the parties in the Executive. The majority of the parties in the Executive signed up to it, welcome it and understand the reason for it. A thinking Minister would welcome it. If we do not have that transparency, Ministers could hide money that was voted for one purpose and use it for another, so that they would not surrender it at monitoring rounds. Ministers who could have used that money for a higher priority or

something that would perhaps have been more effective in dealing with a social or economic problem do not have access to it. A thinking Minister would want to have that transparency, so that money that is not spent is surrendered back to the centre to be used for the most profitable purpose possible.

It is all part of the Minister of Education's desire to have some kind of financial autonomy. Events over the past week have shown that that autonomy is not used very effectively by him. In fact, it is sometimes used for the most disgraceful populist exercises.

Narrow Water Bridge

8. **Mrs McKevitt** asked the Minister of Finance and Personnel when he will announce the additional funding for the Narrow Water bridge project. (AQO 3679/11-15)

Mr Wilson: I congratulate the Member on her persistence. I think that she has tried to ask this question at three Question Times. It is normally about number 15 on the list. She must thank the Member for North Belfast and her colleague from South Belfast that we have got this far in Question Time today.

The Narrow Water bridge project is progressing through the agreed INTERREG IVa programme assessment process, and is under review by DFP, which is the accountable Department. We are undertaking the essential internal critical analysis of the project in conjunction with work that is being carried out by the Department of the Environment (DOE), which is responsible, of course, for the planning conditions that have been attached to it, and the Development for Regional Development (DRD), which has to make sure that all the statutory approvals about navigable waterways and whatnot have been sought. All that information has to be in place before a final decision can be taken, so no funding has been or will be allocated to the project until all the approvals have been obtained.

We are aware of the time constraints associated with the project. I have received numerous letters and requests from Members about this. We will seek to reach a decision as promptly as we can, but I am sure that the Member will understand that, with so much public money involved, it is right that all the proper processes be gone through.

Mrs McKevitt: I thank the Minister for acknowledging the popularity of this project. I know that he is quite keen for it to proceed.

Minister, in or around 4 December, you indicated that the investigation would possibly take six weeks. Has the First Minister or the deputy First Minister ever made representations to you, either jointly or individually, on the delay associated with providing the balance of funding that is required to allow the Narrow Water bridge project to proceed?

Mr Wilson: I am not aware of either the First Minister or the deputy First Minister having raised this issue with me or with officials in my Department. However, it really would not matter who made representations.

Given the amount of money that is going to be spent on this project, statutory processes have to be gone through and checks have to be made by us. The money also has to be spent within a certain time period, or it will be lost totally. Until we have made all those checks and have all the information, we cannot make a decision. There was a debate in the Assembly on this project, and numerous Members have written to me, contacted me and questioned me about it. However, we have to go through those processes and make sure that the planning conditions, the statutory approvals and the financial case that has been made are sound.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the bridge, in conjunction with the infrastructure that is there, will act as a powerful driver for sustainable economic growth in south Down in the years ahead?

Mr Wilson: Since I am the Minister who will make the final decision, I do not think that the Member would expect me to be drawn — to prejudice the decision one way or the other — on whether I believe that the bridge is a good thing or a bad thing for the area. I have to wait until all the information is in front of me.

During the debate in the Assembly, accusations were made that, because this is a cross-border project, somehow or other I was prejudiced against it. All the INTERREG IVa spend is cross-border, so my political opinion on cross-border issues does not really matter. I have to make an objective assessment, and I will do so, once all the information is available to me.

Mr D McIlveen: Will the Minister update us on the position of local groups under the INTERREG IVa programme?

Mr Wilson: At one stage, there was quite considerable interest in the local groups aspect, because it was feared that they were not going

to spend all the money that was available to them. They have achieved substantial funding. To date, 36 projects worth £46.7 million have received letters of offer, and one project worth £13.9 million is progressing through the accountable Department. I have been assured that we are in line to spend the money that has been allocated to the local groups. Of course, the local dimension of the future of the cross-border programme is to be determined through research.

Income Tax

9. **Mr Flanagan** asked the Minister of Finance and Personnel for his assessment of the mechanisms currently being developed by Revenue and Customs to administer the Scottish rate of income tax as a means of providing a more accurate figure for income tax generated locally. (AQO 3680/11-15)

Mr Wilson: Clearly, the mechanisms being developed by HMRC to administer the Scottish rate of income tax will make it possible to determine the Scottish share of UK income tax with a high level of precision. However, the Member has to recognise that those mechanisms are being developed as part of the process to devolve increased income-tax-varying powers to the Scottish Government, and there will be fairly significant administrative and IT costs associated with that for Scotland. Given that the scale of those costs is not clear, I doubt whether putting similar mechanisms in place, solely for the purpose of obtaining data for Northern Ireland, would represent value for money. I also doubt very much that HMRC would be willing to undertake such work, unless, of course, we were prepared to pay it to do so. Whether that would be a good use of resources is debatable.

3.30 pm

Health, Social Services and Public Safety

Hospital Appointments

1. **Mr Molloy** asked the Minister of Health, Social Services and Public Safety to outline any proposals for dealing with cancelled hospital appointments. (AQO 3687/11-15)

2. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety what plans he has to deal with the number of appointments

that are cancelled by consultants and hospitals. (AQO 3688/11-15)

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Deputy Speaker, I will answer questions 1 and 2 together, as they both relate to cancelled hospital appointments.

My Department has had the integrated elective access protocol in place for a number of years. That requires that, for outpatient appointments, six weeks prior to the appointment, patients are issued with a letter inviting them to contact their Health and Social Care trust to agree and confirm their appointment. Partial booking allows patients to choose a suitable date and time for their appointment. The protocol also requires consultants to give a minimum of six weeks' notification of intended leave of absence in line with locally agreed human resources (HR) policies. Those policies are intended to reduce the likelihood of hospital cancellations at short notice and to give trusts greater assurance that clinics will proceed as planned.

I am pleased to advise the Assembly that the number of patients who do not attend outpatient appointments has reduced from 10.3% in 2010-11 to 9.4% in 2011-12. Trusts are working to reduce that further by, for example, piloting the introduction of a text-reminder service for appointments. The rate of consultant-led appointments that hospitals cancelled has also reduced over the past four years, decreasing from 12.3% in 2008-09 to 10.8% in 2011-12. Those reductions are welcome, but I want to see further improvement.

Mr Molloy: Go raibh maith agat. I thank the Minister for his answer. I would like him to separate the number of appointments that patients cancelled from the number of those that consultants, private clinics and hospitals cancelled. How do the latter cancellations relate to the amount of money that is being paid into private clinics?

Mr Poots: As I said, the number of consultant cancellations is now sitting at 10.8%, and it was 12.3% in 2008-09. Therefore, improvements have been made. I think that the Member needs to understand that there will always be consultant cancellations. That can happen because of ill health, consultants being engaged in emergency work or having spent the previous night carrying out emergency work and are, therefore, unable to fulfil an appointment. It might also be because consultants have been called on to carry out further training, which is an important element

of their work. Therefore, there are a number of reasons why consultants have to cancel their appointments.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. I suggest to the Minister that some patients are saying that they have been told that their appointments have been cancelled, only for them to be rearranged for a private clinic with the same consultant. Is the Minister aware of that practice? How does it represent value for money?

Mr Poots: We operate under a protocol for doctors that was established in London, and that agreement is carried out across the four countries. Our position is that doctors are allowed to carry out work outside the time that they are employed in the National Health Service (NHS). I suspect that if we wished to change that, it would be very challenging. Consultants' ability to move makes them very accessible, and they can move to locations that best suit their needs. Therefore, we need to be very careful about how we approach the issue. Doctors are allowed to practise outside the National Health Service. I think that some of the agreements that have been made with them have not necessarily been in the public's best interests, but seeking to change those will be very challenging.

Ms P Bradley: I thank the Minister for his answers thus far. Will the Minister tell us whether the figures on cancelled appointments suggest that there will be delays for patients?

Mr Poots: A cancellation can, but will not necessarily, lead to a delay. For example, patients may have had their original appointment brought forward; they may have received their treatment; or they may be in hospital on the appointment date. Obstetric patients may have cancelled because their baby was delivered by the time of the appointment, or some cancellations may be a result of internal patient administration system adjustments that do not affect a patient in any way. So it can cause delay, but in many instances it does not.

Mr McClarty: How does the Minister plan to implement a much needed balance in hospitals to ensure that scheduled appointments are met and sufficient resources for accident and emergency departments are provided?

Mr Poots: It is crucial, particularly in hospitals where accident and emergency services are important and we want to retain those services, that emergency surgery continues to be

available. Without emergency surgery, you do not have a full-scale emergency department.

Community Resuscitation Strategy

3. **Mr G Robinson** asked the Minister of Health, Social Services and Public Safety to outline his plans to develop a community resuscitation strategy. (AQO 3689/11-15)

Mr Poots: I have asked the Chief Medical Officer to set up a working group to develop a community resuscitation strategy aimed at co-ordinating the available resources to maximise the number of individuals trained in emergency life-support skills in order to improve the survival rate of those who suffer an out-of-hospital cardiac arrest. The working group is chaired by the Northern Ireland Ambulance Service and includes representatives from my Department, health and social care bodies, community and voluntary bodies involved in resuscitation training and representatives from the other Northern Ireland Civil Service Departments, such as Education and Culture, Arts and Leisure. I have asked for the strategy to be ready for consultation by October 2013.

Mr G Robinson: Will the Minister outline what work has been carried out by his Department to test a model for emergency life skills (ELS)?

Mr Poots: Last year, my Department completed a pilot scheme to test a model of cascade training in ELS and the use of automated external defibrillators (AED). The pilot was designed to test the feasibility of training a number of volunteers in ELS skills and in the use of an AED to the level of being able to cascade the training to others. The volunteers were from organisations involved in sport, including the IFA, GAA, and some district councils. The pilot scheme was completed and evaluated in 2012. The evaluation led to two key conclusions. The first is that cascade training is feasible and is a viable way of increasing the pool of people who can provide emergency life support or use an AED in an emergency. The second conclusion is that it is essential that an organisation taking part in this type of scheme must have commitment from its senior leadership or management and that such commitment must be communicated to people throughout the organisation.

I pay tribute to all across Northern Ireland involved in this valuable work, including Health and Social Care and a number of voluntary organisations, such as the British Heart Foundation, ABC for Life, the Red Cross and St

John Ambulance, as well as the sporting bodies.

Mr Beggs: Although the development of such a strategy must be welcomed, lives will not be saved until services are delivered on the ground. So when does the Minister envisage the training and necessary equipment being provided?

Mr Poots: We intend to have a strategy available to allow us to make those decisions. The Chief Medical Officer and a team are working up that strategy, and we anticipate that its impact will be positive. Currently, around 90% of people who have a cardiac arrest outside a hospital environment do not survive. In places where there has been extensive training, such as Seattle, the survival figure has gone up to around 52%, which demonstrates that a lot of progress can be made in this area if we train more people. That is why we have tasked the Chief Medical Officer to carry out this work. Ultimately, it will save many lives.

Sudden Infant Death Syndrome

4. **Mr Newton** asked the Minister of Health, Social Services and Public Safety what actions have been taken to highlight the risks associated with sudden infant death syndrome. (AQO 3690/11-15)

Mr Poots: Advice on reducing the risk of sudden infant death syndrome has been provided since the early 1990s, when the Reduce the Risk of Cot Death campaign was introduced. The initial leaflet focused on the sleeping position of the baby and contributed to a welcome reduction in the number of unexpected infant deaths. To ensure that the benefits are sustained, my Department periodically updates the advice to take account of additional identified risks. The most recent version of the leaflet was published in December 2012. In addition, sections on reducing the risk of cot death are included in 'The Pregnancy Book' and 'Birth to Five' book, which are issued to new parents at antenatal clinics or GP surgeries.

Mr Newton: I thank the Minister for his answer so far. Will he outline the main points of the December 2012 information booklet that he published?

Mr Poots: The main points were as follows: the safest place for your baby to sleep is on their back, in a cot in a room with the parents in the first six months; place the baby in a feet-to-

foot position in the cot; do not let your baby's head become covered; smoking in pregnancy greatly increases the risk of sudden infant death syndrome; do not let your baby get too hot or too cold; breastfeeding your baby reduces the risk of sudden infant death syndrome; research shows that using a dummy at the start of any sleep period can reduce the risk of sudden infant death syndrome; and, if your baby is unwell, seek medical advice promptly.

The good news is that in 1990, there were 56 cot deaths, and last year, there were five. This is an absolutely dramatic reduction, which has avoided an awful lot of pain and anguish that many parents of young children would have had to endure.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers thus far. What work has his Department undertaken with other agencies to help alleviate the immediate stress that families face after a sudden death, by agencies investigating such a death, accepting that that needs to be done, but in a sensitive and timely manner?

Mr Poots: In each trust, we have specialist counsellors who are there to provide advice and support where that is appropriate and where it is wanted. Many people will never go through a greater trauma than losing their infant at such an early stage, after having had the joy of giving birth in the first instance.

Mr Cree: Does the Minister agree that if he promotes policies that inhibit people from starting smoking early, they, in turn as parents, will not be smokers, and that that could reduce cot death?

Mr Poots: I do not see any redeeming features of cigarette smoking. One in two people die from them, and the impact that they have on others is damaging, so whatever we can do to dissuade and discourage people from commencing smoking, we will attempt to do that. We could get into a longer debate about the means of doing that, but I do not think that now is the appropriate time.

Royal Belfast Hospital for Sick Children: Cardiac Care

5. **Mr Brady** asked the Minister of Health, Social Services and Public Safety, following the recent legal decision in England that the review into paediatric congenital cardiac surgery was flawed, what impact will this have on the review

of children's cardiac care in the Royal Belfast Hospital for Sick Children. (AQO 3691/11-15)

Mr Poots: The recent legal judgment in England does not impact on the review being undertaken by the Health and Social Care Board on the future commissioning of paediatric congenital cardiac surgical services for Northern Ireland. The Northern Ireland review is, therefore, continuing as planned, and I expect to reach a decision on the future commissioning of that service in the coming months.

Mr Brady: I thank the Minister for his answer. On Friday, it was said at the working group that the Minister had signed off on the post-consultation document. Will he explain what that means and why the Committee was not informed? Go raibh maith agat.

Mr Poots: The Committee should have been informed, and I apologised to the Chair earlier for that slip up. That is something that we accept. The framework gives us the ability to actually arrive at a decision point on that very important and very sensitive issue. On the one hand, I have many parents saying that I could be putting their children at risk by taking surgery outside of Northern Ireland. On the other hand, I have people from the medical side who are saying that if the skills and capacities do not actually exist in Northern Ireland, I could be putting children's lives at risk by insisting that surgery continues to take place in Northern Ireland. One can see the very difficult place in which we are on that issue. What I will seek to do is to ensure that we do not put children's lives at risk anywhere, that we seek to ensure that the provision of that service is as convenient as possible and that the quality of care that is provided to parents and to their little ones — who are the most important people here — at the time that they need that care is of the highest standard.

3.45 pm

Mr Swann: I declare an interest as the parent of a five and a half-week-old son, Evan, who is currently awaiting heart surgery in Belfast.

From my experience, the cardiac and paediatric surgeons and the anaesthetists in the Royal Victoria Hospital are of the highest professional and specialist standard, as I am sure the Minister will agree. Does he also agree, however, that if he reduces the number of surgeries that are completed in the Royal, it will become increasingly difficult to recruit to those posts, which are necessary for follow-on

surgeries, not just for the heart but for non-related cardiac surgeries on children who have already had successful cardiac operations in Belfast?

Mr Poots: One of the important issues for me is the potential knock-on effect for other services. It may not just be the paediatric congenital cardiac surgery that is affected as a result of not providing that service in Belfast. We have to take all of that into account and take cognisance of it.

First and foremost in all of that, we will be looking at what is in the best interests of the children and how we can provide the best possible care. I was aware of the Member's son, and the whole House will wish his son and his family well as they go through this time. I know that the Member will want to ensure that his child is afforded the best possible treatment, and that is what we want to do for every child in those circumstances.

Ms Brown: I thank the Minister for his answers so far. What changes have been incorporated following the public consultation?

Mr Poots: There was an analysis of the public consultation, and the working group considered the main themes arising from the respondents and the key clinical issues that were raised by clinicians.

The draft post-consultation document incorporates changes that cover options for future commissioning of the service, the selection criteria and the weightings to be attached to the assessment of those options. Following the approval of the framework, it will be applied to the options that are outlined in the post-consultation document, with the aim of identifying a preferred way forward for the provision of the service.

Mr Rogers: I thank the Minister for his answers so far. What discussions has he had recently with his counterpart in the South on coming to a decision on this very important matter?

Mr Poots: I have had a number of discussions, and senior departmental officials are engaged in ongoing discussions. One of the issues will be the ability of the hospital in Dublin to take additional capacity. Around 140 operations are being carried out currently on children from Northern Ireland, and around 40 of them take place outside Northern Ireland, mostly in England but some in Dublin. We would prefer to do more of that surgery in Dublin if we can be

assured of quality standards, and I think that we are getting there.

They intend to build a new facility in Dublin, so there may be a course of work to determine how we can manage the services over that time if additional services are to be carried out in Dublin. A lot of work has been done, and there is a lot more to be done before we get to a final outcome.

Health Innovation Corridor

6. Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to outline any discussions he has had with the Minister of Enterprise, Trade and Investment about developing a health innovation corridor in the north-west. (AQO 3692/11-15)

Mr Poots: I understand that the health innovation corridor in the north-west is still in the early stages of development and, to date, I have not had any discussions with the Minister of Enterprise, Trade and Investment about it. However, Minister Foster and I are committed to the pursuit of healthcare innovation through our joint memorandum of understanding on connected health and prosperity. Therefore, I welcome this initiative and I will be interested to see what emerges from it.

It will be important that the initiative is complementary to the broader eHealth and innovation agendas that are being taken forward by my Department and Invest NI. I would also encourage organisations that are associated with the initiative to become members of the Northern Ireland Connected Health Ecosystem, which is a forum that brings together organisations from the health, academic and industry sectors to consider the development of innovative solutions to address needs that are identified by the health sector.

Ms Maeve McLaughlin: I thank the Minister for his comments. I agree that any such initiative has to be complementary to whatever exists. However, the facilities in the north-west such as Project Kelvin, the Clinical Translational Research and Innovation Centre (C-TRIC) and the university research facility, which are the only such facilities in the North should, therefore, be supported and developed accordingly.

Mr Poots: I am very supportive of the development of innovation in healthcare. I had the opportunity to visit C-TRIC, so I know the excellent work that goes on at that facility. Project Kelvin brings an added dimension, with

the ability to pass information very quickly to and from the United States of America in particular. We are in an advantageous position on a lot of these things. Northern Ireland needs to develop innovation in healthcare. That is why we have the memorandum of understanding between Invest NI and the Department of Health, which was signed by Arlene Foster and myself. That is why we have established an ecosystem. That is why we have established a task and finish group between the Department of Health and Invest NI, with support from other people in business and academia, to identify how we can deliver on innovation.

Mr Durkan: Will the Minister outline to the House any discussions that he has had with the universities in the north-west or his colleague the Minister for Employment and Learning about the development of health research in the north-west?

Mr Poots: Two meetings have been held to date comprising representatives from the University of Ulster, C-TRIC, Derry City Council and Co-operation and Working Together. The initiative has been linked to the One Plan, which is about economic regeneration in Londonderry. Considerable work is being done between the key stakeholders on how we develop these things.

Mr Anderson: What actions are being taken to promote research and development?

Mr Poots: I am committed to research and development and innovation in health and social care services as a way to meet major challenges, including demographic change. Our work in progress on addressing the innovation challenge was outlined in a statement that I made to the House in December. There is the regional health and social care resources directorate fund, which provides additional funding to enable Northern Ireland-based researchers to apply for major awards through applied programmes of the National Institute for Health Research. Synergies with Invest NI R&D programmes are increasing the ability of clinical, academic and business organisations to make discoveries and apply them for improvement in the prevention, diagnosis and treatment of illnesses, and care of patients and clients.

The shift towards a population with a higher proportion of older people requires a change in how the services are delivered while we maintain the high quality that people want and deserve. There is a whole course of work. We

are delighted to note that Therese Murray, the president of the Massachusetts Senate, was able to join the event on the north-west health innovation corridor. I was very pleased to meet Senator Murray at an EU/US connected-health marketplace conference in October 2012, when we announced a new research partnership in medical device technologies and innovation between the universities of Ulster and Massachusetts. That partnership will bring together experts on both sides of the Atlantic, which will be to the benefit of Northern Ireland and the United States.

Termination of Pregnancy Guidelines

7. **Mr McDevitt** asked the Minister of Health, Social Services and Public Safety when he will publish guidelines on the termination of pregnancies. (AQO 3693/11-15)

Mr Poots: I have circulated draft guidance on termination of pregnancy to Ministerial colleagues, seeking their agreement to hold a public consultation. I intend to discuss the document 'The Limited Circumstances for a Lawful Termination of Pregnancy in Northern Ireland' at the next meeting of the Northern Ireland Executive. Following public consultation, I will submit a final guidance document back to the Executive for their consideration. It is my intention that publication of the final document will take place in the autumn. The draft guidance document does not change the law in Northern Ireland, and it does not make it easier for a woman to have a termination of pregnancy.

Mr McDevitt: I take this opportunity to apologise to the House for being absent during Finance and Personnel questions.

I acknowledge the publication of the guidelines and welcome the fact that they are now out for consultation. Does the Minister agree that we must now move, without changing the legal position in this jurisdiction, to ensure that we are able to guarantee that everyone operating in this field does so within a regulated context?

Mr Poots: I would very much like that to be the case. It is essential that people who work in this very sensitive area ensure that whatever they do is within the legal framework. The guidelines are an asset to people who want to work within the legal framework and will help them to ensure that that is the case.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Given that the

Minister spoke in the debate last week as a private Member, will he outline whether he has had any discussions since then with the Justice Minister on the matter?

Mr Poots: I have not had discussions with the Justice Minister, but I have instructed my staff to write to him to seek a meeting on the issues that were raised last week. I welcome the fact that the Justice Minister recognises that this is a justice issue in that the legislation is justice legislation and his Department is involved. We need fully and frankly to discuss how best to move forward, particularly in light of last week's vote, which allows Marie Stopes to operate in an unregulated way, which is something that I could not support.

Mr Dunne: I thank the Minister for his answers. How many terminations of pregnancy take place annually across the five trust areas in Northern Ireland?

Mr Poots: In 2008-09, there were 44; in 2009-2010, there were 36; and in 2010-11, there were 43. In the rest of GB during that period, there were 189,000. Some people talk about the number of people who travel. Regrettably, around 1,000 people with registered addresses in Northern Ireland did travel. However, the proportionate number here would be 4,000, if you look at the number of terminations that have taken place across the UK. Therefore, one can see that not having the ability to pop into a facility that can basically give you an abortion on demand significantly reduces the number of terminations that take place. Consequently, many tens of thousands of children have grown up in Northern Ireland over the past 45 years who would not have had that opportunity in England or Wales.

Fire and Rescue Service

8. **Mr G Kelly** asked the Minister of Health, Social Services and Public Safety for an update on the Fire and Rescue Service investigation that he announced in October 2012. (AQO 3694/11-15)

Mr Poots: On 1 November 2012, in a written statement to the Assembly, I referred to a number of allegations about potential fraud, theft or other irregularities in the Northern Ireland Fire and Rescue Service and announced that I had tasked the departmental accounting officer with responsibility for ensuring a satisfactory and independent investigation into the specific material allegations that have been made.

The Department for Social Development corporate investigation unit has been commissioned to undertake a detailed investigation, and I expect to receive its report by the end of this month. Once I have had the opportunity to consider its findings, I will ensure that that report is made public.

Mr G Kelly: Gabhaim buíochas leis an Aire as an fhreagra sin. Mr Deputy Speaker, I would like to take the opportunity to apologise for not being here to ask my question during questions to the Minister of Finance and Personnel.

There have been a number of reports before now. Was anyone disciplined for anything that was in those reports?

Mr Poots: There certainly was a recommendation for disciplinary proceedings to be carried out. The Fire Service board should be very careful about how it handles things because in one particular report, it was very clear that discipline was the expected outcome. Sometimes, people can use the system to avoid disciplinary procedures. It would be a travesty if that were the case in this instance, and the board would be snubbing the House if that happened. That is something that it should reflect on and be very careful about.

4.00 pm

Executive Committee Business

Public Bodies (Abolition of British Shipbuilders) Order 2013: Assembly Consent Motion

Mr Deputy Speaker: The next two items of business are motions seeking the Assembly's consent to draft orders that have been made in the UK Parliament. There will be separate debates on each.

Mrs Foster (The Minister of Enterprise, Trade and Investment): I beg to move

That this Assembly consents to the Public Bodies (Abolition of British Shipbuilders) Order 2013 in the form of the draft laid before the UK Parliament on 1 November 2012.

I am today seeking the consent of the Assembly to abolish the British Shipbuilders Corporation and for the transfer of its liabilities to the Secretary of State for Business, Innovation and Skills. As Members will be aware, the Public Bodies Act 2011 allows UK Ministers to abolish, merge or transfer functions of the public bodies listed in the appropriate schedules. The proposal to abolish this body was included in the schedule to that Act. Members may recall that the First Minister and deputy First Minister obtained the agreement of the Assembly to a legislative consent motion on the Public Bodies Bill on 7 March 2011. Section 9 of the Public Bodies Act 2011 requires, where appropriate, the consent of the devolved legislatures before an order can be made under the Act.

(Mr Speaker in the Chair)

The abolition of British Shipbuilders, in so far as it is able to exercise powers in Northern Ireland, including under section 3 of the Aircraft and Shipbuilding Industries Act 1977, falls within the legislative competence of the Northern Ireland Assembly under section 9(3)(a) of the Public Bodies Act 2011. The consent of the Northern Ireland Assembly is therefore required for the abolition. British Shipbuilders is a public corporation that owned and managed large parts of the British shipbuilding industry and had shipyards in England and Scotland but none in Wales or Northern Ireland. There are, therefore, no Northern Ireland liabilities to

transfer to the Secretary of State. I commend the motion to the Assembly.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire chomh maith as ucht an mholta seo a thabhairt os ár gcomhair. I thank the Minister for bringing the motion before us. The Committee examined the Public Bodies (Abolition of British Shipbuilders) Order 2013 at its meeting on 28 February and had no issues with it.

Mrs Foster: I have very little else to say but that I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly consents to the Public Bodies (Abolition of British Shipbuilders) Order 2013 in the form of the draft laid before the UK Parliament on 1 November 2012.

Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013: Assembly Consent Motion

Mrs Foster (The Minister of Enterprise, Trade and Investment): I beg to move

That this Assembly consents to the Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 in the form of the draft laid before the UK Parliament on 1 November 2012.

This is a similar motion, and I am seeking the consent of the Assembly to abolish the Aircraft and Shipbuilding Industries Arbitration Tribunal. The proposal is to abolish the tribunal, which was contained in the Public Bodies Act 2011. The tribunal was established to determine any question or dispute that was expressly required by the Aircraft and Shipbuilding Industries Act 1977 to be subject to arbitration. The tribunal was formed in 1978 and considered two applications, neither of which was about Northern Ireland. The tribunal completed its determination of both cases by 1981 and has not met since. It has been defunct for 30 years. It has completed its work, and no further cases will need to be considered by it. It had the power to sit in Northern Ireland but was never required to do so, and its abolition is a deregulatory measure and will not impact on business. I commend the motion to the Assembly.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): The Committee considered the Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013. The Minister said that it has been defunct for 30 years, and, clearly, the Committee did not have any issues with it.

Mrs Foster: I welcome the fact that we are getting rid of bodies such as these that are on statute but provide no function to society. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly consents to the Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 in the form of the draft laid before the UK Parliament on 1 November 2012.

Private Members' Business

Civil Service (Special Advisers) Bill: Consideration Stage

Mr Speaker: I call the sponsor, Mr Jim Allister, to move the Bill.

Moved. — [Mr Allister.]

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

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 5, 9 and 10, 18 to 22, 24 to 30, 39, 40 and 44, which make technical and drafting changes to the Bill. The second debate will be on amendment Nos 2 to 4, 6 to 8, 11 to 17, 23, 31 to 38, 41 to 43, and opposition to clauses 2, 3 and 6 stand part.

The amendments deal with reviews and qualifications of the automatic barring of special advisers with a serious criminal conviction and the procedure for appointments. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Meaning of “special adviser”)

Mr Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 5, 9, 10, 18 to 22, 24 to 30, 39, 40 and 44. These amendments make technical and drafting changes to the Bill.

Mr Allister: I beg to move amendment No 1: In page 1, line 7, after “position on” insert “or before”.

The following amendments stood on the Marshalled List:

No 5: In clause 2, page 1, line 14, leave out “section” and insert “subsection”.— [Mr Allister.]

No 9: In clause 2, page 1, line 18, leave out “Ministers” and insert “A Minister”.— [Mr Allister.]

No 10: In clause 2, page 1, line 19, leave out “them” and insert “the Minister”.— [Mr Allister.]

No 18: In clause 3, page 2, line 1, after “sentence of” insert “immediate”.— [Mr Allister.]

No 19: In clause 3, page 2, line 5, after “State” insert “or the Minister of Justice”.— [Mr Allister.]

No 20: In clause 3, page 2, line 9, after “Governor” insert “or the Secretary of State”.— [Mr Allister.]

No 21: In clause 3, page 2, line 15, leave out “Act” and insert “section”.— [Mr Allister.]

No 22: In clause 3, page 2, line 15, at end insert

“(3) Where the person was convicted in a country or territory outside Northern Ireland, the references in subsection (1)(c), (d) and (e) to sentences are to be read as references to equivalent sentences in the country or territory in which the person was convicted.”.— [Mr Allister.]

No 24: In clause 4, page 2, line 18, after “employed” insert “at any time”.— [Mr Allister.]

No 25: In clause 5, page 2, line 26, leave out “3” and insert “2”.— [Mr Allister.]

No 26: In clause 5, page 2, line 30, leave out “function” and insert “power”.— [Mr Allister.]

No 27: In clause 5, page 2, line 32, leave out “function” and insert “power”.— [Mr Allister.]

No 28: In clause 5, page 2, line 34, leave out “function” and insert “power”.— [Mr Allister.]

No 29: In clause 5, page 2, line 38, leave out “employment” and insert “appointment”.— [Mr Allister.]

No 30: In clause 6, page 3, line 3, leave out “3” and insert “2”.— [Mr Allister.]

No 39: In clause 8, page 3, line 20, before “Department” insert “The”.— [Mr Allister.]

No 40: In clause 8, page 3, line 21, before “Minister” insert “The”.— [Mr Allister.]

No 44: In clause 10, page 3, line 32, leave out "and 6" and insert ", 6, 8, 10 and 11".— *[Mr Allister.]*

Mr Allister: I will very briefly speak to amendment No 1 and the other amendments in group 1. As has been indicated, these are entirely technical amendments that tidy up the flow of the Bill, and most of them emerge from advices given by the Office of the Legislative Counsel (OLC). I was happy to accept those, and, in the main, that is the source of these technical amendments. I will not bore the House with indicating the detail of each and every one. If there are points raised during a debate on group 1, I will happily deal with those in winding up, but I do not anticipate that there is much scope for such.

Amendment No 18 makes a change to clause 3, which is the definition clause relating to the meaning of serious criminal conviction. There had been some question and some clarification had been sought about where the definition, when it spoke about a sentence of imprisonment of five years or more, stood in relation to suspended sentences, recorded sentences or any other possible derivation of sentence. To make it abundantly clear and to put it beyond doubt, I am proposing in amendment No 18 that we insert a sentence of "immediate" imprisonment of five years. That makes it beyond doubt that we are talking about a sentence of exactly that, not a suspended sentence or anything else.

Amendment Nos 19 and 20 simply update slightly the remainder of clause 3 on detentions at the pleasure of the Secretary of State, etc, to bring us up to date with the fact that the Minister of Justice might have a role in that. I believe that the amendments are of a wholly technical nature, unless someone thinks otherwise. Having said that, I am very happy to leave the matter there for now.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. In addressing this group of amendments, I will first refer briefly to the Committee for Finance and Personnel's scrutiny of the Bill.

In response to its call for evidence on the Bill, the Committee received over 860 written submissions, and that included almost 830 signatories to an online petition that opposed the Bill. The Committee took oral evidence on two occasions from the Bill sponsor and received legal advice from Assembly Legal Services.

Oral evidence was also received from a range of key stakeholders, including the Department of Finance and Personnel, the Attorney General, NIACRO, the Commission for Victims and Survivors, the Equality Commission, the Human Rights Commission, Ann Travers, Coiste na nIarchimí and 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) employers' guidance on recruiting people with conflict-related convictions.

The Committee is grateful to all those who assisted with its scrutiny of the Bill. I particularly take this chance to acknowledge George Quigley's contribution to the work of the Committee and offer the Committee's and, I am sure, the House's condolences to his family circle.

The Committee examined a number of key themes and issues that were identified in the evidence, including the consideration of the needs of victims, compatibility with human rights requirements, commitments under the Good Friday Agreement and the St Andrews Agreement, transparency on arrangements for special advisers and the views on individualisation versus blanket disqualification. I will return to some of those later in the debate on the second group of amendments.

As well as the themes arising from the evidence that I mentioned, the OLC raised a number of technical and drafting points via the Department of Finance and Personnel (DFP) during the Committee Stage scrutiny. Members may be aware that the OLC correspondence is provided in full at appendix 4 of the Committee's report. In response to the points raised by the OLC, the Bill sponsor provided the Committee with details of the issues that he intended to address by way of amendments to clauses 1, 2, 3, 4, 5, 6, 8 and 10. Explanations were also given as to why amendments would not be moved in respect of a number of other points. The Bill sponsor's detailed response is provided in the report.

The Committee did not have the wording of the proposed technical amendments during its clause-by-clause scrutiny, and, therefore, the clauses that I have listed were agreed by the Committee, some on a majority basis subject to the proposed technical amendments from the Bill sponsor.

From a party perspective, quite clearly Sinn Féin is opposed to the Bill. It is opposed to clauses 2 and 3 in particular. As the proposer

of the Bill said, I also have no wish to extend the sitting on this debate any longer than necessary. The focus of our opposition will be in the debate on the second group of amendments as opposed to the technical debate here in which we will be voting and focusing on a substantial amount of the other clauses.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Like the Member who spoke previously, we view these as technical and drafting amendments and, therefore, will not enter into debate on them but will reserve our comments for the more substantial issues that arise under the second group of amendments.

Mr Cree: I am pleased to speak on the first group of amendments to Mr Allister's Civil Service (Special Advisers) Bill. I begin by commending the Member for North Antrim on the considerable work that he has put in to date on the Bill. The Ulster Unionist Party has fully supported the merits of the Bill from the outset, and I am pleased that we have reached this crucial point in its passage today.

I want to pay tribute, as the Chairman has, to the Committee for Finance and Personnel for the high volume of excellent work that it has undertaken.

The unnecessarily insensitive appointment of Mary McArdle as a special adviser to the Minister of Culture, Arts and Leisure was, of course, the staging post for the legislation. The subsequent hurt that that appointment caused to the Travers family and, indeed, to a wider number of victims —

Mr Speaker: Order. Members will note that they will get some latitude, but I ask the Member to come back to the amendments before us.

Mr Cree: Thank you, Mr Speaker, for that bit of flexibility. The first group of amendments are, as the title suggests, mostly technical in their nature and have been tabled in the name of Mr Allister. They deal with any potential loose ends and give clarification when necessary on issues such as the definition of a special adviser, what constitutes a relevant conviction for the purposes of the Bill and when the various sections should come into force following Royal Assent. A number of amendments also appear solely to address the terminology used — for example, in respect of Ministers and Departments.

I have no issue with the amendments in group 1. The Ulster Unionist Party will support them. I look forward to the debate on the group 2 amendments, which will deal with the more substantive and contentious issues in the Bill.

4.15 pm

Mr Allister: I note the observations from Members and the acknowledgement that these are technical amendments. I want to put on record my appreciation to the Committee for the diligent manner in which it examined the Bill, took evidence and explored the issues and for the courteous manner in which, on two occasions, I was received. I am grateful for that. I do not think that there was anything of substance in the points made that I need to otherwise respond to.

Amendment No 1 agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (Special adviser not to have serious criminal conviction)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 2, it will be convenient to debate amendment Nos 3, 4, 6 to 8, 11 to 17, 23, 31 to 38, 41 to 43 and opposition to clauses 2, 3 and 6. The amendments deal with reviews and qualifications of the automatic barring of special advisers with a serious criminal conviction and the procedure for appointments. A number of amendments in the group are mutually exclusive, and I advise Members as follows. Amendment Nos 2, 3 and 4 are mutually exclusive; amendment No 6 is mutually exclusive with amendment Nos 7 and 8; amendment No 11 is mutually exclusive with opposition to clause 2 stand part; amendment No 16 is mutually exclusive with amendment Nos 11, 12 and 13 and opposition to clause 2 stand part; amendment Nos 32, 33 and 34 are mutually exclusive; amendment No 37 is mutually exclusive with clause 6 standing part; amendment Nos 41 and 43, and amendment Nos 42 and 43, are mutually exclusive. I call Mr Jim Allister to move amendment No 2 and address the other amendments in the group.

Mr Allister: I beg to move amendment No 2: In page 1, line 9, leave out subsection (1) and insert

"(1) Subject to subsection (2) and section (Determination of eligibility of special advisers

by Commissioners (Amendment 11)), a person is not eligible for appointment as a special adviser if the person has a serious criminal conviction.

(2) Where a Minister proposes to appoint as a special adviser a person who has a serious criminal conviction, that person may refer the proposed appointment to the Commissioners."

The following amendments stood on the Marshallled List:

No 3: In page 1, line 9, leave out subsection (1) and insert

"(1) Where a Minister proposes to appoint as a special adviser a person who has a conviction for a conflict-related offence, the Minister must refer the proposed appointment to the Commissioners."— [Mr D Bradley.]

No 4: In page 1, line 10, at end insert

", but this is subject to section (Exception for conflict-related offences: procedure for proposed appointees)."— [Mr Mitchel McLaughlin.]

No 6: In page 1, leave out line 17 and insert

"the Minister who appointed that person must, after consultation with that person, refer the appointment to the Commissioners, within 21 days of this subsection coming into operation."— [Mr D Bradley.]

No 7: In page 1, line 17, at end insert

", but this is subject to section (Exception for conflict-related offences: procedure for existing appointees)."— [Mr Mitchel McLaughlin.]

No 8: In page 1, line 17, at end insert

"() but a person to whom subsection (3) will apply may refer the appointment to the Commissioners, within 21 days of this subsection coming into operation."— [Mr Allister.]

No 11: After clause 2 insert

"Determination of eligibility of special advisers by Commissioners

2A.—(1) Where—

(a) a proposed appointment is referred to the Commissioners under section 2(2- as inserted by Amendment 2), or

(b) an appointment is referred to the Commissioners under section 2(subsection as inserted by Amendment 8),

the Commissioners shall determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(2) The Commissioners shall only determine that a person is eligible for appointment as, or to continue to hold appointment as, a special adviser, if satisfied that there are exceptional circumstances justifying it—

(a) after having regard to the matters set out in subsection (3), and

(b) in the case of a proposed appointment, after taking account of the outcome of the vetting procedures mentioned in subsection (4).

(3) Those matters are—

(a) whether the person has shown contrition for the offence to which the serious criminal conviction relates,

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

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

(4) The Commissioners must arrange for the proposed appointee to be the subject of the same vetting procedures as apply to the appointment of persons as Senior Civil Servants to the Northern Ireland Civil Service."— [Mr Allister.]

No 12: After clause 2 insert

"Exception for conflict-related offences: procedure for proposed appointees

2A.—(1) Where a Minister proposes to appoint as a special adviser a person who has incurred a serious criminal conviction for a conflict-related offence, the Minister must refer the matter to the First Minister and deputy First Minister.

(2) *The First Minister and deputy First Minister, acting jointly, must within 14 days of the referral, establish a review panel in accordance with section (Exception for conflict-related offences: review panel) and refer the matter to it.*

(3) *The review panel must arrange for the proposed appointee to be the subject of the vetting procedures referred to in section 6.*

(4) *Subject to the outcome of those procedures, the review panel must determine that the proposed appointee is eligible for appointment, unless satisfied that the nature of the proposed appointee's role as a special adviser is manifestly incompatible with the circumstances of the conflict-related offence.*— [Mr Mitchel McLaughlin.]

No 13: After clause 2 insert

"Exception for conflict-related offences: procedure for existing appointees

2B.—(1) *This section applies if, on the date of its coming into operation—*

(a) *a person holds an appointment as a special adviser,*

(b) *the person has before that date incurred a serious criminal conviction, and*

(c) *the serious criminal conviction was for a conflict-related offence.*

(2) *The Minister who appointed that person may, within 21 days of the coming into operation of this section, and after consultation with the person, refer the matter to the First Minister and deputy First Minister.*

(3) *The First Minister and deputy First Minister, acting jointly, must within 14 days of the referral, establish a review panel in accordance with section (Exception for conflict-related offences: review panel) and refer the matter to it.*

(4) *The review panel must determine that the person's appointment will not be, or is not, terminated by virtue of this Act, unless satisfied that the nature of the person's role as a special adviser is manifestly incompatible with the circumstances of the conflict-related offence.*— [Mr Mitchel McLaughlin.]

No 14: After clause 2 insert

"Exception for conflict-related offences: review panel

2C.—(1) *This section applies where the First Minister and deputy First Minister, acting jointly, are required to appoint a review panel for the purposes of section (Exception for conflict-related offences: procedure for proposed appointees) or (Exception for conflict-related offences: procedure for existing appointees).*

(2) *The First Minister and deputy First Minister, acting jointly, must—*

(a) *appoint independent persons with suitable qualifications, expertise or experience, to be members of the review panel,*

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

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

(3) *A review panel may regulate its own procedure.*

(4) *A review panel only remains in existence for so long as is necessary for it to exercise its functions.*— [Mr Mitchel McLaughlin.]

No 15: After clause 2 insert

"Exception for conflict-related offences: appeals

2D.—(1) *Where a review panel—*

(a) *determines under section (Exception for conflict-related offences: procedure for proposed appointees) that a person is not eligible for appointment as a special adviser, or*

(b) *determines under section (Exception for conflict-related offences: procedure for existing appointees) that a person's appointment as a special adviser will be, or is terminated by virtue of this Act,*

that person may appeal to the High Court.

(2) *The appeal can only be brought on the ground that the nature of the person's role as a special adviser would not be, or is not manifestly incompatible with the circumstances of the conflict-related offence.*

(3) *The appeal must be brought within 21 days from the day on which the review panel made the determination.*

(4) *On hearing the appeal, the High Court may make such order as it thinks fit in respect of the person's—*

(a) *eligibility for appointment as a special adviser, or*

(b) *termination of appointment as a special adviser.*— [Mr Mitchel McLaughlin.]

No 16: After clause 2 insert

"Determination of eligibility of special advisers by Commissioners

2A.—(1) *Where—*

(a) *a proposed appointment is referred to the Commissioners under section 2(1 - as inserted by Amendment 3), or*

(b) *an appointment is referred to the Commissioners under section 2(3 - as amended by Amendment 6),*

the Commissioners shall determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(2) *The Commissioners shall only determine that a person is eligible for appointment as, or to continue to hold appointment as, a special adviser, if satisfied that it is reasonable to do so—*

(a) *after having regard to the matters set out in subsection (3), and*

(b) *in the case of a proposed appointment, after taking account of the outcome of the vetting procedures mentioned in subsection (4).*

(3) *Those matters are—*

(a) *the nature of the offence to which the serious criminal conviction relates,*

(b) *the relevance of the nature of the offence to the person's role as a special adviser, and*

(c) *such other matters as the Commissioners consider relevant.*

(4) *The Commissioners must arrange for the proposed appointee to be the subject of the same vetting procedures as apply to the appointment of persons as Senior Civil Servants to the Northern Ireland Civil Service.*— [Mr D Bradley.]

No 17: After clause 2 insert

"Appeals against Commissioners' determinations

2B.—(1) *Where a person who is the subject of a determination of the Commissioners is aggrieved by that determination, that person may appeal to the High Court.*

(2) *The appeal can only be brought on the ground that it was not reasonable for the Commissioners to make that determination.*

(3) *The appeal must be brought within 21 days from the day on which the Commissioners made the determination.*

(4) *On hearing the appeal, the High Court may make such order as it thinks fit in respect of a person's eligibility for appointment as, or to continue to hold appointment as, a special adviser.*— [Mr D Bradley.]

No 23: After clause 3 insert

"Meaning of 'conflict-related offence'

3A.*In this Act, 'conflict-related offence' means—*

(a) *an offence for which a person was released on licence under the Northern Ireland (Sentences) Act 1998, and that licence has not been revoked, or*

(b) *an offence for which a person would have been released on licence under the Northern Ireland (Sentences) Act 1998, had the person not already been released before that Act came into operation.*— [Mr Mitchel McLaughlin.]

No 31: In clause 6, page 3, line 3, at end insert

"() Where a Minister proposes to appoint a special adviser, such an appointment shall be subject to the terms of the code."— [Mrs Cochrane.]

No 32: In clause 6, page 3, line 4, leave out subsection (2) and insert

"(2) Without prejudice to the generality of subsection (1), the code must provide that persons proposed for appointment as special advisers—

(a) must be subject to the same vetting procedures as persons to be appointed as Senior Civil Servants to the Northern Ireland Civil Service,

(b) must not be subject to further vetting procedures if they have been subject to vetting procedures in accordance with section (Determination of eligibility of special advisers by Commissioners (Amendment 11))."— [Mr Allister.]

No 33: In clause 6, page 3, line 4, leave out subsection (2) and insert

"(2) Without prejudice to the generality of subsection (1), the code must provide that the appointment of special advisers must be subject to—

(a) an assessment of the candidate's character by the Department of Finance and Personnel, including a criminal record check; and

(b) a recommendation to the appointing Minister regarding test of character, consistent with the decision that would have been taken with any other applicant to the NICS."— [Mrs Cochrane.]

No 34: In clause 6, page 3, line 4, leave out subsection (2) and insert

"(2) Without prejudice to the generality of subsection (1), the code must provide that persons proposed for appointment as special advisers—

(a) must be subject to the same vetting procedures as persons to be appointed as Senior Civil Servants to the Northern Ireland Civil Service,

(b) must not be subject to further vetting procedures if they have been subject to vetting procedures in accordance with section (Determination of eligibility of special advisers by Commissioners (Amendment 16))."— [Mr D Bradley.]

No 35: In clause 6, page 3, line 7, at end insert

"() Until such times as the appointment process has been completed, and an appointment made in accordance with the code, no person may

exercise the functions or be entitled to the benefits and privileges of a special adviser.

() The code must provide for a mechanism that would allow an appointing Minister or a prospective candidate to appeal to an independent panel appointed for that purpose by the First Minister and deputy First Minister."— [Mrs Cochrane.]

No 36: In clause 6, page 3, line 9, at end insert

"(4) All persons exercising functions in respect of the appointment of special advisers must have regard to the code."— [Mr Allister.]

No 37: After clause 6 insert

"Procedure for appointments

6A.—(1) The Department must, within 3 months from the date of coming into operation of this section, make regulations governing the appointment of special advisers.

(2) Without prejudice to the generality of subsection (1), those regulations must provide that—

(a) a person to be appointed as a special adviser must be subject to the same vetting procedures as persons appointed as civil servants to the Northern Ireland Civil Service, save that the vetting procedures must not take into account any serious criminal conviction the person has for a conflict-related offence,

(b) where enhanced vetting procedures apply to a particular class of civil servants, those enhanced vetting procedures do not apply to persons to be appointed as special advisers,

(c) where a person has been subject to vetting procedures in accordance with section (Exception for conflict-related offences: procedure for proposed appointees), the person will not be subject to any further vetting procedures for the purposes of appointment as a special adviser.

(3) Regulations under this section must not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly."— [Mr Mitchel McLaughlin.]

No 38: In clause 8, page 3, line 19, at end insert

"the Commissioners' means the Civil Service Commissioners for Northern Ireland,".— [Mr Allister.]

No 41: In clause 10, page 3, line 32, after "Sections" insert

"2(subsection as inserted by Amendment 8), (Determination of eligibility of special advisers by Commissioners (Amendment 11)),".— [Mr Allister.]

No 42: In clause 10, page 3, line 32, after "Sections" insert

"(Exception for conflict-related offences: procedure for existing appointees), (Exception for conflict-related offences: review panel), (Exception for conflict-related offences: appeals), (Meaning of 'conflict-related offence'),".— [Mr Mitchel McLaughlin.]

No 43: In clause 10, page 3, line 32, after "Sections" insert

"2(subsection as amended by Amendment 6), (Meaning of 'conflict-related offence'), (Determination of eligibility of special advisers by Commissioners (Amendment 16)),".— [Mr D Bradley.]

Mr Allister: As you have indicated, Mr Speaker, I will speak on the collection of amendments in group 2.

I begin by reminding the House that the catalyst for the introduction of the Bill was the appointment by the Culture Minister of Mary McArdle as her special adviser. Mary McArdle, as we all know, had been convicted of the cruel murder of a young lady, in an attempt to murder the entirety of her family, who were present on that occasion, the Travers family. On that occasion, the very gentle Mary Travers was cold-bloodedly done to death. It was of that heinous crime that Mary McArdle was duly convicted. The appointment by the Culture Minister of Mary McArdle had all the appearances of being a calculated, deliberate act signalling an attitude that, because it could be done, it would be done and signalling a quite deliberate elevation of someone of that ilk. It was an act just as calculated as the calculated, murderous attack on the Travers family. The purpose of the Bill is to make sure that never again shall such a slight on common decency, such an affront to the principles that most people in the community hold to or such hurt as was caused to the family be delivered to a victim's family in Northern Ireland. That is the primary motivation for and purpose of the Bill.

As we come to examine all these amendments — some of them competing amendments — I invite the House to apply this test to each where it is relevant: would this amendment make it easy or difficult for what happened to happen again? That would be a legitimate and appropriate test to apply to many of the amendments.

I spoke of the hurt that was caused to the Travers family. I again salute the immense courage of Ann Travers, who was prepared to stand on the front line in terms of publicity and drawing the ire of those against whom she spoke and to rebuke that appointment and explain why it was so intolerable for her and her family. I would have thought that, of all the pertinent evidence that the Committee received, the most poignant and telling was the evidence that it received from Ann Travers. Let me remind the House of some of the things that she had to say in setting out why legislation such as this is necessary. She told the Committee:

"As the position of special adviser is taxpayer-funded, victims find themselves in the surreal position of contributing to the salary of the person who destroyed their family. That is wrong. Victims have rights, too, and they have the right to move on with their lives."

She then told how, like a bolt out of the blue, the announcement that the one convicted of the murder of her young sister had been elevated to such a high office broke upon her in a crescendo in the news and spoke of the impact that that had upon her. She described herself and her family as:

"damaged once again through no fault of their own".

She said this to the Committee:

"Victims deserve the very important human right not to be re-traumatised time and again."

She asked the Committee:

"do you believe that the rights of perpetrators of violence are more important than, or supersede, those of victims in today's civil society?"

She was very careful to point out — this is her spirit — that it is not about revenge or saying that somebody does not have the right to work or move on. It is about having thought and

treating victims as equally as those who made them victims in the first place. Ann Travers makes the case for this Bill far more eloquently and from a far more poignant standpoint than I ever could. When she makes that simple plea that victims are entitled not to be retraumatised as she was retraumatised by the appointment of Mary McArdle, the House owes it to not just her but to victims of all types and descriptions to sit up and take notice. What she says is true and is something that we should wish to associate ourselves with in the House. So, I say again that, when Members come to weigh up and measure the various amendments, they should apply the test of whether they will allow the repetition of what so grievously happened when the Culture Minister appointed her former commander from the prison to be her special adviser.

Amongst the amendments, we have a batch from Sinn Féin. When you read those amendments, it is clear that Sinn Féin seeks special treatment for those with conflict-related offences. They seek that special treatment by way of an OFMDFM panel that must determine that they are eligible for appointment unless the role is manifestly incompatible with the circumstances of the offending. Of course, to make it as specific as that is to provide *carte blanche* for appointment. That special treatment for terrorist offenders amounts to nothing less than looking after their own, and it is certainly unacceptable to me.

By amendment Nos 4 and 7, Sinn Féin introduces a special dispensation for convicted terrorists, and amendment Nos 12 and 13 all but guarantee their appointment through the referral mechanism, where the presumption is in favour of appointment. In my amendment, however, unapologetically — amendment No 11 — the assumption or presumption is essentially the other way: the appointment is only possible in exceptional circumstances. It is not a presumption that those with terrorist convictions shall be appointed unless there is something that specifically makes the job they would do incompatible with the crime they have committed — the lowest possible setting of the threshold. The threshold that is set in amendment No 11 is the very opposite of that.

Of course, it is interesting that the Sinn Féin amendments focus on and introduce this hierarchy of criminals. Sinn Féin has no concern for anyone who is not a terrorist convict. There is no appeal for them; there is no panel set up by OFMDFM to which they can go to plead their case. No, Sinn Féin is happy to see them dismissed under the terms of the Bill without appeal. Some of those people cried

loudest for an appeal mechanism, but, when their amendments appear, it is clear that it is only for their own conflict-related convicts that any appeal mechanism is sought. I reject that hierarchy of criminals. My Bill — this Bill — applies equally, across the board, to all convicted of serious criminal offences, be it a terrorist offence, a domestic offence, rape, murder, whatever, without distinction. There is certainly no distinction and no bye ball if they can dress it up and say that it was a conflict-related conviction. That, of course, is to excuse, and that, of course, is the purpose.

Sinn Féin wishes to neuter the vetting. It is going to oppose clause 6 per se, which introduces vetting on a statutory basis. It proposes amendment No 37, which exempts terrorist convictions from consideration at any vetting. Under amendment 37, if you have a conviction for a terrorist offence, it is not to be mentioned or looked at. You are exempt from that. Of course, amendment 37 also prohibits any enhanced vetting and, effectively, imposes a Sinn Féin veto by requiring the regulations that control vetting to be laid and approved in the House.

4.30 pm

As for non-terrorist convicts, they are fully excluded, as I have said. There is no appeal for them. In Sinn Féin's view of the world, if someone robs a bank, such as the Northern Bank or the Danske Bank, on behalf of a criminal gang, that person stands to be excluded with no appeal. However, if that person robs the Northern Bank on behalf of the IRA — oh, no — there is special treatment, special provision. That person is ushered in. That is excluded from any vetting to which the person might be subjected. That focuses attention on the perversity of Sinn Féin's amendments to the Bill.

If someone who had murdered Corporal Howes or Corporal Wood — in the week that is in it — were brought forward for appointment as a special adviser, there would be a special panel for that person. There would be special treatment. However, for someone who had bludgeoned someone in a pub brawl there would be nothing special. There would be no special treatment for them. What does that tell us? It tells us that there is a mindset that, if you kill, wound or murder in the name of terrorism, you are not to be regarded as a criminal. I disagree. Those who butcher and murder in whatever name — terrorist organisation or none — are criminals one and all, and so they must be treated. I say that neither should be appointable to such a position.

Remember, these are among the highest-level government jobs that are paid for by the public purse in Northern Ireland. They are right at the top. They are right at the heart of government. Some in those positions are paid £90,000 a year. They have access to all the papers that the Minister sees and to top civil servants, with the privileges that all of that suggests. That is the sort of appointment we are talking about. I say to the House that it would be unconscionable to allow someone with a serious criminal conviction, whoever they are, to be elevated to such a position in this land. Only a perverse view of the law and a perverse view of history could distinguish criminal acts and introduce that hierarchy of criminality. Therefore, it might be no surprise to the House to hear that I oppose utterly each and every one of the Sinn Féin amendments.

The Alliance Party, in fact, wants to go even further than Sinn Féin. It wants to hollow out the key clauses of the Bill — clauses 2 and 3. It wants to remove them altogether. Those are the very clauses that seek to temper at all the appointment of those who might hold the position of special adviser and prohibit anyone with a serious criminal conviction. Those are the clauses that the Alliance Party wants to take out of the Bill. That speaks for itself. It has tabled some other amendments to clause 6 that I will maybe come back to in my winding-up speech after I hear more fully what is said about them, but they are obviously premised on the thinking that clauses 2 and 3 should be jettisoned and clause 6 should be amended in consequence. I wait to hear more fully what is in mind in that regard.

As I indicated at Second Stage, I was and am willing to address any significant concerns that arose at Committee Stage. I am very conscious that I am but a single voice in the Chamber. Therefore, if there is widespread concern about an aspect, I cannot turn a blind eye to that; I need to address it. I have always said that I was willing to address such issues. One such issue that emerged was the absence of any appeal mechanism for someone disqualified from office by my Bill. Some thought that that was unfair, some thought that it offended due process, and some thought that an appeal mechanism, therefore, ought to be provided. I said then and remain of the view that the absence of such a provision does not breach due process or public law expectations, given that the Bill merely sets the qualifications for a particular job and given the minuscule number of posts under discussion. Nevertheless, in an effort to meet genuine concerns — I accept that many of those who raised concerns were genuine in doing so, and I

am not ridiculing the motivation behind those concerns whatsoever — I have tabled amendment No 11. Amendment No 11 provides a mechanism of appeal for someone who faces exclusion from a SpAd position. That mechanism of appeal means that they can, if they wish, refer the matter to the Northern Ireland Civil Service Commissioners. I chose the Northern Ireland Civil Service Commissioners because this really is a staffing issue and these people end up as civil servants, so, if the Northern Ireland Civil Service Commissioners are good enough as a body to arbitrate and deal with the concerns and difficulties that ordinary civil servants find themselves in, they are good enough to deal with issues in respect of special advisers.

Mr Wilson: I thank the Member for giving way. Does he accept that, by using the Northern Ireland Civil Service Commissioners, the degree of independence that people would wish to see in any appeal mechanism can be guaranteed, unlike with some of the suggestions in, for example, the Sinn Féin amendment, with which an appeal would be put very firmly into the political arena?

Mr Allister: Yes, I absolutely agree. Because the Northern Ireland Civil Service Commissioners have that aura of independence and an obligation to be independent, they are ideally suited to take a role in this matter, whereas 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. Therefore, from both the point of view of public confidence and of making sure that the job is done independently, it seems to me that the Civil Service Commissioners fit that role perfectly. So, amendment No 11 provides for a person who is proposed for appointment or is in post and would offend the conditions of clause 2 because they have a serious criminal conviction to appeal to the Civil Service Commissioners, who will determine whether they are appointable. In the doing of that, amendment No 11 seeks to set legitimately, as legislation should, the parameters within which they will operate. That is couched in proposed new clause 2A(2), which states:

"The Commissioners shall only determine that a person is eligible for appointment as ... a special adviser, if satisfied that there are exceptional circumstances justifying it".

That takes me back to the starting point — it is unconscionable to approach it otherwise —

which is that someone with a serious criminal conviction should not hold the post. Therefore, if there are to be exceptions, they should be exceptional circumstances that would permit them to hold it.

Furthermore, the commissioners should have regard to the three specific issues that are set out in proposed new clause 2A(3): the person seeking appointment should have shown contrition for the offence of which they were convicted; they should have taken all reasonable steps to assist in the investigation and prosecution of all persons connected with the commission of the offence; and the views of any victim of the offence should be considered. Those are the three guiding principles in amendment No 11.

If you are looking for exceptional circumstances, you look for contrition. I am not talking about some weasel words of regret from someone who says, "I regret all the killings". That serves no purpose. Those weasel words do not speak of a mind and heart that recognise that what they did was wrong. They do not indicate remorse, so they do not indicate that that person should be given a second chance in holding that very high office. "Contrition" is the word that is chosen. It is a common word in the English language. It has that meaning of essential remorse. It is right and proper that, when we are talking, in some cases, about people who killed others and who stole the life of another through a violent criminal act, they should be remorseful for that. If they want to rehabilitate themselves to the point at which they can hold such a high office, society is entitled to say, "We have some expectations of you. We expect you to show genuine remorse. If you do not, we are knowingly and deliberately elevating you to an office in which you can gloat about what you did and say that you hold that office in spite of what you did or, in some cases, because of what you did". That is unconscionable. No legislature should shrink from saying that it is right that, if someone is to have such a high office, there is nothing wrong — indeed, there is everything right — in saying to them, "Let us see a bit of remorse and some contrition for the terrible thing that you did".

4.45 pm

The second expectation that I believe lawful society can have of someone is that they should have helped the police in respect of the crimes that they know about. If someone was a party of a murder squad that killed someone, they know who else was with them, who gave them the gun, who took the gun from them and who was there when the murder was planned.

The probability is that they know that and much more besides. If such a person wants to hold the elevated position of being a special adviser — a special adviser — in government, where Ministers, under the code of conduct, are supposed to have an affirmation of total support for the rule of law, why should that special adviser not be required to say and to show that they have done all that they can to solve the crimes of which they have knowledge and for which they were convicted? I do not think that that is irrational or unreasonable. That is why that requirement is in amendment No 11.

The third thing in amendment No 11 is a requirement to have some regard to the views of victims. It was interesting that evidence was given to the Committee that we do not do enough to recognise victims. I refer to what Professor Brice Dickson told the Committee. He said:

"So, in the case of special advisers, you might say, for example, that part of the purpose of the ineligibility is to reassure the public in general and victims or families of victims that people of influence at the top of the Civil Service do not have a particular attitude, background, mentality or approach to, for example, the use of violence for political ends that would render them unacceptable to the majority of people in the community."

I believe that Professor Dickson was right in articulating that view and that that would be a legitimate public expectation.

Dr Máire Braniff gave some evidence that touched on this matter. She had a view of the Bill. She said:

"the Bill redresses an ongoing sidelining of victims. ... the Bill sends out a signal that reconciliation is not just about moving forward but that it also has a historical dimension. The Bill has been dismissed as divisive and anti-peace process. We contend that that is only true if we equate peace to amnesia and if we equate justice to amnesty."

Those are very telling words. She went on to say:

"We believe that politicians should grasp the opportunity to say to future generations that violence is not reasonable or an ethical option, and politics and democracy can be seen to work."

The Bill is a test, therefore, of Northern Irish governance, Northern Irish democracy and the kind of values that we, in Northern Ireland, are seen to cherish."

Those are not my words. Those are not the words of some political activist. They are the words of an academic professional, Dr Máire Braniff, who sees this Bill, correctly, as what it is in that regard.

We then had some interesting contributions from Professor O'Flaherty, the chief commissioner of the Human Rights Commission. In this context, he was speaking specifically about vetting, but his comments can be seen in the general application of amendment No 11. He said:

"However, I do think that they would be better human rights tools if we could create a space within them where the voice of the victim is heard in some appropriate fashion."

That is what I am seeking to do through amendment No 11. I am seeking to create a space where the voice of the victim can be heard in an appropriate fashion.

Remembering that Professor O'Flaherty is from the Human Rights Commission, he later said:

"We think that there is space for a better capacity to listen to victims in the vetting procedure ... We recognise that if this Bill were not adopted, that might cause grave offence to victims and the relatives of victims."

Therefore, I welcome that, even in the evidence that the Committee gathered, there was a recognition that it is right and necessary that we should have a role for victims in any such appeals mechanism. They will not have a veto; we are simply saying to the commissioners that, if they want to create exceptional circumstances for an appointment, they will have to find that there was contrition and co-operation in the solving of crimes. They will also have to take the victims' views into account while remembering, as I said to the House at the beginning, Ann Travers's evidence about being retraumatised on even hearing the announcement of the appointment. Even hearing that announcement had an effect, and she then had to relive the reopened wounds all those years later.

Therefore, I commend amendment No 11 to the House. It has been tabled in the spirit of seeking to meet the genuine concerns that were raised about the lack of an appeal

mechanism. I think that it adequately meets those concerns. The terms of the amendment have been tightly drawn, but I believe that that is reflective of what society would expect.

Mr B McCrea: Will the Member give way?

Mr Allister: Yes.

Mr B McCrea: On a point of clarity, when one considers legislation, no matter how deftly the draftsman tries to draw it, one sees that some things occasionally require further interpretation. In such cases, the issue might go to judicial review. In such a judicial review, the judiciary may — in fact, should, I think, but I am asking for Mr Allister's opinion — consider the context of the deliberations behind the legislation. Therefore, when you emphasised the need for the word "contrition" and what you meant by that, I think that that should be taken in full as the settled will of the House, should it choose to adopt amendment No 11.

Mr Allister: I think that two or three interesting points are tucked away in that intervention. Although this is not a binding exercise for a court when it reviews and analyses the meaning of legislation, it will certainly look at what was said in the legislature in support of the propositions on the Bill in so far as that will help with interpretation.

You mentioned judicial review. It would be my perception that any decision by the Civil Service Commissioners would be subject to judicial review. A special adviser who was disappointed by the commissioners' decision would be able to judicially review that decision on both a procedural basis and on the basis of merit, the reasonableness of the latter being within the confines of the legislation.

Interestingly enough, were victims to be given the status of their views having to be taken into account, they, too, may have the locus standi to bring a judicial review if disappointed by the outcome. So there might in fact be double opportunities for judicial reviews of the Civil Service Commissioners' decisions. That is what causes me to believe that, in amendment No 11, one has probably done enough to provide a discrete appeal mechanism. However, I am conscious that the SDLP, for example, has tabled amendment No 17, which, over and above the deliberations of the Civil Service Commissioners, would provide an as of right appeal to the High Court. For the reasons that I have just explained, I do not personally think that that is necessary, in that there would be the facility of judicial review. Nevertheless,

in the spirit of making the Bill as wide in its appeal as possible, I will not die in a ditch over amendment No 17 if it is the will of the House and it thinks that there should also be an appeal mechanism specifically to the High Court. Sometimes, the House is rightly concerned about the cost implications of such things, but if the House thinks that it would be desirable to copper-fasten it with another appeal mechanism or one from the Civil Service Commissioners, I am not, as I said, implacably opposed to that. I offer that to the SDLP as a gesture of goodwill for its approach to the Bill, and I am grateful to the Member for taking my mind in that direction.

Mr Weir: I thank the Member for giving way. I hear some harping from the side here about lawyers getting in on this. I am obviously not on the same eminent level as the proposer of the amendment. I concur broadly with what he said about amendment No 17, with which I also have no major problem. Specifically on amendment No 11, however, the locus standi of someone taking a judicial review was mentioned. Does the Member agree that the particular advantage of how amendment No 11 is drafted — its specific reference to the need to consult the victim of the crime — is that it increases the opportunity for a court to determine that the victim has locus standi, as opposed to the more general approach to what is considered reasonable when reaching a decision?

Mr Allister: Yes, I do, and that is why it is there: to put in statutory form the status of the victim. I am sure that many in the House have been met with the persistent victims' refrain that they are the forgotten ones: when the tragedy passes, the public move on and victims are left where they were, dealing with all the repercussions. That is why I think that it is right to consider the view of a victim. Look at the appointment of Mary McArdle. No family should have been traumatised again in the manner that the Travers family was. Therefore, it is right that the Travers family or that of any victim should have that position. Some victims' outlook is such that they find it possible to say that they have moved on and so everyone else should move on. Their view is that they do not want anything said or done about this. That is a legitimate view to have and one that would emerge from any consultations that the Civil Service Commissioners would have to carry forth.

However, at the end of a judicial review, either side — to put it in those terms, which is not really the accurate way to put it — the interests of the victims or the potential appointee would, I

think, probably have sufficient standing to bring a judicial review. However, in order to guarantee that the disappointed special adviser, were there to be such, from the Civil Service had a more fulsome range of appeals than I think that he or she needs, I am, as I said, not entirely hostile to amendment No 17.

5.00 pm

I have to say, though, that the SDLP's amendment No 16 is a considerable disappointment to me because it sets up a similar appeal infrastructure. It is, again, through the Civil Service Commissioners, and it excludes the exceptional circumstance. It simply states:

"shall only determine that a person is eligible ... if satisfied that it is reasonable to do so"

having regard to three matters. The three matters are:

"(a) the nature of the offence to which the serious criminal conviction relates, (b) the relevance of the nature of the offence to the person's role as a special adviser, and (c) such other matters as the Commissioners consider relevant."

Nowhere within that is there an ensconced provision that you must have remorse, you must have assisted to resolve the crime and you must consider the views of the victims. Rather, it is fairly nebulous, referring to the nature of the offence and the relevance of that to the person's role as a special adviser. You can well understand the contention that Ms McArdle, for example, was a special adviser on culture, sports and the various duties of the Department of Culture, Arts and Leisure, and that there was nothing specific in her conviction that would prevent her from performing that role. Therefore, I am back to my first question to the House.

Mr D Bradley: Will the Member give way?

Mr Allister: In a moment.

I am back to my first question in the House. If the resolution of the House is that what happened to the Travers family should never happen again, you have to have a mechanism capable of being likely to deliver that. Therefore, a mechanism that is as wide, general and porous as this mechanism is one that cannot guarantee any outcome approaching that. That is the inherent

weakness of the SDLP amendment. I will give way.

Mr D Bradley: I thank the Member for giving way. In relation to the point that he raised on Ms McArdle's appointment as special adviser to the Minister of Culture, Arts and Leisure, surely a special adviser would have a huge degree of input into policymaking; and the nature of the remit of Culture, Arts and Leisure involves children in the arts, in sport, and so on. Surely it would be adjudged that perhaps it would not be appropriate to have a person with such a background contributing to policy in areas that affect children and young people, where we expect to see role models.

Mr Allister: If that is the Member's thinking — that it would not be appropriate to have such a person — why go for a referral mechanism that does not prevent such a person being appointed? Why not go for a mechanism that sets the bar at having regard to the victim of the crime, showing remorse and all those things that point to the sort of outcome that the Member says he desires? Why go for a porous type of mechanism through which all sorts of things can filter? I say back to the Member —

Mr Wilson: Will the Member give way?

Mr Wells: Will the Member give way?

Mr Allister: I say back to the Member that if that is his mindset — and that would be welcome — he needs to ensure that the mechanism that he supports is one that can deliver for him, and I do not think amendment No 17 is one that can deliver. I will give way to whomever.

Mr Wells: Would the Member accept that, for instance, had Ms Ní Chuilín been the Minister of Agriculture and Rural Development and McArdle had been appointed, Agriculture clearly has no direct links whatsoever with children and, therefore, you would have the same insult and the huge offence that was caused to the community and the Travers family? There is no mechanism to have the adviser removed under the SDLP's appeal system because, clearly, the special situation that Mr Bradley mentioned that would arise could not happen in Agriculture, just to pluck out an example.

Mr Allister: The Member makes a very good point, with which I concur. I may be about to get another good point.

Mr Wilson: Does the Member not find Mr Bradley's reasoning on this particular issue rather odd? During the evidence session at which the chief commissioner of the Northern Ireland Human Rights Commission was present, Mr Bradley said that he was interested in the chief commissioner's comments about the vetting process and, in particular, the role that there ought to be for victims. Yet, in the amendment in question, victims are not even mentioned.

Mr Allister: I take the point. It is true; I have followed the operation of the Committee closely and I was struck that, on a number of occasions, Mr Bradley talked a lot of common sense on these matters. When I referred earlier to wanting to reach out and to respond to genuine concerns, it was people such as Mr Bradley whom I had in mind, because he raised genuine concerns about the absence of an appeal mechanism.

I am not rubbishing the Member for Newry and Armagh at all; I am simply gently pointing out, as did Mr Wilson, that the appeal mechanism that he has proposed will not meet the declared objective. Therefore, we want to have one that will. There is no point in going through the processes of passing this Bill and creating legislation only, at the end of it, to have a process that defeats the primary purpose of the Bill. That is where, I fear, the SDLP amendment could lead us and that is why I reject it.

I have taken rather longer than I anticipated, Mr Speaker, and I apologise for that because there will be a knock-on effect on the lateness of our sitting. Nevertheless, I have tried to deal with the pertinent points as I see them emerging from these amendments. I look forward to the various contributions and to responding at the end of the debate.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. Again, the Committee for Finance and Personnel did not have an opportunity to consider this group of amendments either before or after the publication of its report. To inform this debate, I will take this opportunity to reflect briefly on some of the views that were expressed in the evidence that was presented to the Committee and which are applicable to various amendments in this group.

As I mentioned in the debate on the first group of amendments, a key theme that was identified in the evidence that was received by the Committee was that of individualisation versus

what was frequently referred to as a blanket disqualification. That theme is of direct relevance to several amendments in the second group, as that is where issues about the lack of provision in the Bill for assessing individual circumstances or for an appeal or review mechanism were highlighted.

In that regard, concerns were raised that the inability to take individual circumstances into account may not be compatible with the European Convention on Human Rights. Members heard that a blanket disqualification should not be used unless its aims and its proportionality could be objectively justified.

It was also the view of a number of witnesses, including those from the Equality Commission and the Human Rights Commission, that the material relevance of a conviction to a post should be considered. The Human Rights Commission advised that the absence of individualisation in the Bill is undoubtedly problematic.

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 employers' guidance on recruiting people with conflict-related convictions. The Committee was advised that the guidance, which aims to fulfil British Government commitments to ex-prisoners that were 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.

Other witnesses, including Dr Rory O'Connell and Professor Brice Dickson of Queen's, suggested that the inclusion of an appeal mechanism would assist the Bill's compatibility with the European Convention. On this point, Dr Anne Smith of the University of Ulster advised that the European Court of Human Rights had:

"held that the fact that there was no mechanism to individually review a person's

circumstances gave rise to a violation of the European Convention on Human Rights."

In written correspondence to the Committee, the Department noted that the provisions in clauses 2 and 3 exceed the current arrangements for vetting in the wider Civil Service. Unlike in appointments to the rest of the Civil Service, those with a serious conviction will automatically be prohibited from being appointed as a special adviser with no provision for mitigating factors to be taken into account in the vetting process. DFP also advised that, in the wider Civil Service, appointments are considered on a case-by-case basis where a conviction has been disclosed.

In response to the concerns raised in the evidence, the Bill sponsor advised the Committee that he did not consider that the provisions in the Bill amount to a blanket ban but that they are quite targeted in nature. He did, however, advise that he would be willing to consider that further and set out the conditions that he would wish to see considered within a review mechanism.

The themes and issues identified from the evidence, including in respect of individualisation and an appeal mechanism, were examined in more detail in the Committee's report, which was agreed on 13 February and issued to all Members. The Committee noted that there was no consensus in the evidence on most of those themes and issues. Nevertheless, during Committee Stage, a substantial body of evidence was gathered. It offers an insight into the different perspectives on these issues, and the Committee expects that it will assist in forming contributions to the remaining stages of the Bill, including today's proceedings. In the same way that there was no consensus in the evidence, the Committee failed to reach consensus on all the Bill's provisions during its clause-by-clause scrutiny, with some clauses and the schedule agreed on a majority basis.

I will now speak from a party perspective. I have to say that I agree with the proposer of the Bill that the Committee's evidence gathering was useful from all perspectives. It was interesting to delve into these issues, regardless of your position on the Bill.

NIACRO was one of our main witnesses. Its position is that people should not be discriminated against with regard to access to employment. NIACRO has a number of concerns about the Bill. It said that employment aids resettlement and reintegration

and that NIACRO supports a progressive rehabilitation and resettlement process. It also argued that people with conflict-related records should be considered separately. It sees the Bill as incompatible with section 75 and the Good Friday Agreement. In NIACRO's opinion, the OFMDFM guidelines that I referred to earlier have not worked. NIACRO wants to see those strengthened and enacted in legislation. It agrees that the guidelines are positive and set in an appropriate framework but said they need to be put on a firmer footing.

Pat Conway from NIACRO made a very important point. He said:

"in any society emerging from conflict, where there are prisoners' issues, those issues need to be dealt with. We argue that in any conflict, the issue of prisoners needs to be addressed. Not doing so does not assist in concluding the conflict, no matter where it is."

There was a lot of concern that the Bill is being predicated on political opinion rather than a person's 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 accessing 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 on adopting its code of practice and believe that that is the example that should be followed and applied across the Civil Service.

5.15 pm

It was NIACRO's view that the risk assessment grid in that 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 they would or would not be to the post.

There was also some discussion around 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, because 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 and the RUC and others. Ultimately, issues like this become a blame game and a de facto continuation of the conflict. That is something that we do not want to see.

The Bill's sponsor made reference to the fact that we need to ensure that the conflict does not happen again and that events within the conflict do not happen again. I agree entirely with that statement, but the persecution of ex-prisoners in particular will push us towards further conflict rather than away from it. Certainly, the evidence from Peter Shirlow, which I will refer to later, is quite fitting in that regard.

In terms of the blanket prohibition, the European Court has made it clear that it is a crude tool that fails to do justice at an individual level. The Human Rights Commission raised concerns in that regard. The Bill's sponsor had a very rosy view of the Human Rights Commission's evidence, but some of the main points that its representatives raised clashed with the Bill.

The Commission stated that the law should not exclusively serve the process of retribution or revenge, as is quite 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, and given that the Bill's purpose is to be punitive, articles 7 and 15 of the convention are engaged. Certainly, it was interesting that the view of the Commission was that if the OFMDFM guidance was legislated for, it would meet international standards and would be a suitable alternative.

We also received some evidence from ex-prisoner groups. Michael Culbert and Thomas Quigley made quite interesting submissions. They were particularly praising of George Quigley and Nigel Hamilton for their work in this area, much of which was done under the radar, to bring people together and to get them round the table to discuss those issues. That was mutually beneficial, given some of the comments from Mr George Quigley in his evidence.

Tar Isteach works with ex-prisoners in north Belfast who live in disadvantaged areas that are socially and economically deprived and have to deal with discrimination in employment on top

of that. Tar Isteach found that, of the ex-prisoners that it works with, around 75% are what people would legitimately term "victims" in that they had had relatives killed by state forces or loyalists or had been injured themselves. They have come through all of that during the conflict and now they want to work to improve society and their communities. Tar Isteach does not believe that placing barriers in the way of that particular group in our community will move the political process or the peace process forward. Tar Isteach is coming from the perspective that it is trying to move society on, and this Bill is most certainly not in keeping with that. It also said that approximately 25,000 former IRA-connected political prisoners and 17,000 former prisoners connected with loyalism are in our communities. Those numbers are based on recent research from Queens. That is a very big sector of our society, especially if you include the family, friends and people in wider social circles. The impact of the Bill will not only be on the role of special advisers, but it will send out an entirely negative message from this Assembly and will impact not only on the prisoners but their families and wider social circles. We should not underestimate the impact of that, how that message will play out and who will take advantage of it in our community at present. Tar Isteach was also of the view that the Bill undermines the commitments in the Good Friday Agreement and St Andrews Agreement that ex-prisoners should receive assistance in moving towards employment opportunities and an undertaking to reduce barriers to employment.

Nigel Hamilton and George Quigley were before the Committee in November, and they co-chaired a working party that included representatives from a range of ex-prisoner groups, trade unions, the Confederation of British Industry and a number of Departments, including the Department for Employment and Learning and the Department of Finance and Personnel. They were all around the one table. They were genuinely surprised at the wide range of blockages to reintegration for former political prisoners, including not being accepted for jobs, not being able to get certain taxi licences and not being able to adopt children or get insurance for homes and businesses. The one thing that struck Mr Quigley as he chaired an earlier group on those issues was that there was no co-ordinated effort by Departments and agencies to address integration. He told us that he got involved in and stayed with the issue for at least two reasons, one of which was the scale of the issue and the tens of thousands of ex-prisoners and their family circles who were affected thereafter.

Mr Wilson: I thank the Member for giving way. I do not know how much he intends to quote from the evidence from Sir George Quigley and Nigel Hamilton, but I remind him that — he was the Chairman of the Committee at the time — both of them refused point blank to comment on this Bill. They said that they were invited along to comment on guidelines that they had drawn up for employment but made it quite clear that they had no view on this Bill and would not comment on it. Therefore, from the Assembly's point of view, it is probably pointless to hear what they said about guidelines since they said nothing about the issue that we are discussing today.

Mr McKay: That is not true. Mr Hamilton had an exchange with Peter Weir, I believe, on whether he would comment on the Bill, but Mr Quigley said that he would be greatly concerned if the effects of this legislation were to be spread across all of society and all employers. That was of great relevance to the Committee and to today's debate.

Mr Quigley stated that the principle of the guidance was:

"ensuring that an ex-prisoner with a conflict-related offence would 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."

He was firmly of the view, as were others, that the correct next step was for the guidance to be put on a legislative footing. There was a view, which was shared by most members of the Committee, that it was scandalous that, at this stage, we have still not addressed adequately the emotional or material needs of victims. However, bringing the issue of victims and ex-prisoners together helps neither.

There was huge interest in this Bill. We received over 800 replies opposing the Bill, which was perhaps one of the greatest responses to a Committee Stage that I am aware of in the history of this Assembly. A significant majority opposed the Bill, and hundreds signed a petition opposing it. The petition recognised that clauses included will add to the number of legal ways that former political prisoners can be excluded from employment and that it will reinforce the discriminatory attitudes and practices with which former political prisoners have to contend.

Numerous points were raised in different letters to the Committee. I will go over some of those comments because they are relevant:

"Conflict resolution requires a no-winners and no-losers approach."

"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"

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

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

"represents a breach of Human Rights, contravenes the ECHR"

"in breach of the St Andrews Agreement"

"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 ... legislation".

The correspondent also stated that this Bill will alienate many ex-prisoners from the political institutions.

"If enacted into law Clause 2 of the Bill will: Be a breach of the international agreement between the Irish and British governments"

and

"Be in contravention of domestic and international human rights provision, due to its 'retrospective penalisation' of those current special advisors."

"The idea of singling out one particular 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 this legislation other than a complete rejection?"

Mr A Maginness: I thank the Member for giving way. The Member has emphasised the points made by prisoners' groups, and so forth, that this is discriminatory, a breach of rights and all the rest. Yet, your colleagues in Sinn Féin have tabled amendments that introduce a process, albeit light in comparison with some of the other amendments that have been tabled today. A Sinn Féin amendment states that, in the case of:

"a person who has incurred a serious criminal conviction for a conflict-related offence, the Minister must refer the matter to the First Minister and deputy First Minister."

The amendment goes on:

"The First Minister and deputy First Minister ... must ... establish a review panel"

and

"The review panel must arrange for the proposed appointee to be the subject of the vetting procedures referred to in section 6."

It goes on further in relation to the appointment of the special adviser being:

"manifestly incompatible with the circumstances of the conflict-related offence".

I am not sure what that means, but it certainly is not the situation that existed prior to the appointment of Mary McArdle, and it seems that Sinn Féin is trying to have it both ways. You are saying that this is a breach of rights, prisoners' aspirations, and so on, but that you will introduce your own scheme. It might be a light touch scheme, but it is conceding the very point that Mr Allister made when he introduced the Bill at Second Stage.

Mr McKay: I thank the Member for his intervention. It is no surprise that Mr Maginness has come out in support of Jim Allister and his proposals. However, ultimately, we want to reject this Bill —

Mr A Maginness: Will the Member give way?

Mr McKay: No. Let me respond to your first point. *[Interruption.]* Sit down, please. I have already said that I will not give way. *[Interruption.]*

Mr A Maginness: You are not the Speaker, you know. Yet.

Mr McKay: Excuse me?

Mr Speaker: Order. The Member has the Floor.

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

We have tabled a number of amendments, and my colleague Mitchel McLaughlin will speak to those in detail shortly. We would rather that this Bill had not come forward and that the SDLP had sided with us to ensure that the Bill did not reach this stage, but we are where we are. We are at Consideration Stage, and there will be another opportunity to table amendments. If this goes to another stage, we will table amendments then if need be as well.

The fact of the matter is that the view from the overall number of people who responded to this with extreme concern is that this sets a dangerous precedent, that it is an unwinding of the Good Friday Agreement and what was committed to at St Andrews and there is no good reason for it. Yes, there are concerns about victims' needs, and there are concerns about 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 others such as NIACRO have said, this is not a positive development in any way.

5.30 pm

The Attorney General gave evidence to the Committee and raised concerns that stem from Article 7 of the European Convention on Human Rights, which prohibits retrospective penalisation. It also prohibits an increase in penalty or the imposition of a heavier penalty than was available at the time. The purpose of the Bill looms large. It is punitive and it is targeted at one particular group. Therefore, there are legal concerns over clauses 2 and 3.

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 and our view.

Amendment Nos 6 and 8 to clause 2, both of which are from the SDLP and the TUV, do not deal with the retrospective actions in the Bill and they do not deal with the human rights concerns that were raised in evidence sessions

with the Committee. The Attorney General also referred to the Human Rights Act 1998 and article 7, which prohibits an increase in penalty or imposition of a penalty more severe than was available at the time of the conviction. As I said, the Human Rights Commission had a similar view with regard to the ECHR.

The Human Rights Commission also suggested that the Bill would be more punitive for those in post than those applying for a post. At a time when we should be focusing on job creation, it is concerning that, although the evidence during the Committee sessions were quite 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 rather than on punitive matters such as that.

Professor Peter Shirlow from Queen's University referred to the United Nations standards for disarmament, demobilisation and reintegration of ex-combatants, also referred to as DDR. He said that DDR is successful when it is based on inclusion, not exclusion. Also, the Good Friday Agreement, which is the cornerstone of our peace process here in the North, is based on inclusion, not exclusion. The majority of respondents to the consultation believed that the Bill is in contravention of the Good Friday Agreement, because the Good Friday Agreement 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 this 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 civil disorder and violence that caused so much damage and hurt and shaped the lives of so many during those 35 years, and we need to take that into account as well.

I refer again to Peter Shirlow's evidence. He stated that a third of republican and loyalist ex-prisoners had lost a direct family member, while 50% had lost a relative during the conflict. He contended, quite rightly, that victims are still being used as political footballs in this society, and he took issue with how they are part of an ideological battle, as opposed to what we should be doing with regard to meeting victims' needs, such as medical care and emotional support.

I conclude by stating that the Bill is greatly retributive, it is a punitive act, and it is about

reintroducing conflict, not conflict resolution, which we should be focused on. The proposer referred to the appeal mechanism and insinuated that the appeal mechanism should have some sort of predetermined outcome for barring ex-prisoners. That is not something that the House should support today. We should oppose that, we should oppose clauses 2 and 3 as they stand, and we should ensure that, as a society and as an Assembly, we meet the needs of victims and political prisoners. Mixing the two is certainly not good for moving society forward.

Mr Girvan: I support the Bill. In doing so, I will make a number of points. We are here today as a consequence of those who have power and authority making a decision that did nothing but rub salt in the wound of a family that had already suffered great loss. In the light of that, we each have a responsibility in the position that we have to ensure that we act and make decisions that reflect the concerns and sensitivities associated with those decisions. Unfortunately, Sinn Féin, in the appointment of Mary McArdle, fell far short of that. Had that not happened, we would not need to legislate for such a matter; we would feel that people were going to act in a responsible and caring manner. Unfortunately, that is not what has happened.

To come back to the Bill: amendment Nos 3 and 7 try to link the Bill to conflict-related issues. Irrespective of what anyone says, the Bill is drafted to deal with those who have been found guilty and convicted of a serious crime. A tariff of five years or more was mentioned. As a consequence of that, the Bill does not rule out anyone else. Even those who have been involved in conflict-related crime that has a tariff of less than five years are not excluded. It is those who have been involved in serious crime and have a conviction of five years or more.

Much mention has been made of the evidence received in Committee. The most compelling evidence came from two people. Ann Travers was present in Committee. It was quite a brave step to take to come before the Committee and give evidence about a Bill that she felt was addressing issues associated with her family being asked to revisit something that they felt they had put some form of closure to many years before. Another lady, Catherine McCartney, sister of Robert McCartney, was present on the same day to give her story. Mention was made of those killed within one community. That is one community that killed people from their own community. Those two Roman Catholic families were bereaved due to republican activity, as was mentioned earlier.

To come back to the substance of the Bill: I have to agree with amendment No 11. It is vital that we include:

"(3) ... (a) whether the person has shown contrition for the offence".

Some people try to link the word contrition to sackcloth and ashes. If it stands that somebody is contrite for something that they have done, that is vital. However, they have to:

"assist in the investigation and prosecution of ... other persons connected with the ... offence".

Unfortunately, there are people in this House who probably know more about what went on but are unwilling to volunteer that information. I know that that is maybe present on both sides of the House, but it is something that we need to be very mindful of. The other vital point to come out at those evidence sessions is that we must take into view the members of the victims' families associated with that. That is why it is vital that we have amendment No 11.

I appreciate that some people are saying that they want to vote down clauses 2, 3 and 6, and I think the Alliance Party has indicated on clause 6. However, if you vote down clauses in those areas, you might as well not have the Bill. It is vital that we are bringing this Bill to the House to address what has been a very dangerous issue. I know that the sponsor of the Bill has brought it forward for the right reasons, those being that we want common decency to prevail within the business that is carried on in this House.

We had many evidence sessions, and mention has been made of some of the academics who reported. All of them felt that there was a natural justice issue that needed to be addressed and dealt with. Mention has also been made of the human rights aspect. There is a question of getting a balance with the human rights of the victims and how they feel. Unfortunately, human rights legislation has driven down one road, which is to protect the perpetrators of crime more so than the victims.

Had my party — we would not have been stupid enough to do it — decided that it was going to appoint someone such as Johnny Adair as a special adviser, there would have been a hue and cry from the other side of the House. My party would not have done that, but I am just using that as an example.

I want to turn to the appeals process, which Mr Dominic Bradley mentioned many times at

Committee. The sponsor of the Bill has attempted to address that in the mechanism of the Civil Service Commissioners for Northern Ireland, which gives people the opportunity of an appeals process. That goes a long way to addressing the issue of an appeals process and ensuring that independence is maintained. Sinn Féin tabled an amendment that would have introduced political involvement. That is taking the matter back into a political forum as opposed to an independent Civil Service forum.

On many occasions, the evidence given to the Committee was compelling. Mention has been made about the large volume of consultees who responded. When you read through the responses, it is evident that there had been a campaign to get a response from a community. Having looked down the list of those who responded, I can say that very few were from the loyalist side.

I am not saying that people do not have the right to a job. We are not ruling them out of getting jobs; it is just the type of job in question, which was a senior post. It was a political appointment but that person was a civil servant and, as such, was being paid by the taxpayer from the Civil Service purse. It is vital that we try to protect that mechanism.

When we go through the amendments for clauses 2, 3 and 6, which some people want to vote down, we will be supporting them with a number of the amendments and rejecting others. It is evident that we will be rejecting those put forward by Sinn Féin.

Mention has been made of amendment No 17 about appeals against the commissioners' determinations. I will not die in a ditch over that matter, and if it has to go through, we will end up supporting it. To be honest, I think that the Alliance Party has gone further than Sinn Féin in many areas in its proposed amendments, and I will be opposing those, too.

5.45 pm

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leat as deis cainte a thabhairt dom ar Bhille na gComhairleoirí Speisialta sa Státseirbhís. Thank you very much, Mr Speaker, for the opportunity to contribute here today. During the Second Stage debate, the SDLP said that the Bill was worthy of support. We said that because we believe that there are worthwhile principles behind the Bill on the protection of victims from the effects of insensitive appointments at special adviser level.

I will not go into the detail of the events leading up to the Bill; I did so when I spoke during the Second Stage debate, and others have done so here today. In the interim, however, I listened very carefully during Committee Stage to Ann Travers's very moving and eloquent evidence to the Committee. At Second Stage, the SDLP said that its support was not unqualified throughout the passage of the Bill. At Committee Stage, the SDLP rigorously questioned witnesses, including the sponsor of the Bill on two occasions. We did so to help to ensure that all aspects of the Bill were fully explored from all angles, including those matters relating to reviews and appeals.

The SDLP is not content with the Bill as it stands. We see it as being too absolutist, with little or no recourse for potential appointees to review or appeal in the event of their rejection. The same applies to present incumbents of the post of special adviser. As a result of our position, we have sought to amend the Bill so that Ministers seeking to appoint people with conflict-related offences must refer the proposed appointment to the Civil Service Commissioners, and in the case of those already in post, the appointments must be referred to the commissioners within 21 days, and clauses 3 and 6 refer.

By conflict-related offences, we mean an offence for which a person was released on licence under the Northern Ireland (Sentences) Act 1998, and that licence has not been revoked, or an offence for which a person would have been released on licence under the Northern Ireland (Sentences) Act 1998 had the person not already been released before that Act came into operation, as per amendment No 23. That is in recognition of the fact that there was a desire politically, and agreement, to bring those involved in violence into the political and peaceful process where they could make a positive contribution. All parties in the House, bar one, have worked in that context up until the appointment of Mary McArdle.

As amendment No 16 outlines, the commissioners' role would be to determine the eligibility of a person to be appointed as a special adviser in relation to the three criteria set out in clause 2A(3): the nature of the offence to which the serious criminal conviction relates; the relevance of the nature of the offence to the person's role as a special adviser; and such matters as the commissioners consider relevant.

The commissioners must arrange for the proposed appointee to be the subject of the same vetting procedures as applied to the

appointment of persons as senior civil servants in the Northern Ireland Civil Service but not beyond those procedures, as per amendment No 34, and not subject to the exceptions of amendment No 37. The process has the added element of appeal to the High Court in the event of grievance on behalf of a potential appointee or a current post holder who is not appointed or whose appointment has ended. I acknowledge Mr Allister and Mr Girvan's gesture on amendment No 17.

First and foremost, we believe that this process brings victims protection from what happened in the McArdle case. As well as that, we believe that it is fair to potential appointees and current post holders. It is a process that is fair to all involved because the commission is an independent body that has vast experience in dealing with employment situations. The commissioners are, therefore, ideally qualified to scrutinise such appointments. Mr Allister and the Minister have already attested to that fact.

The matters referred to under 2A(3) of amendment No 16 are broad enough to allow the commissioners to assess the sensitivity surrounding the appointment of a person who has serious criminal, conflict-related convictions. They allow the commissioners flexibility in coming to their decision. We believe that people caught up in violent offences arising from the Troubles can change their behaviour and views and that even they can make a positive contribution to politics and society in general.

We welcome, in amendment No 11, Mr Allister's recognition of the need for an appeal mechanism, but we consider that the criteria that he proposes are unworkable and impracticable. Contrition is difficult to assess objectively. How does one assess it? What appears to be contrition to one person might appear contrived to another. How does one assess whether contrition is genuine? That is the most salient point in all of this. How does one ascertain the degree to which a person has assisted in the investigation and prosecution of persons involved in the offence? How does one measure "reasonable steps" in that type of situation? It is very difficult to do.

I agree that the third criterion, clause 2A(3)(c), of Mr Allister's amendment No 11, is well intentioned. However, one would have to question the practicality of its outworking. What would happen if, for example, there were conflicting views among close family members, as, in my experience, there are on these issues? How would such a situation be resolved?

The three criteria that Mr Allister has used cast serious doubt on the viability of his appeals mechanism. It is for that reason that we find it difficult to support. We agree, however, that the Civil Service Commission should deal with appeals as per amendment No 38 to clause 8, page 3, line 19.

I will turn to other amendments. We note that, as Mr Maginness pointed out, Sinn Féin, in its amendments, actually concedes the point made in Mr Allister's Bill that someone with a serious criminal conviction could be unsuitable or ineligible for appointment as a special adviser. That, indeed, is a change in the Sinn Féin outlook. However, there are a number of issues in the Sinn Féin amendments with which we take issue. We note that amendment No 12 from Sinn Féin states:

"Where a Minister proposes to appoint as a special adviser a person who has incurred a serious criminal conviction for a conflict-related offence, the Minister must refer the matter to the First Minister and deputy First Minister."

We consider that to be the wrong move, because we believe that it is better to take these matters out of the political sphere and arena and rest them with an independent body, as we have suggested, namely the Civil Service Commissioners for Northern Ireland.

As well as that, we find the term "manifestly incompatible" in subsection 4 of this amendment to be extremely vague and not definitive enough to be convincing. Perhaps some Sinn Féin Members, when responding, can give us some concrete examples of what would be manifestly incompatible.

Turning to amendment No 13; in subsection 2, Sinn Féin deals with those already in post. It allows the Minister the freedom to decide whether to refer an incumbent to OFMDFM. We believe that if Sinn Féin was being genuine and consistent, it would replace the word "may" with the word "must", as that would be much more appropriate in that situation.

I have to clarify that there is a drafting error in subsection 3(a) of amendment No 16. It should read: "conflict-related serious criminal convictions", and if we have the opportunity, we will correct that.

I will conclude my remarks at this stage. My colleague Mr Maginness will speak later in the debate and will comment on the amendments that I have not covered.

Mr Cree: I will set out the Ulster Unionist Party position on the raft of amendments contained in group 2 under the heading, "Appointments, reviews and appeals". At the outset, I want to say that we have the opportunity today to move a Bill to the next stage in the legislative process that will regulate an area fairly, effectively, and in a way that displays the necessary sensitivity to innocent victims — something that is not currently the case. I hope that we do not lose that opportunity today. The simplest way to deal with the amendments is to look in turn at those tabled by each party, and I will begin with the amendments put down by Mr Allister.

The most pertinent amendment from Mr Allister is amendment No 11, which introduces a new clause after clause 2 entitled:

"Determination of eligibility of special advisers by Commissioners".

I will concentrate on that, as my reading of the Marshalled List is that a number of his other amendments, namely amendment Nos 2, 8, 32 and 41, are to some extent consequential to the new clause.

I welcome the new clause as I believe that it strengthens the Bill by introducing a role for the Northern Ireland Civil Service Commissioners who, having regard for Civil Service vetting procedures can, in exceptional circumstances, justify a special adviser appointment under three circumstances.

Those circumstances, as we heard today, are: a show of contrition; reasonable steps to assist an investigation and prosecution in relation to the offence; and importantly, the view of the victim or victim's family having been taken into account. I believe that it is very difficult to argue against the rationale for that threefold test.

We have heard a lot from Sinn Féin recently on the subject of reconciliation and on the need to have difficult conversations. Today is a test for Sinn Féin and, indeed, the SDLP. If they are serious about reconciliation, they should have no issue with signing up to a Bill that requires a show of contrition and reasonable steps to assist an investigation and prosecution. That is the minimum that we should expect from any prospective candidate for a senior role at the heart of government. I am interested to hear if and why they oppose those two conditions, because there is an obvious knock-on effect for confidence about whether those involved in Sinn Féin will ever really be ready to tell the truth about the past.

6.00 pm

The third aspect is the view of the victim and their family. That is necessary because it was so blatantly ignored in the appointment of Mary McArdle. We must adopt a victim-centred approach to sensitive appointments, and the requirement certainly does that. It really should not be asking too much that appointments at special adviser level be subject to the same vetting as senior civil servants. The Bill, as amended by Mr Allister, rectifies that anomaly. I support his amendments.

My party will oppose the Sinn Féin amendments. They introduce a number of new clauses that would weaken the Bill quite substantially if accepted. Amendment No 12 introduces the bizarre phrase "manifestly incompatible" as regards a proposed appointee. Quite how that could be defined is anyone's guess. Are we saying that those who are only moderately incompatible are suitable to be a special adviser, whereas those who are considered manifestly incompatible are not suitable? I am sure that I am not alone in having difficulty with that point.

Amendment No 13 sets up a situation in which a Minister may refer the matter to the First Minister and deputy First Minister. Therefore, there is no requirement to do so. After that, the First Minister and deputy First Minister can set up a review panel, but only acting jointly. We have no way of knowing how many review panels will be set up, as Sinn Féin effectively has a veto. Amendment No 14 gives some information on what a review panel would look like. We see some vague statements, such as that it will contain persons with "suitable qualifications, expertise or experience", that it will pay:

"fees, allowances or expenses as appear appropriate"

and that it "may regulate its own procedure." Even Sinn Féin will recognise the lack of clarity and weakness of that amendment.

The Alliance Party has indicated its intention to oppose clause 2 and clause 3, and has tabled a few amendments. I note particularly amendment No 33, which contains provision for a recommendation to the appointing Minister regarding the character of a special adviser. Given Sinn Féin's refusal to abide by the guidelines that were produced by the Finance Minister, I fail to see how a recommendation will carry any weight at all. For that reason, I cannot accept the Alliance Party's proposals. I

am disappointed that it is not taking the side of innocent victims in the debate.

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

Lastly, I will speak briefly on the SDLP amendments. I understand where the party is coming from in attempting to amend the proposed legislation, and I welcome that it has sought to constructively engage with the Bill. However, it must also know that it holds the balance of power in the vote. I hope that it does not find itself on the wrong side of the argument so that we can achieve the goal of strengthening the law on the appointment of special advisers. I note its amendment Nos 3, 6, 16, 34 and 43, which are interlinked, and particularly amendment No 16, which sets out three different requirements to amendment No 11. I do not feel that the nature of the offence, the relevance of the offence to the special adviser role and other matters that commissioners may feel are relevant are as strong as the requirements set out by Mr Allister, but we will listen to the rest of the debate. I also note the potential advantages of an appeals process. The SDLP amendment No 17 does that, so I will listen to the debate on that issue.

Mrs Cochrane: I welcome the opportunity to speak on this group of amendments. Special advisers are important and sensitive appointments. As such, although we respect that the nature of the positions requires that Ministers be given a level of discretion regarding appointments, there are nevertheless aspects that are matters of public interest.

Special advisers are, in practice, senior civil servants, but without the requirement to act at all times in a politically impartial manner. They are also different from other civil servants in the nature of their appointment and in that their tenure in office is tied to that of their Minister. However, given the influential nature of the role, there are critical issues in ensuring that those who are appointed are sufficiently qualified for the post and competent to execute the duties. It is also critical that there is no risk, especially with sensitive positions.

We welcome the steps that have been taken over a number of years to bring a greater degree of formality and structure to the process for appointing special advisers. Initially, guidance was introduced to improve the process by which Ministers identify and consider potential applicants. More recently, a process has been introduced whereby the potential appointees are subjected to similar

vetting processes that are used in the Civil Service for any other civil servant. Alliance Party Ministers have accepted and implemented those improved guidelines and processes.

There continues to be a lack of public confidence in the current system and a perception that the processes for appointing special advisers are exempt from controls and accountability. We accept that there is merit in seeking to address that lack of public confidence. Our view is that the best way to do so would be to place the existing guidelines and processes on a statutory footing, essentially turning what are guidelines and protocols into legally binding requirements. That is the basis on which we have tabled amendments to the Bill.

We oppose clauses 2 and 3. Those clauses substantially change the current practice, and it is here that we have to ask the broader question of whether the proposed legislation is appropriate, and consider the advice that was given to the Committee by a broad range of individuals. Taking that advice into account, our principal concerns relate to the blanket nature of exclusion from appointment and the retrospective effect of clause 2. Of course, we have legislation in other spheres that specifies certain areas of employment from which people should be barred. However, those are either based on concerns about public safety, for example, the protection of children and vulnerable adults, or on the direct relevance of the crimes that were committed to the job in question.

Clause 2 provides a blanket exclusion, based on the view that anyone convicted of any crime for which they have received a sentence of five years or more should be deemed unsuitable for the job of special adviser. That takes us significantly beyond the exclusions that apply for other civil servants. That and the retrospective nature of the proposal, which we have been advised would only be warranted in the pursuit of public safety, were highlighted as problematic by the Human Rights Commission, the Equality Commission and the Attorney General.

Mr Wilson: Will the Member give way?

Mrs Cochrane: Yes.

Mr Wilson: I am at a bit of loss to follow the logic of the Member's point. She has agreed that some vetting is essential and, if there is to be vetting, you vet out certain people. What I

understand clauses 2 and 3 do is to indicate the people who would be subject to vetting and vetting out. However, it is not a blanket exclusion. As the proposer was at pains to point out during his speech, he has included an appeals mechanism that would enable those who were initially vetted out to argue their case so that they can be appointed.

The Member either thinks that vetting is a good idea or it is not. The proposer of the Bill has proposed a mechanism whereby those who may initially be excluded can be included. If that is the case, it is not a blanket exclusion.

Mrs Cochrane: I thank the Member for his intervention. We agree that vetting should be in place and, essentially, that is what our amendment seeks to do. It seeks to put your guidelines on statute and be carried through for them all.

As I said, our amendments seek to place existing DFP guidance and processes for appointments and vetting on a statutory footing, and to make it legally impossible for any Minister to get around the processes that would fall under clause 6.

Our amendment No 35 seeks to close the current loophole. I have spoken to the proposer of the Bill about this, and perhaps that will need to be looked at at Further Consideration Stage. The second part of amendment No 35 refers to an appeals mechanism, and I take the point that has been made by others about a potential better make-up of an appeals panel.

The review undertaken at the instruction of the Minister of Finance and Personnel and the outcome that was accepted by him in 2011 have strengthened the vetting procedure and moved it in line with the procedure that is applied for other Civil Service appointments. That is the essence of what the Alliance Party amendment seeks to achieve. It would provide for vetting on a par with other civil servants with some scope for discretion. For example, for conventional civil servants, unspent convictions, which are any convictions that result in a custodial sentence of two and a half years — actually less than the five years proposed in the Bill — are considered against a risk assessment matrix. Proposed appointees are then invited to provide comments to DFP on the decisions about those convictions. DFP officials then go through a process of weighing up all the relevant issues before deciding whether the offences should preclude a candidate from appointment.

Decisions on convictions and suitability for appointment are therefore based on relevance. There is no blanket ban. Both Alliance Ministers accepted the revised code of appointments, and, indeed, my colleague the Minister for Employment and Learning was the first to deploy it with the appointment of a temporary special adviser.

We believe that we should take that rigorous system, which does not carry the risk of challenge that appears to come with the proposals under clauses 2 and 3, and make it law. That would be a strong, safe and practicable law.

Alliance has had specific difficulty with the SDLP and Sinn Féin amendments, in that they draw a distinction between conflict-related convictions and other convictions. We are supporters of the Good Friday Agreement, and we accepted the logic of early release on licence of prisoners who were convicted of paramilitary offences before 1998. We also accepted the logic that those who were convicted after 1998 for such pre-1998 offences would serve two years. That was a recognition of the much-reduced risk of reoffending in a political context. However, it did not mean that we would excuse what they had done. Therefore, when it comes to the rehabilitation and reintegration of prisoners into society, we should treat them all equally, irrespective of whether the conviction was conflict-related or under another distinction.

The St Andrews Agreement also committed the two Governments to working with business, trade unions and ex-prisoners groups to produce guidance for employers that would reduce barriers to employment and enhance the reintegration of former prisoners. The Minister for Employment and Learning is working to give former prisoners the employability skills that they need to re-engage with the world of work. The Alliance Minister of Justice has made the strong case that effective policies on rehabilitation and reintegration are in the interests of society as a whole, as the risk of reoffending is reduced, with the consequence that community safety is increased.

Therefore, for those reasons we will oppose clauses 2 and 3, and I ask others to support my amendments to clause 6.

Mr Wilson: I welcome the debate. As demonstrated in Members' speeches, the history of this matter is well known. Guidelines were established that the Executive never accepted, although I do not believe that they ever had to go to the Executive. Nevertheless,

apart from Sinn Féin, all parties abided by those guidelines.

As I said in the Second Stage debate, I would prefer that we reached a situation whereby everyone agreed the rules on special advisers. Rules that are agreed are much better than rules that are imposed. As a teacher, I know that, in a classroom, that is a much more robust way of keeping control and of keeping people with you. However, that has not been possible in this case; hence, we have a Bill and guidelines are being put on a statutory footing. Indeed, in some cases, those guidelines may be strengthened as a result of some of the proposed changes.

One area about which I was reluctant and that I discussed in a previous debate was that the initial proposal that came from the sponsor of the Bill was far too black and white. If you had a conviction, that was the end of the story and you were not employed. I believed, however, that there ought to be some way that people could prove that they had changed and that, as a result, they were eligible for employment as a special adviser.

The other reason that I wanted this is that I want the regulation of special advisers, as does my party, so that we can withstand the scrutiny of the law and the courts and so that the position can be in place without a successful challenge. The absence of an appeal mechanism provided for the kind of situation that Ms Cochrane described of having a blanket exclusion with no chance of people convicted of a serious crime being able to argue that they had changed sufficiently, and shown that change to have taken place, to be eligible for appointment. For that reason, I welcome the fact that the sponsor of the Bill has now included the appeal mechanism, which is much stronger than that described in Sinn Féin's or the SDLP's amendments.

6.15 pm

I will turn to some of the arguments that have been made, first by Sinn Féin. Sinn Féin has been unwilling, of course, to accept any regulation of special advisers. It argues that it alone should have the right to choose and appoint, and it really did not matter what the consequences were as far as the public are concerned. Mr Allister put it well when he said that there has to be public confidence in someone holding that position, with their access to papers, to top civil servants and often being the people who will initially direct party policy. There cannot be public confidence if people believe that such an individual is unfit because

of something that they did in their past and its consequences. For that reason, Sinn Féin has been wrong in kicking against regulation. Indeed, the fact that no Assembly party other than Sinn Féin is arguing against regulation indicates that it is standing alone on the issue. Albeit that some parties would accept lighter touch regulation than would others, we must all accept regulation for these posts.

I do not make a habit of quoting the Northern Ireland Human Rights Commission. It is hardly my favourite quango, and I have probably said fairly harsh things about it in the past. However, I suppose that, on occasion, it is even better that we quote — we all do it — some of those groups that would not necessarily be sympathetic to our view. When the point was put to the commissioner in Committee, he made it clear:

"With regard to the suggestion that the appointment of a special adviser is a political matter that should not be subject to a regulatory framework, we have to disagree".

The commissioner did not qualify that, and a number of other witnesses made exactly the same point: special advisers are senior civil servants in whom there has to be public confidence. There is regulation for everyone else at that level, so why not for special advisers?

I listened to the Chairman of the Finance and Personnel Committee talk about the Bill being predicated on political opinion. This was all about retribution or revenge. Only one group was being targeted. Actually, I did not hear any talk from Mr Allister about one group being targeted. However, the Sinn Féin amendment, and to a certain extent the SDLP amendment, each targets a group. Sinn Féin wants to target those who are not guilty of conflict-related offences; the SDLP wants to target only those who have committed conflict-related offences.

Mr D Bradley: Will the Member give way?

Mr Wilson: I will in a moment or two when I have finished the point.

Mr Allister has at least been consistent and made it clear that the Bill excludes anyone who has been found guilty of a serious offence that carries a five-year sentence from being appointed a special adviser. I will give way.

Mr D Bradley: I thank the Member for giving way. Is the Minister not guilty of the offence

that he accuses others of committing? His regulations contained an appeal mechanism that was directed only at ex-prisoners. Indeed, his officials made that point. So he has done what he accuses us of doing.

Mr Wilson: No. The guidance that I issued — I am not speaking as Minister, by the way, just in case there is some confusion about that — was for serious offences, which could have included many more offences than those related only to conflict. The appeal mechanism allowed people, by demonstrating that they had changed and mended their ways, to show that they were now eligible and should be eligible.

I want to emphasise a point made by the Chairman of the Committee. He talked about the evidence given to us by the late Sir George Quigley and Nigel Hamilton and the guidance for employers on people involved in the conflict and terrorist campaign of the past. The point that I made in an intervention was that Sir George Quigley and Nigel Hamilton made it very clear that they did not intend to comment on whether this Bill was commensurate with the guidelines that had been laid down. Indeed, they pointed out that it related to a totally different situation.

The amendment from Sinn Féin Members, although they do not accept regulation, goes into quite a lot of detail about what kind of appeal mechanism there would be. 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. Indeed, I think that that would do a disservice to the individuals who may then apply for an appeal because they would not know whether the Committee had been packed or whether it was objective.

This is one of the points that we agonised about when looking at the appeal mechanism under the guidelines that DFP produced on special advisers: how do we make sure that there is independence? The one way that you do not ensure independence is by referring this to the Office of the First Minister and deputy First Minister, where getting agreement inevitably involves horse-trading about liking one individual but not another. So what you get is a political balance rather than a group of people who are capable of doing the job objectively.

Mr D Bradley: I thank the Member for giving way. As well as the point that he makes about political horse-trading, is there not also the danger, as we have seen in the past, that, if something controversial goes in one door of

OFMDFM, it rarely comes out another door?
[Laughter.]

Mr Wilson: The Member makes a very good point. I will not deny it, and it means that an appeal mechanism might never be set up because it is too much of a political hot potato or because agreement cannot be reached. It is for a very good practical reason that he suggests that any appeal mechanism be kept well away from there. Indeed, the suggestion by the sponsor of the Bill that the Northern Ireland Civil Service Commission look at these issues would ensure that degree of independence.

We will vote against the Sinn Féin amendment because we believe that it is simply another way of trying to avoid the issue of proper regulation and keep these appointments within the political sphere, albeit that that party has accepted that the Assembly is moving in a certain direction and has tried to circumvent some of that.

All that — the way in which the appeal mechanism is set up, the fact that Ministers have only the choice of whether to refer anyone to the appeal mechanism and the special exceptions that would be given to what it calls conflict-related convictions — is designed to simply avoid the issue of regulation, on which the House has clearly expressed a view in the past, and which the public have come to expect.

Mr Mitchel McLaughlin: I suppose I should address you as a Member; that would be more appropriate. You have made great play of the issue of Sinn Féin's opposition to regulation. Although we will come to discuss clause 6, I refer you to where Sinn Féin has addressed this very directly and would call on whoever is the Minister of Finance and Personnel at the time to bring forward regulations to govern this procedure.

I will just give you that as a piece of information because you do not seem to have read that far.

Mr Deputy Speaker: I remind Members that Mr Sammy Wilson has chosen to speak as a Back Bencher on this occasion and is speaking as an MLA.

Mr Wilson: In fact, Mr Deputy Speaker, you will note that, just to ensure that Members know that I am speaking as a Back Bencher, I have come as far back on the Back Benches as I possibly can. I have not even gone to the intermediate Benches, so there cannot be any

doubt about the status from which I am speaking.

I accept the point that the Member has made, but all the amendments that Sinn Féin has proposed are designed to make sure that if there is any regulation it is to be the lightest touch of regulation and that it will exempt the very people about whom the public are concerned. So, I do not think that we are any further forward on that. The fact that amendments have been tabled that refer to the regulation of advisers does not necessarily prove anything. One has to look at the detail of the particular amendments.

I will now turn to the SDLP's amendment. I congratulate the SDLP because of the stance that it took. In his speech, the sponsor of the Bill indicated that there was some influence in making it a better Bill, making it less black and white and less prone to a successful legal challenge in getting an appeal mechanism into the Bill. That was the right thing to do, and it is one of the reasons why I am much more comfortable with the Bill than I was at Second Stage, when I expressed some reservations.

Nevertheless, I have a number of concerns about the SDLP's amendment. In his speech, Mr Bradley talked about some of the hurdles that people would have to get over when it came to the appeal mechanism that Mr Allister had proposed. I presume that Mr Bradley was arguing that the SDLP's amendments were superior to Mr Allister's amendments. He talked about the protection of victims and he asked how that would work. He talked about contrition and asked how it would be measured, and about the practicality of measuring the offence that had been committed and whether that should rule people out. He talked about all the vagueness that there was there.

6.30 pm

There is the same degree of subjectivity in the amendment that the SDLP has put forward. I believe — and there is no point in pretending otherwise — that there will be a degree of subjectivity in any criteria that you lay down, because an assessment has to be made. It is not, and cannot be, simply a box-ticking exercise with these kinds of issues. You have to listen to the arguments that people put forward and to what they say about the offence that they committed, etc, and then make a decision about it.

In fact, if you compare and contrast Mr Allister's amendment No 11 with the one put forward by the SDLP, you will see that there is a degree of

subjectivity in all of them. The SDLP's amendment refers to:

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

That is the first hurdle that you would have to get over if the SDLP's version of the appeal mechanism were to be applied. What about the nature of the offence? Would you take into consideration, for example, the circumstances in which that offence took place? Someone might say, "I only got involved because my street was under attack." Was it a serious attack? Was it just somebody throwing a stone down the street? Was it somebody shooting down the street? Did they come into your street and try to burn the houses down? Someone might argue, "I fought back and finished up in jail because someone got killed." There will be a degree of subjectivity when it comes to making an assessment of the nature of the offence itself.

There will also be a degree of subjectivity as regards the relevance of the nature of the offence to the person's role as a special adviser. Mr Bradley gave the example of someone who is going to be the adviser to the Department of Culture, Arts and Leisure or the Department of Education, although he later clarified this so this would not even count. The offence of interfering with children, for example, would immediately rule you out. However, I notice that the SDLP's amendment refers only to conflict-related offences. So, a serious sexual offence, for example, would not even be covered by the SDLP's amendment. The relevance of the offence to the post will tend to be subjective and will not be clear-cut. If you want subjectivity, look at 3(c) in amendment No 16:

"such other matters as the Commissioners consider relevant."

You could hardly get vaguer than that, yet the SDLP argues that the proposer's amendment is too vague and too subjective. There is a vagueness and a subjectiveness there.

Mr D Bradley: I thank the Member for giving way. I have to say that his attack on the criteria that we have set down is ill-conceived. In fact clause 3(a) and (b) in our amendment come from his own code of appeal. So, once again, he is accusing us of something that he is guilty of himself. Mr Wilson says that clause 3(c) is rather vague. However, we prefer to leave these matters to those who have most experience in them and particularly in the field

of employment, namely the Northern Ireland Civil Service Commissioners. Earlier in this debate, Mr Wilson and Mr Allister said that those are the people who are ideally qualified to adjudicate in these circumstances.

Mr Wilson: I think the Member has missed the point that I made. At the very start, when I was going through the criteria laid out in the SDLP amendment, I was not saying that the SDLP was wrong for saying that the criteria in either Mr Allister's proposition or in the guidelines that I put forward from DFP were vague or subjective. I was accepting that, when you are dealing with this kind of issue, there is bound to be a degree of subjectivity. If your own guidelines are subjective and carry a certain degree of interpretation, you cannot then argue that you are rejecting another amendment because it is too vague or subjective or open to interpretation.

Mr D Bradley: Will the Member give way?

Mr Wilson: Yes, I will.

Mr D Bradley: The Member spoke earlier about his reservations about the Bill as it stands. I think he said that it was perhaps too rigid and that it needed the addition of an appeal mechanism, which would give people the opportunity to, as it were, redeem themselves. My contention is that the nature of the criteria in Mr Allister's appeal mechanism quite firmly shuts the door on those who would wish to appeal. Surely, an appeal mechanism should offer the person who is appealing some chance of success.

Mr Wilson: That is where I disagree, because there are degrees of subjectivity, degrees of vagueness and degrees of interpretation. When you come to look at the issues, you see that a person has to demonstrate that they have shown contrition. Mr Bradley asked how you measure contrition. It is difficult to measure, but you know when someone is not contrite. That is the important thing. You know by their demeanour, by what they say, by the actions that they have engaged in, by the associations they have and by how proud or otherwise they are of what they did. You know when someone is not contrite. So, contrition is more measurable than some of the criteria that have been laid down by the SDLP.

Mr Wells: Will the Member give way?

Mr Wilson: I will, yes.

Mr Wells: Does the Member accept that the one criterion that is absolutely measurable is whether the person who committed the crime has co-operated with the police by giving evidence? That is an absolutely black and white fact. Either they have come forward and given the police all the information that they possess about that crime or they have not. In the case that we are talking about, the McArdle case, she most certainly did not do that. So, that is a black and white issue that has no level of subjectivity about it whatsoever.

Mr Wilson: That was the second point that I was going to come on to, because the second criterion is whether the person has taken all reasonable steps to assist in the investigation. You can measure that. The police can tell you, "Yes, they made a statement" or, "Yes, they helped us". So, there is no interpretation there at all. That is measurable, and it is certainly more measurable than any of the criteria in the guidelines that I produced or in the amendment that the SDLP has produced.

The third point is the views of the victims. That is where there is a big deviation between the amendment put forward by the SDLP and the amendment put forward by the proposer of the Bill. The one thing that I find a bit odd about the omission in the SDLP's amendment is that, as I pointed out, Mr Bradley, during Committee Stage, raised with the Northern Ireland Human Rights Commissioner the issue of the vetting process and strengthening the role for victims. Indeed, he said he was very interested in how the role for victims could be strengthened. He went further when Ann Travers was giving evidence to the Committee. He pointed out:

"I said in my speech in the Assembly that it looked very much like the perpetrators were being rewarded and the victims were being punished again, as it were — made to suffer again, in any case. That does not seem to be as it should be, to most of us anyway."

If I had been Ms Travers at that time, I would have thought that there is a real commitment from the SDLP that victims' voices will be heard when appointments of special advisers are made. If I had listened to what he said to the Northern Ireland Human Rights Commission when he said that he was interested in how the victim's voice could be heard, I would have expected, as a victim — those are just two snippets from the evidence to the Committee — that the SDLP was on my side and that it will ensure that, when the issue of special advisers is being dealt with, the views of victims are heard. However, not only is that not in this amendment, it is an argument that Mr Bradley

has used for opposing the amendment put forward by the sponsor of the Bill. I see that he wants to intervene, and I will be happy to give way. I find that exclusion very strange, given what was said during Committee Stage.

Mr D Bradley: Once again, I thank the Member for giving way. When I read the six criteria in the Minister's appeal mechanism, there was absolutely no mention of victims. Once again, what he accuses me of, he does not do himself. However, in interpreting the mechanism that we have provided and in the context of the overall purpose of this Bill, the Civil Service Commissioners would know that the feelings of victims have to be taken into account.

Mr Wilson: Although I initially had reservations about this Bill and expressed them at Second Stage, I believe that things have been done during its passage to strengthen it. I accept that there was an omission, in the guidelines that have been given, in an appeal; I am big enough to admit that. The evidence given by the Human Rights Commission made it clear that there ought to be greater emphasis on the victims. That was the case in evidence from others. It is right and proper that that is now addressed. I am happy enough to admit that that perhaps should have been part of the initial guidelines. It was not, but the situation is being remedied, and that is one reason why I and my party support amendment No 11. We see that as an essential ingredient — not, as Mr Allister said, to give victims a veto, because, as Mr Bradley pointed out, it would be difficult to do that given that different victims will have different approaches, but their views should be listened to. It is not enough to say that the guidelines that the SDLP has proposed in its amendment allow that. That is what he said in his speech at Second Stage and during Committee Stage. If the perception is that not enough consideration is being given to the people who are hurt by the inappropriate appointments, what better way to address that than to make it clear specifically that there will be an opportunity for them to say what they want to say about an appointment.

6.45 pm

For all those reasons, I believe that the amendments from the sponsor of the Bill are superior to the amendment from the SDLP. I hope that we will be able to unite behind what are not draconian measures. I spoke to Mr Allister about that and made it clear to him that we ought to have guidelines that could bring the widest support in the House, because that is

the way, I believe, that the Bill will have good standing in the community.

It must not be seen in the way in which the Chairman of the Committee portrayed it as being simply some petty act of revenge or punishment against Sinn Féin. This must be seen as a genuine attempt to regulate those who are appointed to special positions to accept that what happened in the past caused distrust about the system of control that we have, and it must be seen as an attempt to show that we have sought to remedy it in an honest way. For that reason, I hope that the House will unite on amendment No 11.

I take a different view on the concession that Mr Allister has made to the SDLP about whether there should be provision for an appeal to the High Court. I noticed that all the lawyers nodded in agreement to that concession; there was total unanimity among the lawyers. It did not matter what party they came from because they saw the pound signs ringing. *[Laughter.]* How many days in court would that mean, and how much would that bring in to the coffers of the barristers and the solicitors, and so on? I suspect that whether it is in the Bill or not, that is where some of these cases will finish up anyway. If it helps to bring people along, even I as a critic of the judicial fraternity will be quite happy to accept Mr Allister's concession.

I will not say a great deal about the Alliance Party amendments. Many people will find it strange that they were tabled despite the furore that has been caused. This issue was about the appointment of someone who had been found guilty of having been engaged in a serious crime, yet the Alliance Party seems to be prepared to strip out the core of the Bill. If this is all about engendering confidence, the one part of the Bill that has to stay is clauses 2 and 3; otherwise, it just makes a nonsense of it. I do not want to enter into any debate with the Alliance Party about it. It is not a blanket ban. There is an appeal mechanism. It is not disproportionate, and the Alliance Party should think long and hard about its amendments.

I hope that the Bill will get through Consideration Stage on the basis of the amendments that I have said we will support, and the House will have a better standing among the general populace if we do it.

Mr Mitchel McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I will speak to the Sinn Féin amendments: amendment No 4, which is a paving amendment for amendment No 12; amendment No 7, which is a paving

amendment for amendment No 13; and amendment Nos 14 and 15.

In coming to the discussion on the Bill, we have to deal with a number of fault lines in the process that we are all now involved in by virtue of our presence in the Chamber. The first one that it is important to address is the way in which the negotiations in the Good Friday Agreement came to the question of conflict-related sentences and prisoners. If we consider that somewhere in the order of 17,000 or 18,000 people out of the republican community were convicted in special courts to a total of 100,000 years, and a figure approaching that, or perhaps slightly less, were convicted out of the loyalist/unionist community, we can see that very many people in our society are, in a very real sense, a community that has to be addressed. The Good Friday Agreement attempted to do that.

In my view, the fault line occurs when we compare the statistic of 100,000 years for republicans — I do not know the exact estimate available from loyalist prisoners — with those involved in the British security services. Then, we can see that there is a blind spot in the entire process. It is perfectly understandable to me, in those circumstances, why we would have this subjective approach and why we —

Mr Wells: Will the Member give way?

Mr Mitchel McLaughlin: Let me have a chance to develop my arguments, please.

It is perfectly understandable why we would have continuous attempts to row back from the compromises that were involved and which made the Good Friday Agreement possible — not only the Good Friday Agreement but the St Andrews Agreement, the Weston Park agreement and all the other negotiations, including those at Hillsborough, that followed. Mr Allister's position at least has the virtue of him being a consistent and implacable opponent of the agreement that brought us peace and democracy; that brought us the support of the people who live in this island, North and South, through the very powerful mandate of a referendum; and that brought us support from the EU, financial and material, and from the US Government and Governments right across the international sphere.

I find that in this community, particularly among representatives across the way, there are people who have yet to come to terms with all of that. Therein lies a contradiction. I acknowledge that Mr Allister's position is consistent, but there are people who want to

address this issue and ignore the fact that the conflict was sustained by a constant and very significant and virulent frame of illegality and murderous activity on the side of the British state forces that has never been acknowledged or addressed. So when we come to an issue like this over an individual such as Mary McArdle, we cannot deal with it as a collective in the Assembly because a significant body of people here approaches state murder as something that is legitimate in all circumstances. I ask — in fact, I challenge — Members to make an intervention if they want to address that, and I will make room for Jim if he wishes.

Mr McNarry: I thank the Member for giving way. As one of only two former special advisers who sits in the House, I have listened carefully to the debate, the quality of which is a credit to the House, as are the arguments being put forward and the manner in which they have been received. The word "contrition" has been mentioned, and this follows on from what the Member has just said, which is why I intervened. It seems that it would have been better all-round if contrition had been considered prior to the appointment of Mary McArdle and that it was a grave error that that did not happen. I would welcome from Mr McLaughlin the clarification that I certainly need and which, I think, the public would welcome and the House would accept: does Sinn Féin's outright rejection of the Bill from the outset, as illustrated by your colleague, the Chairman of the Finance Committee, imply that it would reappoint Mary McArdle tomorrow or appoint another person with a CV similar to that of Ms McArdle as a ministerial special adviser? That is a legitimate question. From my unionist perspective, I would like to hear from Mitchel McLaughlin whether we have moved on at all. Are we just where you left this situation? Are we still there, and are you telling the House, on behalf of Sinn Féin, that you would appoint Mary McArdle, or someone very much like her, tomorrow, if you so desired?

Mr Mitchel McLaughlin: I am sorry, Mr Wells, I thought you had changed your mind.

Mr Wells: I did notice that you gave way to Mr McNarry but not to me. You mentioned the 100,000 years of sentencing that republican prisoners received. What about the many hundreds of thousands of years of suffering that their victims have been consigned to, with no release until they die? Men and women in every corner of Northern Ireland are haunted and traumatised by the deaths of loved ones. You say that we have a blind spot to the needs

of republican prisoners. You, clearly, have a blind spot to the desperate need of those, such as the Travers family, who have been traumatised. Your party must have known the enormous hurt and anguish that the appointment of Mary McArdle caused. You must have known that, yet you went ahead and cynically appointed her in the face of intense opposition from the Travers family and the general community.

I will be interested in your response to Mr McNarry. Are you reserving the right to appoint another Mary McArdle, knowing full well the intense pain that that would cause to that terrorist's — or that prisoner's — victims? We have to take the victims into account. What you are proposing means that their views count for absolutely nothing.

Mr Mitchel McLaughlin: I thank both Members for their mini-speeches. Interventions are grand, but I hope that people would not abuse the opportunity.

Let me deal directly with the points that you both made. I take seriously the commitments that were given and the compromises that we all had to make at the time of the Good Friday Agreement. I refer people to the 1998 Sentences Act, which dealt with this issue. In fact, there are 20 pages of explanatory notes that define and explain for people who profess to be surprised at what is meant by conflict-related offences. Read the legislation that governed the early release scheme. They did not open all the gates of the prisons to let every single prisoner out. They made a very careful distinction and inserted a review that allowed people to come to the conclusion that the individuals concerned posed no threat to society. So, I take at absolute face value the commitments that were taken to the people.

I understand that there are people on the other side of the House who will constantly remind us that they did not vote for the Good Friday Agreement. I have heard that in every single term since then, but what I have yet to hear is people acknowledge that they had their say and their vote but lost the argument. Your position should not, and did not, detract one jot from the authority or integrity of the decision that was made by people North and South on this island to support the Good Friday Agreement.

Indeed, the vote would satisfy the terms of reference that we use for petitions of concern in this place. So, if people are prepared to come at this issue as democrats, they will recognise that what was voted for there with impeccable, unimpeachable authority was that prisoners of

the conflict were to be given the opportunity to re-enter and be useful members of society and not to be discriminated against. All of us were given the opportunity to move on. Fifteen years later and we are still stuck with that.

I am addressing these amendments because I believe that this is the fault line that predisposes the vote that will be taken later on. We could all have written the script. I recognise what I think my colleague just recognised, that this debate was less difficult, passionate and vitriolic than it could have been and I hope that is a sign that people are starting to come at these issues in a more thoughtful way.

I have addressed an issue that, at some stage — and it may not happen in this debate — I would expect unionists to be prepared to look at. What role did the British state forces play? What contrition was demanded there? Where, in fact, can that word "contrition" be found in the Good Friday Agreement or in the 1998 Sentences Act?

Mr Deputy Speaker: Can I ask that all remarks be made through the Chair and referenced through the amendments, please?

7.00 pm

Mr Mitchel McLaughlin: Absolutely. The reason why I am addressing it in this way is that I believe that there are, in fact, people who are, in many ways, prisoners of the conflict as opposed to advocates of the peace process. The lack of progress on key issues, such as truth recovery and reconciliation, is due to the fact that we, as a corporate body, find it difficult to move beyond that conflict. Indeed, some, and I number the sponsor of the Bill amongst them, are people who are determined to undermine this political process and, consequently, would take us back to the past. I think that all of us have decided that we do not need to do that.

Ending conflict will always be a difficult and daunting challenge, especially when there are so many competing aspirations and when there are so many people who have been injured and damaged as a result of the conflict.

Mr Wells: Would you reappoint McArdle?

Mr Deputy Speaker: Order.

Mr Mitchel McLaughlin: I have made it clear in both interventions that I would stand very, very four-square with the commitments and compromises that were made at the time of the

negotiation, and which have been entered into law. I think that we all should proceed to deal with the Bill on that basis. I think that the Bill runs contrary to that, and I think that that is the reason why it must be opposed.

Legislating for special advisers should not be beyond us, but I believe that it is, at the present time. I think that we will indulge our instincts for revenge and retribution and, unfortunately, that has tainted the approach.

Our amendments are a direct challenge to people to look at this in the round, to consider it in all circumstances, and to make it possible for that very, very sizeable ex-prisoner community to feel that they have a role in the future, because that is what the peace process was about; that is what the Assembly is about.

When we talk about the expectations of people in our community, regardless of their political aspirations, we have to remind ourselves at times of why there was such international recognition and acclaim for the achievement of negotiating the peace process. They recognise it; perhaps, we do not, but we should.

I will address the approach of the SDLP, for example. I find interesting — I will put it no stronger than that — the difference between the word "may" and the word "must" in the SDLP amendment, and their dispute over that with Mr Allister. I find that quite interesting. I also find it interesting that the SDLP would open the door to the role of MI5 in a vetting process for people who would be employed through the Assembly. I find that a very interesting departure. To try to out-Jim-Allister Jim Allister is, I think, a very strange direction for the SDLP to go, but it will also be held to account. I think that that is the appropriate way of dealing with that.

I think that the Alliance Party has attempted to be constructive, and I want to recognise that. It has sought to find a middle course in a very difficult set of circumstances. In my view, that was always going to be difficult. *[Interruption.]* I am sure that that is not a judgement on me praising the Alliance Party. It was always going to be a very, very difficult task, and I am not certain that it has succeeded. My view is that, in agreement with pro-agreement parties, we should have developed a position that strengthened the agreement, did not seek to undermine it, did not seek to double-guess the negotiations, and certainly did not seek to undermine the democratic mandate that reinforced it. Unfortunately, however, on the basis of the arguments from the unionist representatives, it appears that they want to

take it in the other direction. I think that that would be a mistake.

On a final point, consider the lack of preparation and understanding in relation to very recent events in Belfast over the flags decision. That was a democratic decision, but the reaction to it is a salutary lesson to us all, and we should not repeat that mistake in dealing with the Bill.

Mr Weir: By this late hour, much has been said. First of all, I want to say, as a member of the Committee for Finance and Personnel, that it was a very interesting and, indeed, rewarding experience to listen to the evidence at Committee Stage. Across the spectrum, the Committee gave people a fair hearing. I want to echo remarks that were made earlier that if one single evidence session stood out, it was the courage and clarity of Ann Travers's evidence.

I have been a Member of the Assembly since its inception in 1998. I have served on a range of Committees. Perennially, for some reason, I always seem to come back to the Committee for Finance and Personnel. During those 15 years of experience, I doubt that there has been as impressive a witness in front of a Committee as Ann Travers. It is sad to see that, despite various opportunities that were given by Mr McNarry, Mr Wells and others to members of the party opposite about what lies at the genesis of the debate — the appointment of Mary McArdle — in response to questions on whether things should have been done differently and whether the same person would be appointed today, all that we got from the party opposite has been, at best, a range of dodging and weaving. From the point of view of public acknowledgement, it certainly seems as though the lesson has not been learnt.

I will turn to the various amendments. First of all, I will deal with the response of the Alliance Party, which is almost in absentia. It seems to have run away, or whatever terminology one wants to use. It was very noticeable that, the moment that Sinn Féin started to welcome its very constructive approach and say how glad it was for that, the last of the Alliance Party's number disappeared from the Chamber. I have to say that I am disappointed with the Alliance Party's attitude to the Bill, although, given some of that party's approaches, perhaps, not surprised. What we have seen in its position and a number of its amendments is that it stands in direct opposition to clauses 2, 3 and 6; the removal of which would leave a hollow shell of a Bill. They are, in effect, wrecking amendments. What substance would be left? Well, there would be an annual report on

special advisers and a code of conduct — not even a code of appointments because that is contained in clause 6. We would be left with a paper tiger of a Bill. It is clear that, rather than simply gut the Bill by way of those particular pointless amendments, the more principled stance would simply have been to oppose the Bill full stop. We await with interest the Divisions on those amendments.

A distinctive flavour and commonality of approach, perhaps, not surprisingly, has been taken by Sinn Féin. The previous Member who spoke referred to the theme, which is, essentially, to draw a distinction between conflict-related offences and, particularly, with regard to one of its amendments, conflict-related offences pre-1998 and post-1998, which, obviously, relates to the Belfast Agreement. The previous Member who spoke mentioned that, in 1998, it was not simply that the prison gates had been left open, but that there was a "careful distinction". I think that that was the phrase that he used. I have to say that the definition of careful distinction of conflict-related offences is the very reason why I would oppose Sinn Féin's amendments.

I certainly believe, as I expect that the sponsor of the Bill and, indeed, a range of others do, that a crime is a crime. There should certainly not be some sort of special category for conflict-related crimes. Consequently, if a disqualification should be there for special advisers, it should apply on the basis of the gravity of the crime and a range of other factors, but certainly not on whether it was conflict related. What really sickens me about some of the Sinn Féin amendments is not simply the distinction between what it calls "conflict related" and other forms of crime, but the fact that it draws a distinction between pre-1998 and post-1998 offences: the mythology that, if you like, there were good terrorists before 1998, who, at least, had some degree of beneficial or good motivation to be able to carry out those crimes, and, of course, the evil opponents of democracy and good government who appeared after 1998. That is a false distinction. I regard that as unacceptable. That runs through its amendments. To give the party opposite some degree of credit, at least that is consistent throughout its amendments. Be it amendment No 4, 7, 12, 13, 14, 15, 37 or, I think, 43, there is that distinction. Consequently, we will oppose all of Sinn Féin's amendments on that front.

I now turn to some other amendments, some of which seem to be alternative amendments. Specifically, amendment No 2, standing in the name of Mr Allister, and amendment No 3,

standing in the name of SDLP Members, have a similar proposition. I am not going to get into the distinction between "may" and "must". If any degree of tweaking needs to be done, I am sure that something can happen at Further Consideration Stage. It is clear that Mr Allister's amendment is comprehensive enough to cover the situation, whereas amendment No 3, again, unfortunately, draws the distinction of making specific reference to conflict-related convictions, although to be fair, that has not been the general tenor of much of what the SDLP said. Consequently, I think that amendment No 2 is much more attractive.

Similarly, there has obviously been much discussion about the distinction between amendment Nos 6 and 8, again supplied by the SDLP and Mr Allister, which are essentially variations on the same theme. Mention was made — and I certainly think that this is the case — of the fact that the Finance Minister did a lot of the groundwork for this. I think that it was very man of him to admit that there are areas where there could perhaps be some degree of improvement.

I think that amendment No 8 from Mr Allister and the clarification of what counts as exceptional circumstances, with references to contrition and a direct reference to victims, which, I think, will allow victims a greater opportunity for locus standi, are useful.

Mention was made, particularly by the last Member to speak, who, unfortunately, is no longer with us.

Mr Hamilton: He is alive.

Mr Weir: He is still alive, but he is no longer in the Chamber. He made this clarion cry: when are we going to see contrition on behalf of the British Government? As pointed out by my colleague, we had an apology on behalf of the British Government for Bloody Sunday and contrition for the Finucane case. So, there has been clear-cut contrition for Government acts or at least measures by some of the security forces and British forces. Whether or not we agree with that, the Government have clearly done it. However, I have to say that I am still waiting to see acts of contrition from the paramilitaries involved, particularly those from a republican background. Even at the time of the ceasefires, we did not see any degree of contrition for their acts. I think that it is important that we take the opportunity —

Mr Deputy Speaker: I draw the Member back to the amendment and the clauses.

Mr Weir: Mr Deputy Speaker, I am talking about the issue of contrition. Amendment No 8, which specifically refers to contrition and the needs of victims, is one that we should embrace. Consequently, when faced with a choice between the two amendments, I would choose amendment No 8, because, again, as indicated, amendment No 6 from the SDLP replicates some of what is already there. As the Minister indicated, we should look to improve, where possible, upon what is there. The third part of amendment No 6 leaves a high level of vagueness and is essentially an invitation for almost every case to go to a judicial review if the issue is, "What other factors may be considered reasonable by the Commissioners?". I appreciate that the Minister was making some degree of malicious allegation by saying that lawyers were essentially ganging up to get extra cases. I will say, in an act that would not necessarily be welcomed by my former profession, that amendment No 8, which perhaps less lends itself to an open judicial review than amendment No 6, is the better route to go down. So, there is a form of self-denying ordinance within that. The Minister may take a little bit of convincing on that point, but, certainly, if you compare the two, I think that you will find that that is the better position.

Amendment Nos 11 and 16 have a similar position.

There is relatively little difference between amendment Nos 11 and 16. Sorry, I made a mistake earlier — that is the area that does make those degrees of difference. I think that amendment No 11 is the better of the two.

7.15 pm

There is a contrast between amendment No 17 and amendment No 35. Given the opportunity for a lot of these cases to end up in the High Court, the SDLP's amendment No 17 to give a final power of decision — a final court of appeal — to the High Court seems to be the more sensible route. If the idea is that this should be taken independently, the alternative proposition, which is largely in the Alliance Party's amendment No 35, which essentially would establish a panel by way of the First Minister and deputy First Minister, does not bear a great deal of scrutiny. What is there on behalf of the SDLP seems to be a reasonable way forward, as has been indicated by the Minister.

There is a contrast between the Alliance Party's amendment No 31 and the Bill sponsor's amendment No 36, in that amendment No 36

has a wider definition. It refers to "All persons", which means that there is a stronger case for it. Indeed, a couple of the other amendments flow naturally.

The final amendment Nos 41 to 43 are of a similar wording. The major difference is that amendment No 41 deals much more clearly with the issue that this is meant for all crime, as opposed to amendment Nos 42 and 43, which have a certain consequential quality. Amendment Nos 42 and 43, however, tie this in with conflict-related crime. This should apply to all crime.

I want to go back briefly, Mr Deputy Speaker, for one final point. Given the number of amendments, I have to confess that I got one set slightly mixed up. When I referred earlier to amendment Nos 6 and 8, I should have referred, obviously, to amendment Nos 11 and 16. However, with amendment Nos 6 and 8, there is a clear-cut distinction. Although there is not a big gap between amendment No 6 and amendment No 8 — amendment No 8 simply creates an addition, and amendment No 6 leaves out the full indication — I think that amendment No 8 has the advantage. By keeping what is included at line 17, it has the certainty that when there is any serious conviction, it terminates an appointment immediately. Amendment No 6 leaves us with more vagueness, so I am much more minded to back amendment No 8.

There is an opportunity. Much has been made of the historic compromises that we have been told are included in the Bill. Indeed, the previous Member who spoke made particular reference to the fact that, were we not to recognise conflict-related crimes, we would in some way be flying in the face of the Belfast Agreement. Personally speaking, I have no problem flying in the face of the Belfast Agreement, but may I also indicate —

Mr McCartney: And St Andrews.

Mr Weir: What? Sorry?

Mr McCartney: And St Andrews.

Mr Weir: An indication was given as to how this would be so wrong because it would fly in the face of the people. Let me make this point. We all know many people who voted for or against the agreement. Had the referendum been purely on the basis of early release of paramilitary or terrorist prisoners, I suspect that many who backed the agreement believe that it

would not have got a majority in Northern Ireland.

Mr Deputy Speaker: Will the Member return to the Bill, please?

Mr Weir: I am responding to what was said. I believe that the thrust of the amendments and the Bill is helping to normalise society. The amendments that work alongside the Bill normalise it. I throw out the challenge. Can anyone think of any other democracy in which this would happen? We are dealing with a very senior position that lies not in the gift of the people but essentially in the patronage of Ministers. Can we think of a single example whereby someone with serious criminal convictions, whether terrorist-related or ordinary crime, would be appointed to this high-paid, influential position of special adviser? That is why I believe that this is a step in the direction of normalising society, both through the Bill and in the thrust of the amendments, which will make the Bill more technically correct and will allow, if some of them are accepted, for a proper means of appeal that can genuinely take Northern Ireland forward by helping to normalise our society.

I highlighted areas in the amendments that I believe are unacceptable and those that I believe are improvements. I trust and hope that the House will think likewise.

Mr A Maginness: I would like to say, from the outset, that this Bill is a great tribute to Ann Travers and her single-minded campaign in relation to the murder of her sister and the attack on her father and family. That campaign is the genesis of the Bill, and it is an inspiration to everybody that one person could generate so much interest and create a campaign that has proven to be so successful, at least thus far.

In relation to Mary McArdle's appointment, what has been omitted today, by Sinn Féin Members in particular, is that Sinn Féin removed her from that position. I pose this question: why was she removed? She was removed because of the political embarrassment caused by Sinn Féin's political insensitivity to her appointment in the first place. She was appointed because she was, in their language, an activist and they saw no distinction between an activist who was involved in violence and served a prison sentence for murder and someone who became a political activist. They saw absolutely no distinction and wanted to preserve the mythology that there was a war and that they were involved in a war that was legitimate, despite the fact that it broke every rule under

the sun. I am talking not just about domestic law; it broke all the laws of war. It was, in my view, totally unjustified. It caused misery to many, many people and innumerable deaths. It caused misery to people in the republican movement itself, and it caused greater division in this society. We have a Bill today that is a product of the nonsense that Sinn Féin talked about that. There is an attempt to create a new history and narrative about what happened years ago. The fact is that their insistence on keeping McArdle was an attempt to create a new narrative in which everything that they did was legitimate. Of course, it was not legitimate. As I said, it caused massive misery to everyone.

It is important that we recognise the Sinn Féin amendments. Its amendments are a recognition that it was right to introduce the Bill and that there should be scrutiny of the appointment of special ministerial advisers. When I asked its Members, earlier in the debate, to explain their position on this, I got no explanation of the reasoning behind the amendments. We got the usual stuff about state forces etc, but we got no explanation of why Sinn Féin has changed its position substantially, which it has. If you measure the difference between our amendments, Jim Allister's amendments and the amendments proposed by Sinn Féin, you will see differences — Sinn Féin's amendments are light-touch — but, in essence, they say the same thing. They say that there should be scrutiny and there should be, in effect, a process. They say not that special advisers can be appointed willy-nilly but that they have to go through a process if they have committed a conflict-related criminal offence. That is a very important conversion on the part of Sinn Féin.

I heard a lot about MI5 from Mitchel McLaughlin. I do not know how MI5 influences the Civil Service Commission, but there are certain leaps of imagination from Sinn Féin in relation to this whole process. The reality is that, because of the inept way in which they dealt with the McArdle appointment, this process and this Bill had to be brought in. The Finance Minister brought in guidelines, which, effectively, are now being put on a statutory basis. That is, essentially, what is being done. The Bill might not be precisely the same as what the Minister put forward, but it is reflective of what he, sensibly, introduced in the first instance.

We now face a choice: what route do we go down? What amendments do we accept? I have to say that the best amendments are undoubtedly the SDLP's. They are the best

because they are the most flexible, sensible and effective in terms of the process of scrutinising candidates and allowing fairness and flexibility in appeals, if necessary.

Mr Wilson: Will the Member give way?

Mr A Maginness: Yes.

Mr Wilson: We have not yet heard one of the criteria clearly spelled out by the SDLP. In Committee, when addressing Ann Travers, Mr Bradley pointed out that there needed to be recognition of the hurt of the victims in any vetting process. If the Member really believes that his party's amendment is best, maybe he will spell out how he believes it deals with the issues of victims and ensures that they do not feel left out of the process.

Mr A Maginness: As Mr Bradley said, we have not excluded that. In fact, we have said that there is a catch-all in the final part of our amendment that allows for that sort of thing to be considered by the commissioners. There is no reason why the commissioners should exclude that. Given that we are dealing with conflict-related offences, there is every reason why it should be included.

Mr Wells: Then what would be wrong with including it and spelling out very clearly that the needs and concerns of victims have to be considered? He is saying that the third criterion is a catch-all, but would it negate or dilute his amendment to include the reference that Mr Allister made to the views of victims?

Mr A Maginness: We have come a long way with this Bill in considering the position of victims — not simply victims of the Troubles but victims of ordinary crime. That is very much at the centre of people's considerations. There is no reason why that should not be an element in the commissioners' considerations. I think that Mr Allister has made an attempt to address some of the issues that were raised in Committee. We do not doubt his efforts in that respect, but, as a party, we believe that they fall short. I will not go into all the elements of that because Mr Bradley did that so expertly in his speech. I say as a net point that Mr Allister has moved and has shown a degree of flexibility. However, it does not match the degree of flexibility that we, as a political party, would have liked.

7.30 pm

Mr D Bradley: I thank the Member for giving way. Does he agree that, since this is a victims-orientated Bill, it is well nigh impossible that the Civil Service Commissioners would ignore the effects that appointments would have on victims?

Mr A Maginness: The Member has invited me to agree with that. Of course I agree. There is a different attitude and approach to dealing with victims at large but particularly victims of the Troubles. That is part of the current thinking, and it would be part of the approach of the Civil Service Commissioners.

In conclusion, I ask the House to consider very seriously the SDLP amendments. They provide the necessary flexibility. It is important to provide a genuine appeal. It is important that that flexibility be there so that it gives confidence to people at large and to the candidate —

Mr Wells: Will the Member give way?

Mr A Maginness: Yes.

Mr Wells: If that is the Member's concern, he should argue for the retention of Mr Allister's three criteria and the inclusion of his catch-all as a number 4. My problem with what he is saying is not only on the issue of victims. You could have the appointment of someone who clearly has a vast store of information about his or her own crime and many others but who adamantly, as McArdle did, refuses to produce one iota of that evidence to help the authorities. That person could slip through the net under what you suggest.

Mr A Maginness: I think that Mr Bradley has made the point in detail about the whole issue of contrition. He asked how you could establish contrition. It is a subjective assessment. How do you establish that? How do you know whether somebody is genuine? I am not saying that that is not an element, but you cannot objectively assess that.

You might be right about police investigations: a person may have a vast store of information that they are reluctant to disclose or have not disclosed. How can you assess that? It is impossible. When it comes to prosecution, the fact is that it is practically impossible to say, "That person has so much information that could lead to the prosecution of this person or that person".

Mr Wells: Will the Member give way?

Mr A Maginness: Yes.

Mr Deputy Speaker: I remind Members to make their remarks through the Chair.

Mr Wells: I am very surprised that someone as learned and experienced in the legal profession should be taking this type of intervention from a lowly Back-Bencher with no legal training. He knows, from his vast experience in front of various judges, that the judge will often make an assessment about whether the person who is being prosecuted has been fully co-operative with the courts and the police. The police will also confirm that So-and-so has helped them in all their enquiries and provided all the information. They make that assessment. That is accepted by legal counsel, the police and judges. McArdle did not give 1%; she gave no evidence whatsoever to the police. She gave no information. She did not name those who took part with her in that dreadful crime. That is black and white; there is no subjective nature to that. Either she has done it or she has not. In this case, she did not. Therefore, you are left with no difficult judgements to make; you are absolutely clear. You are excluding that from the Bill.

Mr A Maginness: We could go on all night about this. All that I will say is that Mr Allister's criteria are too prescriptive. We need something much more flexible. It is then up to the commissioners to make their determination.

We have these choices tonight. We should try to make the best choice, and I say again that I think the best choice is the amendments tabled by Mr Bradley.

There is just one final point. A Sinn Féin Member mentioned "may" and "should" — I think that is what the point was. Amendment No 13, in relation to the procedure for existing appointees, says:

"The Minister who appointed that person may, within 21 days of the coming into operation of this section, and after consultation with the person, refer the matter to the First Minister and deputy First Minister."

If it is simply left at a Minister's discretion, he or she will not refer. It really is a pretence to put that into that clause, and it is deceitful in the extreme to suggest that that clause has any substance whatsoever. I will leave it there.

Mr D McIlveen: I know that the hour is late. Therefore, I will try to keep my remarks as brief as is humanly possible.

Mr Hamilton: Hear, hear.

Mr D McIlveen: Thank you very much for the encouragement, colleagues. I welcome the opportunity to speak on the Bill. It is a good Bill, and, to some extent, it is necessary. The code that was produced by the Minister of Finance is very similar in many ways, but the Member for North Antrim has seen fit to enshrine this in legislation, and I do not think that we could have any particular problem with that.

We do, however, have problems with some of the amendments. We have been quite dismissive of the Alliance Party's amendments, and I am probably going to continue that theme. The Alliance Party's amendments can only be described as being comparable to the peace of God, in that they pass all understanding. I certainly would have considerable difficulty with any of them.

I am supportive of the vast majority of the SDLP amendments, although, as my colleague mentioned, we would have considerable difficulty with amendment No 3. When you start to define conflict-related offences, by definition, it brings in special treatment or special circumstances around a particular type of offence. That is a dangerous road to go down. I am surprised that that came from the SDLP, as some of the most passionate deliveries that I have heard in the Assembly about the futility of the conflict and almost its worthlessness have come from the sponsors of that amendment. Given reflection on the debate that has taken place, I hope that the Members may reconsider amendment No 3. Besides that, I do not think that there are any other SDLP amendments that would cause me to lose too much sleep.

Mr D Bradley: I thank the Member for giving way. He said that there was not a lot of difference between the Bill and the regulations brought forward by the Minister. In fact, of the three criteria that Mr Allister has proposed in amendment No 11, two were not included in the Minister's list. The Minister and his senior officials said that the appeal mechanism that he included in his regulations was exceptional. As I said to the Member for East Antrim, what you are accusing the SDLP of, Mr Wilson, in his guise as Minister, is also guilty of.

Mr D McIlveen: I thank the Member for his intervention. I chose my words carefully. I said

that they were "similar"; I did not say that they were "identical". Therefore, I think that the basis of the provision was in the code, and I welcome that we are having a broader debate on the matter. Mr Bradley and I are obviously on the same Committee, and we both heard the evidence. I think that it has been very constructive that we have been able to enter into a broader debate and to get into the detail of these issues. That has been very beneficial, and it can only be a good thing to see it enshrined in legislation.

One matter that came out of the evidence that we received, particularly that from Ann Travers, was the fact that we are greatly optimistic, as we should be, about a new Northern Ireland and about all the opportunities that that brings. I think that there is broad agreement throughout the House that the new Northern Ireland that we live in has brought considerable advantages, both politically and economically.

That is to be welcomed, but we cannot ignore the fact that many thousands of people in this country today still bear the scars of the old Northern Ireland. Ignoring those people and having them reminded every day of those scars by a foolish decision that a party in the Assembly took cannot be ignored. We have to stand up and take a stand on that. We also have to speak out about it and say that it is wrong and ill-advised and that something has to be done about it. We, likewise, have to say that something has to be done to make sure that those victims are not subjected to the same pain and hurt that Ann Travers was subjected to when she heard about Mary McArdle's appointment.

We also have to be very careful about the messages that the Assembly sends out, just as we do about the messages that Members send out in their defence of illegal acts and terrorist atrocities. That was brought out very clearly in the evidence that we received. I want to quote in particular the evidence of two academics, Dr Cillian McGrattan from Swansea University and Dr Máire Braniff from the University of Ulster. I will keep this brief and concise, but I think that it is relevant to the debate as we look at where these amendments are coming from. That is because, at their heart, the Sinn Féin amendments still try to defend the indefensible, which is where we have to draw the line and oppose it.

In the evidence that the Committee received, the Sinn Féin Member for South Antrim put this question to Dr McGrattan:

"Is it not interesting that 15 years after the signing of the Good Friday Agreement, the only party to put forward a formal proposition for an independent truth-recovery process is the republican movement?"

Dr McGrattan's answer was:

"I am not too sure whether it is interesting. If you look at other cases, such as Germany or Spain, you see that these things can take generations."

Mr Deputy Speaker: This may be very interesting, but it is not relevant to the amendments. I ask the Member to come back to the amendments to the Bill.

Mr D McIlveen: With respect, Mr Deputy Speaker, it is relevant. It is the basis for the amendments, and it explains where they have come from, which is on the back of evidence that has been gathered. So, with respect, I have to bring the evidence forward to allow a fuller debate on the issue.

The point that was being made was that, as educators, they were particularly concerned with that and that we, as politicians, should also be concerned with that. A further question was put forward, which I will paraphrase somewhat, in which Mr McLaughlin made the point that, in many ways, so-called combatants had been responsible for bringing us to the place where we are now. Dr Braniff clearly answered that, if we take that view, we are looking at peace as a privilege rather than a right.

7.45 pm

That is why I say that we have to be very careful in all of our decisions, on all sides of the House, about the message that we put out. If we put out a message that we are trying to justify and condone the indefensible, it would take us to a very dangerous place. That is why I take exception to some of Mr McLaughlin's comments in the House tonight. He accused us of inconsistency, and that is simply not the case. The party opposite has a mandate. I would prefer that it did not, but it does, and I am a democrat who respects that mandate. In the same way, we have a mandate to represent the people who very kindly voted for us.

However, the appointment of Mary McArdle was not the result of a democratic decision. It was an appointment, and one that came on the back of a fundamentally flawed procedure and ultimately on the back of a fundamentally

flawed decision by the party opposite. To bring forward these amendments when, by its own admission, that party dismissed the said member of staff from that position, is the height of hypocrisy. Therefore, these amendments in their entirety should be opposed.

Concern has also been raised about the definition of the word "contrition" as it is used in the amendments. It is a word that we would certainly like to see remain in the legislation. Perhaps to clarify the word, I will bring it back to the amendments and the Bill. When it comes to defining contrition and illegality, the reality is that it is, for want of a better term, regrettable if a person involved in terrorism — whether loyalist, republican or Islamic — loses their life in the course of a terrorist act. However, when a 22-year-old woman walking to church is shot in the spine, that is murder. That is the difference, and it is a difference that Members on the Benches opposite fail to recognise time and time again. That is why these amendments must be opposed and dismissed after the debate runs its course.

We could say much more and challenge many more things, but I am conscious that this is an emotive issue and one that I am sure will not be fully settled in the debate. However, I will say this: the accusation was put forward that those on this side of the House had failed to convince the public of the best way forward as far as agreements were concerned. I beg to differ because, between 1998 and 2005, the party opposite had the opportunity to convince the people that the Belfast Agreement was the best way forward. It failed to do that and it was resoundingly rejected in 2005, with renegotiation leading to the St Andrews Agreement.

I will oppose the Sinn Féin amendments in their entirety. I wish that the SDLP would reflect on one of its amendments, apart from which I have no difficulty with the SDLP amendments. We will certainly support Mr Allister's amendments in their entirety.

Mr Lunn: At the outset, I echo what others have said about the debate being entirely constructive and reasonably good natured. I think that it was Mitchel McLaughlin who said that it had the capacity to go way beyond that, and I heard David McNarry and Mitchel agreeing about the nature of the debate. It is a credit to the House that we have managed to keep it in under control.

I am also impressed by David McIlveen comparing our amendments to "the peace of God". We have been called many a thing by the DUP, but I think that that is probably the

best so far, and I appreciate the context in which he said it.

I do not know whether Ann Travers is here, but I imagine that she is probably listening to the debate. I hope that she is encouraged by most of the things that have been said.

I will talk particularly about Mr Allister's amendment No 11. There are three amendments that go various ways about the same problem. It has been well rehearsed, and I do not need to cover it again. We just cannot entertain the Sinn Féin amendment on that issue at all. We can have another look at the SDLP amendment, but we are interested in Mr Allister's amendment No 11, because he has made some compromises from his original position on that matter.

It is clear that he is no longer demanding a blanket ban, and he concedes the need for an appeal mechanism. We can thrash out what the actual appeal mechanism may be. We have concerns about some of the language, such as the use of the word contrition. We would like to give a bit more consideration to the precise language. We can do that at the next stage. We also have concerns that there may be some human rights infringement, or the potential for it, and also that it may not, in the fullness of time, stand up to legal scrutiny. It would probably be better if we did not pass laws if we knew that they were going to be defeated legally at some future date.

We are entitled, when we have a debate here, to sometimes change our minds. It might be a lesson to all if we were all prepared to do so. What is the purpose of debate if it is not to sway people's opinion? In that context, we have been having considerable discussion about this today, and I can tell you now that we are not going to oppose the Question that clauses 2 and 3 stand part of the Bill. I know that we have been heavily criticised for that. We have had time to reflect on it, have listened to what everybody has said, and we think it is better if we withdraw that opposition.

Mr Allister: Unaccustomed as I am to people agreeing with me in the House, I will have to struggle with some of the contributions that were made, but I will do my best in that regard. I do not intend to detain the House for very long. As has been said, it has been a constructive and useful debate. The last contribution indicates that there has been some progress in the debate as well, and I welcome that.

The Sinn Féin contribution, however, falls very far short. Mr McKay, speaking on behalf of his party, really set out his wish list and charter for ex-prisoners, with all of the demands in that regard. In the course of it, he peddled a number of matters that, in respect of the Bill, of course just do not stand up to scrutiny. He tried to suggest that the Bill was targeted at one group, but, as Mr Girvan pointed out following him, the Bill is directed at all criminals — all criminals. It does not pick out, as some amendments do, a particular class or history of criminal. It is directed at all convicts with serious criminal convictions and it deals equally with all, as it should. So, I want to utterly reject that suggestion.

He also spoke about there being no winners and no losers in the past with what had happened. The Travers family were very big losers in the appointment of Mary McArdle, and anyone who thinks otherwise has not even begun to appreciate the great hurt that was caused in that source, and which would be caused to the families of other victims. He then tried to excuse that and say that there were people in prison who would not be there but for the conflict. The reality is that they would not be there if they had not committed the crime; it is as simple as that.

(Mr Speaker in the Chair)

The seminal moment for the Sinn Féin position came from the challenge from Mr Wells and Mr McNarry as to whether, in respect of Ms McArdle, that party would do it again. Answer came there none in the form of a denial, so it was quite clear that Sinn Féin is not in a position to acknowledge that what it did — that which sparked this Bill — and the hurt that it caused was at all wrong. It is that mindset and the refusal to acknowledge it that underscores the necessity for this Bill. It is quite clear that the opportunity could well be taken to do the same again. Mr McLaughlin's ducking and diving and his persistent refusal to answer that question spoke volumes about Sinn Féin's position.

Mr Wells: I will pose a question to the honourable Member for North Antrim. What would have happened had Mary Travers not had such an articulate and courageous sister? What would have transpired had this happened to a family, perhaps, from a more vulnerable part of Belfast, who were not as articulate, who could not handle the media, who could not get their message across and who were not able to represent their family as well as Ann Travers did?

After a few short comments, Sinn Féin would have brazened it out and McArdle or her equivalent would still be in position. Sinn Féin removed McArdle because it was embarrassed by the campaign that was led by Ann Travers and by how effective she was. Eventually, even Sinn Féin, with its brass neck, had to remove her. It made up a strange story about the realignment of its staffing needs in Connolly House, which was absolute nonsense. It withdrew McArdle because she was an embarrassment even to that party.

The sad thing is that there could be another family who do not have that articulate spokesman and who will have to endure the pain, humiliation and anguish of watching a future special adviser (SPAD) on £90,000 a year traipsing around this Building because they do not have that effective voice. Sinn Féin will not care about that family and it will not be embarrassed, because that family does not have an articulate voice with which to express themselves.

Mr Allister: I am grateful to the Member, and I agree with him absolutely. The articulate, but above all courageous, Ann Travers was undaunted by the prospect and the overbearing nature of this appointment. In the words of Alban Maginness, this Bill is a tribute to her because had it not been for her there would not have been the stand that has been taken. I trust that, tonight, that courage will be marked by the progress of this Bill to its next Stage. That is the challenge to us all.

I will turn now to the SDLP. We have seen some movement from the Alliance Party, which is good. It is not going to oppose clauses 2 and 3 and, perhaps — I am not sure — it will abstain on amendment No 11. It may even vote for amendment No 11, which would be even better.

I say to the SDLP that, throughout this debate, a number of very pressing and cogent points have been put to it about what I called the porous nature of its grounds of appeal. Other Members described them as flexible, and that is the problem. They are so flexible that they can mean anything and everything to anyone. Therefore, they can allow and permit any consequence to flow. The SDLP would do well to listen to some of those points and consider whether there is not movement on its part to deal with some of those issues.

Mr Bradley asked how the Civil Service Commissioners would know whether there was contrition, and he asked how you measure contrition. Well, it is the job of the Civil Service

Commissioners to measure that and to reach a judgement on it, having spoken with the person, probed them and analysed what they say. The commissioners reach an assessment as to whether or not that amounts, in their understanding, to contrition. There is no great mystery about that.

8.00 pm

He then asked this: how will they know whether they have co-operated with the police? How the commission conducts itself is a matter for the commission. However, I would have thought that it is almost inevitable that it would contact the police and ask for the assessment of the level of co-operation of the applicant in respect of the criminality in which the applicant engaged. I would have thought that that was a pretty obvious step to take.

He then asked this: how would you know what the victims think, because one part of the family might say, "Let us move on and forget about it.", and another might say, "No, I cannot."? It is possible that you will have different attitudes within the one family. The commission has to balance that and reach a view. If it is a balanced situation, one of the consequences might be to neutralise the view of the victims. However, it certainly does not stop you from searching it out. It is that point above all that was made in many of the submissions that sent out a clarion call that, hitherto, there has been no regard to victims. It is not good enough so say, "It can be caught in a catch-all clause that refers to 'any other relevant matter' and leave it to the commission to determine what is relevant and what is not." I think that the SDLP amendment falls far short in that regard. We need to nail that matter down considerably.

I will return for a moment to the Alliance Party's position. Amendment Nos 31 and 36 are very similar; amendment No 31 came from the Alliance Party, and amendment No 36 came from myself. I am quite happy to accept amendment No 31 if it is the will of the House. In some terms, amendment No 31 is as good as amendment No 36.

I will not accept amendment No 33, because amendment No 33 seeks to exclude clause 6(2). Clause 6(2) is the one that ties the vetting to that of senior civil servants, which can be an evolving process over the years, and, therefore, SPADs need to move with that. However, amendment No 33 would set in stone a present aspect of vetting and not require it to move beyond that. So, I am not inclined to accept amendment No 33.

I would be prepared to accept the first part of amendment No 35 at Further Consideration Stage, because I think that the first part strengthens the Bill. However, I could not accept the second part. I hope that that helps.

There was a discussion — Mr Weir raised the point — about amendment Nos 2, 3, 6, 8, etc. There is something that has not been drawn out that I think we should draw out. Look at the difference in the drafting between amendment Nos 2 and 3, for example. My amendment No 2, which is about how you activate the process to the Civil Service Commissioners, is couched on the basis that the disappointed SPAD has to activate it. The reason for that is that if it then goes further down the legal route and into judicial review, it will not be the public purse that pays for that judicial review. However, amendment No 3, which is the SDLP's amendment, is couched on the basis that the Minister must refer the proposed appointment to the commissioners. If the Minister is dissatisfied with the outcome from the commissioners and someone wants to bring a judicial review, he would have the standing to do it. The Minister could look to the public purse to pay for it, and I think that that is wrong. One of the distinctions between amendment Nos 2 and 3 is looking down the road at who would be likely to be responsible for any resulting legal cost. It is worth trying to save the public purse money when we can, and that is one of the reasons why amendment No 2 and its sister amendments are drafted in that way.

The Minister spoke, although not as the Minister, and really put his finger on it when he said that this is a matter of public confidence. It is a matter of public confidence that the patronage in the House, about which we can do something, is exercised in a transparent and proper way and lives up to standards that the public would expect. That is another way of saying what the Bill is all about: it is about laying the framework and the groundwork so that there can be public confidence in the appointment of special advisers because there are parameters that correspond with the due expectations of a lawful society. That is very important.

The Minister also made a very good point that any mechanism other than the Civil Service Commissioners will have a question mark over its independence. If it is appointed by politicians, there will always be people who say, maybe correctly or maybe not correctly, that it is a product of a political fix and that political horse-trading has resulted in the nominees, and so on. That is also important when building confidence.

Someone said that amendment No 11 is so constructed that the outcome is inevitable. No, it is not. If the commissioners are persuaded on proper grounds that there are exceptional circumstances — having regard for whether there is contrition, whether the police have been helped and the views of the victims — there can be affirmation of the appointment. It is not predetermined in any shape or form in that regard. So, they do have a chance of success. Amendment No 11 does not shut the door, as Mr Bradley said in an intervention, on success in an appeal.

There were some other contributions that touched on issues. However, the essence of the Bill is that it deals with a necessary matter of public interest. It is in the public interest that we put the appointment of people to such high positions in this land on a proper and equal footing for all so that the public looking in can see that there is a process that is proofed against the obscenity that we saw in the appointment of Ms McArdle. The Bill unashamedly wants to proof those appointments against that happening again. It is necessary to do that in such a way to ensure that the Bill cannot be made a nonsense of and be undermined by people ticking a few boxes and saying, "I regret all killings" or "I am a victim of circumstance" to restore their position. That is not conscionable and is not in the public interest. The Bill is in the public interest, and I recommend the amendments in my name to the House and trust that they will find favour with it.

Mr Speaker: Before putting the Question, I advise Members that amendment No 2 is mutually exclusive with amendment Nos 3 and 4.

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 48; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G 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 D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

The following Members voted in both Lobbies and are therefore not counted in the result: Mrs Cochrane, Ms Lo, Mr Lunn, Mr Lyttle.

Question accordingly agreed to.

Mr Speaker: I will not call amendment Nos 3 and 4 as they are mutually exclusive with amendment No 2, which has been made.

Amendment No 5 made: In page 1, line 14, leave out "section" and insert "subsection".— [Mr Allister.]

Mr Speaker: Amendment No 6 has been debated and is mutually exclusive with amendment Nos 7 and 8.

Amendment No 6 proposed: In page 1, leave out line 17 and insert

"the Minister who appointed that person must, after consultation with that person, refer the appointment to the Commissioners, within 21 days of this subsection coming into operation."— [Mr D Bradley.]

Question put, That amendment No 6 be made.

Question put a second time and negatived.

Mr Speaker: Amendment No 7 has already been debated and is a paving amendment for amendment No 13.

Amendment No 7 proposed: In page 1, line 17, at end insert

" , but this is subject to section (Exception for conflict-related offences: procedure for existing appointees)." — [Mr Mitchel McLaughlin.]

Question put, That amendment No 7 be made.

The Assembly divided:

Ayes 27; Noes 61.

AYES

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

Tellers for the Ayes: Mr Boylan and Mr Sheehan.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry.

Question accordingly negated.

Amendment No 8 proposed: No 8: In page 1, line 17, at end insert

"() but a person to whom subsection (3) will apply may refer the appointment to the Commissioners, within 21 days of this subsection coming into operation." — [Mr Allister.]

Mr Speaker: Clear the Lobbies. The Question will be put in three minutes. Order, Members.

Before we proceed, I have been advised by party Whips that, in accordance with Standing Orders, there is an agreement that we can dispense with the three minutes and move straight to the Division. I ask the Tellers to please approach the Table.

Question put, That amendment No 8 be made.

The Assembly divided:

Ayes 53; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G 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 Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Mr Speaker: Amendment Nos 9 and 10 have already been debated and are technical amendments to clause 2. I propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 9 made: In page 1, line 18, leave out "Ministers" and insert "A Minister". — [Mr Allister.]

Amendment No 10 made: In page 1, line 19, leave out "them" and insert "the Minister".— [Mr Allister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 48; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G 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 D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

New Clause

Mr Speaker: Amendment No 11 has already been debated and is consequential to amendment Nos 2 and 8.

Amendment No 11 proposed: After clause 2 insert

"Determination of eligibility of special advisers by Commissioners

2A.—(1) Where—

(a) a proposed appointment is referred to the Commissioners under section 2(2- as inserted by Amendment 2), or

(b) an appointment is referred to the Commissioners under section 2(subsection as inserted by Amendment 8),

the Commissioners shall determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(2) *The Commissioners shall only determine that a person is eligible for appointment as, or to continue to hold appointment as, a special adviser, if satisfied that there are exceptional circumstances justifying it—*

(a) *after having regard to the matters set out in subsection (3), and*

(b) *in the case of a proposed appointment, after taking account of the outcome of the vetting procedures mentioned in subsection (4).*

(3) *Those matters are—*

(a) *whether the person has shown contrition for the offence to which the serious criminal conviction relates,*

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

(c) *the views of any victim of the offence, or where a victim has died, the views of any close family member of the victim.*

(4) *The Commissioners must arrange for the proposed appointee to be the subject of the same vetting procedures as apply to the appointment of persons as Senior Civil*

Servants to the Northern Ireland Civil Service.”.— [Mr Allister.]

Question put, That amendment No 11 be made.

The Assembly divided:

Ayes 46; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr McClarty, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G 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 D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

The following Members voted in both Lobbies and are therefore not counted in the result: Mrs Cochrane, Ms Lo, Mr Lunn, Mr Lytle.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 12 proposed: After clause 2 insert

"Exception for conflict-related offences: procedure for proposed appointees

2A.—(1) *Where a Minister proposes to appoint as a special adviser a person who has incurred a serious criminal conviction for a conflict-related offence, the Minister must refer the matter to the First Minister and deputy First Minister.*

(2) *The First Minister and deputy First Minister, acting jointly, must within 14 days of the referral, establish a review panel in accordance with section (Exception for conflict-related offences: review panel) and refer the matter to it.*

(3) *The review panel must arrange for the proposed appointee to be the subject of the vetting procedures referred to in section 6.*

(4) *Subject to the outcome of those procedures, the review panel must determine that the proposed appointee is eligible for appointment, unless satisfied that the nature of the proposed appointee's role as a special adviser is manifestly incompatible with the circumstances of the conflict-related offence.”.— [Mr Mitchel McLaughlin.]*

Question put, That amendment No 12 be made.

The Assembly divided:

Ayes 27; Noes 61.

AYES

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

Tellers for the Ayes: Mr Boylan and Mr Sheehan.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr

Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry.

Question accordingly negated.

New Clause

Amendment No 13 proposed: After clause 2 insert

"Exception for conflict-related offences: procedure for existing appointees

2B.—(1) This section applies if, on the date of its coming into operation—

(a) a person holds an appointment as a special adviser,

(b) the person has before that date incurred a serious criminal conviction, and

(c) the serious criminal conviction was for a conflict-related offence.

(2) The Minister who appointed that person may, within 21 days of the coming into operation of this section, and after consultation with the person, refer the matter to the First Minister and deputy First Minister.

(3) The First Minister and deputy First Minister, acting jointly, must within 14 days of the referral, establish a review panel in accordance with section (Exception for conflict-related offences: review panel) and refer the matter to it.

(4) The review panel must determine that the person's appointment will not be, or is not, terminated by virtue of this Act, unless satisfied that the nature of the person's role as a special adviser is manifestly incompatible with the

circumstances of the conflict-related offence."— [Mr Mitchel McLaughlin.]
Question put, That amendment No 13 be made.

The Assembly divided:

Ayes 27; Noes 61.

AYES

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

Tellers for the Ayes: Mr Boylan and Mr Sheehan.

NOES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Allister and Mr McNarry.

Question accordingly negated.

Mr Speaker: I will not call amendment Nos 14 and 15 as they are consequential to amendment Nos 12 and 13, which have not been made. I will not call amendment No 16 as it is mutually exclusive with amendment No 11, which has been made.

New Clause

Mr Speaker: Amendment No 17 is consequential to amendment No 11.

Amendment No 17 proposed: After clause 2 insert

"Appeals against Commissioners' determinations

2B.—(1) *Where a person who is the subject of a determination of the Commissioners is aggrieved by that determination, that person may appeal to the High Court.*

(2) *The appeal can only be brought on the ground that it was not reasonable for the Commissioners to make that determination.*

(3) *The appeal must be brought within 21 days from the day on which the Commissioners made the determination.*

(4) *On hearing the appeal, the High Court may make such order as it thinks fit in respect of a person's eligibility for appointment as, or to continue to hold appointment as, a special adviser."*— [Mr D Bradley.]

Question put, That amendment No 17 be made.

The Assembly divided:

Ayes 61; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Byrne and Mr Durkan.

NOES

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr

Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Clause 3 (Meaning of "serious criminal conviction")

Amendment No 18 made: In page 2, line 1, after "sentence of" insert "immediate".— [Mr Allister.]

Amendment No 19 made: In page 2, line 5, after "State" insert "or the Minister of Justice".— [Mr Allister.]

Amendment No 20 made: In page 2, line 9, after "Governor" insert "or the Secretary of State".— [Mr Allister.]

Amendment No 21 made: In page 2, line 15, leave out "Act" and insert "section".— [Mr Allister.]

Amendment No 22 made: In page 2, line 15, at end insert

"(3) Where the person was convicted in a country or territory outside Northern Ireland, the references in subsection (1)(c), (d) and (e) to sentences are to be read as references to equivalent sentences in the country or territory in which the person was convicted."— [Mr Allister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 48; Noes 35.

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr

Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G 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 Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr Agnew.

Question accordingly agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Mr Speaker: I will not call amendment No 23 as it is consequential to a number of earlier amendments, none of which has been made.

Clause 4 (Annual report)

Amendment No 24 made: In page 2, line 18, after "employed" insert "at any time".— [Mr Allister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan,

Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, 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 Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

10.00 pm

Clause 5 (Code of conduct)

Amendment No 25 made: In page 2, line 26, leave out "3" and insert "2".— [Mr Allister.]

Mr Speaker: Amendment Nos 26 to 28 have already been debated and are technical amendments to clause 5. I propose, by leave of the House, to group these amendments for the Question.

Amendment No 26 made: In page 2, line 30, leave out "function" and insert "power".— [Mr Allister.]

Amendment No 27 made: In page 2, line 32, leave out "function" and insert "power".— [Mr Allister.]

Amendment No 28 made: In page 2, line 34, leave out "function" and insert "power".— [Mr Allister.]

Amendment No 29 made: In page 2, line 38, leave out "employment" and insert "appointment".— [Mr Allister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 60; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, 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 Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Code for appointments)

Amendment No 30 made: In page 3, line 3, leave out "3" and insert "2".— [Mr Allister.]

Amendment No 31 proposed: In page 3, line 3, at end insert

"() Where a Minister proposes to appoint a special adviser, such an appointment shall be

subject to the terms of the code."— [Mrs Cochrane.]

Question put, That amendment No 31 be made.

The Assembly divided:

Ayes 52; Noes 35.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mrs Cochrane and Ms Lo.

NOES

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Mr Speaker: Amendment No 32 has already been debated and is mutually exclusive with amendment Nos 33 and 34.

Amendment No 32 proposed: In page 3, line 4, leave out subsection (2) and insert

"(2) Without prejudice to the generality of subsection (1), the code must provide that persons proposed for appointment as special advisers—

(a) must be subject to the same vetting procedures as persons to be appointed as Senior Civil Servants to the Northern Ireland Civil Service,

(b) must not be subject to further vetting procedures if they have been subject to vetting procedures in accordance with section (Determination of eligibility of special advisers by Commissioners (Amendment 11)).”— [Mr Allister.]

Question put, That amendment No 32 be made.

The Assembly divided:

Ayes 56; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, 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 Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

10.30 pm

Mr Speaker: I will not call amendment Nos 33 and 34 as they are mutually exclusive with amendment No 32, which has been made.

Amendment No 35 not moved.

Amendment No 36 not moved.

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 61; Noes 27.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Byrne, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McDevitt, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Rogers, 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 Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Boylan and Mr Sheehan.

Question accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Mr Speaker: I will not call amendment No 37 as it is mutually exclusive with clause 6, which now stands part of the Bill.

Clause 7 ordered to stand part of the Bill.

Long title agreed to.

Clause 8 (Interpretation)

Mr Speaker: Amendment No 38 is consequential to earlier amendments in group 2.

Mr Speaker: That concludes the Consideration Stage of the Civil Service (Special Advisers) Bill. The Bill stands referred to the Speaker. I ask the House to take its ease as we move to the next business.

Amendment No 38 made: In page 3, line 19, at end insert

"the Commissioners' means the Civil Service Commissioners for Northern Ireland,".— [Mr Allister.]

Amendment No 39 made: In page 3, line 20, before "Department" insert "The".— [Mr Allister.]

Amendment No 40 made: In page 3, line 21, before "Minister" insert "The".— [Mr Allister.]

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10 (Commencement)

Mr Speaker: Amendment No 41 is consequential to amendment Nos 8 and 11 and is mutually exclusive with amendment No 43.

Amendment No 41 made: In page 3, line 32, after "Sections" insert

"2(subsection as inserted by Amendment 8), (Determination of eligibility of special advisers by Commissioners (Amendment 11))."— [Mr Allister.]

Mr Speaker: I will not call amendment No 42 as it is consequential to amendment Nos 12 and 13, neither of which has been made. I will not call amendment No 43 as it is mutually exclusive with amendment No 41, which has been made.

Amendment No 44 made: In page 3, line 32, leave out "and 6" and insert ", 6, 8, 10 and 11".— [Mr Allister.]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

Schedule agreed to.

10.45 pm

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

EU Regional Aid

Mr Deputy Speaker: The Members who tabled this motion do not intend to move it due to the lateness of the hour. However, we have to formally dispose of the motion, as it is in the Order Paper.

The following motion stood in the Order Paper:

That this Assembly recognises the positive effect that Northern Ireland's 100% coverage for EU regional aid has had on the economy; believes that it has been significant in aiding economic growth and inward investment; is concerned that removing this automatic coverage would have a detrimental impact on the economy, jobs and growth; and calls on the Minister of Enterprise, Trade and Investment to continue to lobby the Government at Westminster and the European Commission to ensure that EU regional aid is retained for all of Northern Ireland. — [Mr Newton.]

Motion not moved.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

Post-primary Schools: 'Together Towards Tomorrow'

Mr Deputy Speaker: The proposer of the Adjournment topic will have 15 minutes. The Minister will have 10 minutes to respond, and, on this occasion, all other Members who wish to speak will have a maximum of seven minutes.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Lá fada é. It has been a long day.

First, I welcome the publication of the document, 'Together Towards Tomorrow', which deals with post-primary education in Derry and, indeed, throughout the Foyle constituency. In doing so, I acknowledge and commend the work, commitment and leadership of Monsignor Eamon Martin on this issue. 'Together Towards Tomorrow' has at its core raising standards in our post-primary sector and giving all children the same chances for educational success. Of course, key to that is having a learning community of sustainable schools that provide good education to all pupils on the basis of equality of access. I also acknowledge and place it on record that Derry has a high standard of education offered by our post-primary sector, but, as always, there is room for improvement. Of course, it is the responsibility of all of us to ensure that we bring about that improvement. I also acknowledge that Derry has a high level of social deprivation, and, as educationalists accept, it is vital that education plays a central role in tackling inequality and social deprivation. Our education system has to be designed to ensure that we tackle disadvantage and underachievement, and the document, 'Together Towards Tomorrow', recognises that academic selection is a major barrier to achieving that.

I will cover some aspects of the document. In particular, I welcome the fact that the partnership is to be called Le Chéile, which, translated from Irish to English, means "Together". I acknowledge that this will not involve any additional tier of management but will act as a catalyst to allow schools to pledge to work together under the theme Together Towards Tomorrow. In Derry, for a long

number of years, we have had the excellent example of people collaborating through the Foyle learning community. Le Chéile is person-centred and will, at its core, ensure that disadvantage and underachievement are tackled. It also has an emphasis on building links with other sectors and has many similarities with what people call area-based learning.

The document outlines a structured transition away from academic selection as an admission criterion. As a party, we wish that that proposal had been more foresighted and not taken as long, but we acknowledge that, at their core, the proposals accept that academic selection is not the way forward. We welcome the proposal to create a number of sixth-form colleges, and, indeed, that discussion is ongoing at present in the city.

It is particularly welcomed by those schools that have a very small sixth form sector, and they seek opportunities. The Foyle learning community has been to the fore and the vanguard of ensuring that schools with a small sixth form are assisted in ensuring that they offer the full range of subjects.

Co-education is a welcome part of the document, and many of the schools are involved in discussing its merits. Obviously, people will want to have a discussion around the minuses of the idea of co-education, but, for us, these types of initiatives are required, particularly where people say that co-education can, in itself, help to tackle underachievement in our schools.

We have had a very long day, and this is our last sitting before the Easter recess. Therefore, it would be remiss of me not to wish Francie Molloy, the *Príomh-LeasCheann Comhairle*, well, although I will not say in his retirement. He has been here since the inception of the Assembly, and I wish him well. I also commend Monsignor Martin in his role in Derry. I hope that the new incumbent in his position in the city will ensure that they take this document forward and lead the debate, which is much welcomed, much appreciated and much participated in within our city. I wish Monsignor Martin well in his new role as the Archbishop of Armagh.

Mr Durkan: It is appropriate, given the hour, that we are debating 'Together Towards Tomorrow'. In February last year, the senior trustees in the diocese of Derry issued the discussion paper 'Together Towards Tomorrow', which offered a strategic vision for post-primary Catholic education in the Derry city area. The paper was prepared in response

to a post-primary review project undertaken by the Northern Ireland Commission for Catholic Education and conversations in 2011 with primary and post-primary school principals in the Derry city area. Monsignor Eamon Martin, diocesan administrator and now coadjutor Archbishop of Armagh, said that the idea behind this was to bring fresh ideas to the table that might help to inspire further discussion and analysis on the future shape of post-primary education in the Derry city area.

Credit must go to those behind this initiative and those who have participated in the process — a worthy, well-intentioned attempt to cut through the shambles of the education system. We cannot ignore the current impasse, and people in the House cannot escape responsibility for it. I give credit to Monsignor Martin and his colleagues for the discussion paper that proposes a partnership of distinct but linked Catholic schools in Derry known as Le Chéile partnership, a phased move away from academic selection as an admission criterion, the possibility of greater opportunities for co-education and the possibility of a change to the shape of post-16 education in Derry.

We must carefully analyse the outcomes of the discussion paper as we seek a way forward not just for the children of Derry but for all the children of the North. There was a broad welcome for the debate engendered by the discussion paper. There must be proper consultation with parents and schools. The issue of academic selection dominated much of the response, as it unfortunately now dominates most discussion about education. There are those who are vociferously opposed to any move from it, and there are those who are equally determined to see its complete eradication. Those in favour of selection argue that it can be removed only when there is consensus on removal in the Catholic and non-Catholic sectors, otherwise Catholic parents who wish their children to receive a grammar school education will send them to a grammar school in another sector.

There is a developing issue. As some grammar schools cannot fill their places, they move down the grades, and that is having a detrimental impact on some of our non-selective schools. That issue needs to be addressed.

Although the document speaks of the distinctive nature of Catholic schools, many appear to reduce the proposals to a one-size-fits-all comprehensive system, which has, in many ways, failed in England.

In our opinion, the best place to tackle the problems of underachievement in the current system is at primary level. I compliment our hard-working primary teachers as well — that is not to say that secondary and grammar teachers are not hard-working, of course. Having a class size of over 30 — in some cases 35 — is not conducive to raising standards. Distracting primary teachers with poorly thought out initiatives — computer-based assessment, to name one — will not raise standards. Insisting on levels of progression and ignoring tried and tested assessment for learning tools that teachers use does not contribute to raising standards. The best way to raise standards is for us to actively listen to what our primary teachers tell us.

The idea of schools working together is certainly the way forward, but this document gives little acknowledgement to shared education or the excellent work of the Foyle learning community that Mr McCartney referred to. In addition, this is strictly Derry city, with little reference to the many feeder schools outside the city.

The idea of a separate sixth-form college received mixed views, but there was certainly a feeling that there was a reluctance to lose good sixth-form provision that already existed. Similarly, there were mixed views on co-education.

Many areas need further investigation, but the lack of research data to support the proposals and the lack of outworking of certain elements of the proposals are shortcomings. The debate needs to be moved forward, not just at Derry level but at Northern Ireland level. It is important that parents — I speak as a parent — have the opportunity to suggest a preference for their children, be it all-ability, integrated, Irish-medium or grammar. Like all parents, I want to give my son the best possible chance in education.

Ms Maeve McLaughlin: Go raibh maith agat. I also welcome the opportunity to contribute to this important debate regarding post-primary education in the Derry City Council area. I acknowledge that a very high standard of education is offered by post-primary schools in the Derry area, and I look forward to further positive developments in our school estate.

I acknowledge that Derry has a high level of social deprivation, and it is vital that education plays a central role in tackling inequalities and social deprivation. I, too, acknowledge the leadership and vision of Monsignor Eamon Martin in moving the debate forward and his

commitment to engage directly with boards of governors on the issue. I welcome the fact that some other schools are engaging in the debate.

'Together Towards Tomorrow' is more ambitious than any previous statements. In relation to the proposal for a structured transition from the use of academic selection as an admissions criterion, I welcome the emphasis, as has been stated, that this document puts on social deprivation and the impact that academic selection has on contributing to that cycle. Therefore, I would like to concentrate briefly on the recent child poverty report from the Child Poverty Action Group and the link with academic selection. Whilst the eradication of child poverty requires departmental focus, early intervention and, of course, investment in jobs, there can be no denying that child poverty and deprivation have a direct link with academic selection, a link that is not often referenced. In my constituency of Foyle, more than 35% of children — one in three — live in poverty. Creggan Central, at 63%, has the highest level of poverty, followed by Brandywell at 61% and Creggan South at 59%. Those are stark figures and cannot be ignored. Academic selection clearly disadvantages those who are already disadvantaged.

There is another irony in our education system when our primary schools are seen, as in recent studies, as among the best in the world. So, what is it that happens to our young people in that transition period that results in high numbers of them being classified as failures by the system?

Educational excellence does not require academic selection. The highest performing countries have non-selective systems.

I welcome the publication of the document and the strong correlation that is made between inequality of access, underachievement and falling enrolments and the suggestions that are made to address those issues. I, for one, look forward to continuing to work together with others in this process to deliver our aims of providing the best education for our children and young people, addressing social deprivation and inequality and ensuring that our education system plays a major role in the wider success of society.

11.00 pm

Mr Storey: I noticed that this was on the Order Paper, and I was interested to hear what the Members were going to say. I am more

interested to hear what the Minister is going to say, for the simple reason that you could say, "Here we go again". We have a document about which I received a considerable amount of correspondence from people living in the Londonderry area. They were very concerned about some of the assertions, comments and statements that were made in 'Together Towards Tomorrow'. Together with whom? Is it together with the controlled sector, the integrated sector or the Irish-medium sector? Is it the same old mantra of "ourselves alone"?

When we come to the debate about education, we all have to have a degree of honesty. What is the primary objective? Is it to protect our system and our schools, or is it to ensure that children, irrespective of class, colour or creed, have the best possible educational provision? I have not heard anything here tonight other than praise for the author of the report and the well-repeated mantra that, if we ended academic selection, we would all move into the new world, the land of Canaan, the Promised Land, and everything would be well. I am glad that the Member for Foyle Mr Durkan was honest enough to put his finger on one of the issues, which is an issue that I see in my constituency. The maintained sector — the Catholic sector — has, in a very small number of schools, reluctantly heeded the bishops' call to move away from academic selection. What has been the result in the numbers in the nearest non-denominational grammar school? What has happened? They have gone up. That clearly indicates that there are Roman Catholic parents who are prepared to put educational outcome, ability and provision, first and foremost, ahead of Catholic education.

Let me dispose of another fallacy that we produce failures at 11 only. The Minister publishes reports and statistics on the basis of five GCSEs, grades A* to C, and he is prepared to use the inspectorate to go into schools to find fault in schools that do not meet those criteria. What does he call those schools? Failing schools. You cannot have it both ways. You cannot set a test for 11-year-olds and say, "We are creating failures. That is an awful thing. It is educationally unsound and morally unjust" and then set a standard at the other end when they are 16 and say, "That is the standard that we want to meet. If they do not meet it, there is something else". I honestly think that there has to be a degree of honesty around this debate.

Mr Durkan referred to the comprehensive system in England. Why would we want to replicate something that they have thrown out and which has failed? If you want to have social mobility, you will have social mobility on

the basis of assessment, not on the basis of what is in a child's lunch box, where a child lives or the ability of the child's parents to pay. You will have social mobility on the ability of the child.

I remember I was not very popular in going to — I will conclude with this — a very well-known Catholic non-selective school in west Belfast. I asked the sixth form what happened to them on the first day that they came into the school. They told me that they had all done a test. I said, "Hold on: tests are wrong. You are not allowed to do tests. They are immoral. They are educationally unsound". Then, of course, in the non-selective sector —

Mr O'Dowd (The Minister of Education): Will the Member give way?

Mr Storey: Yes.

Mr O'Dowd: Where does the Member come across the information that we are opposed to tests? Where does he come across his information that testing is immoral? At no time have I, as Minister of Education, or any of my predecessors condemned streaming in schools. That happens in the Member's head. It is in his head. He never lets the facts get in the way of a good argument. I doubt if any debate would have kept the Member here to 11.05 pm other than one in which he can defend his friends in the voluntary grammar schools.

Mr Storey: I am glad that the Minister has got somewhat upset. I am entitled, as a Member of the House, to stay here for the debate. It is not about defending friends; it is about the hypocrisy of those who claim that there is something immoral about testing but are then quite prepared, on the width and breadth of a door, to call it something else. They call it "streaming" or "banding". Go to Holy Cross College in Strabane: it has a more aggressive streaming system than any academic selection process would have.

Mr O'Dowd: Does it stop any children getting into the school?

Mr Storey: Sorry?

Mr O'Dowd: Does it stop any children getting into the school?

Mr Deputy Speaker: Order.

Mr Storey: No, but I will tell you what it has done: it has ensured, as the Minister and

Members from Foyle know, that people are still leaving Strabane and either going to Omagh or going to Londonderry or going to the local Strabane Academy, which now has a considerable number of Catholic pupils. We need to stop the nonsense of trying to denigrate the grammar system and accept that there are those schools. The top-performing school in Northern Ireland happens to be a school that Members from Foyle have not even had the decency to mention in the debate: Lumen Christi.

Mr McCartney: Will the Member give way?

Mr Storey: Yes.

Mr McCartney: No schools were mentioned. Why would we pick one above all others?

Mr Storey: Because that proves the point: there is almost dancing around the head of a pin here. Let us get to the situation. The document was a production by the Catholic system. It indicates clearly, as today's area plans have indicated, that the Catholic system needs to come into the 21st century. The challenge for the Minister in his response is whether the Department will allow it to sit outside or whether the only show in town is area plans. We will wait to hear what the Minister has to say with regard to that document. In the past, he has told me that it is about ensuring that the Department is in control of the process, that CCMS will not be able to set the agenda and that it has to be part of area plans.

Mr Deputy Speaker: Will the Member draw his remarks to a close, please.

Mr Storey: I would love to know when they have been part of the area plan system because, to date, I have not seen much evidence. I say it in the House tonight, in this debate: the controlled sector is not taking any more of the flak for the failure —

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

Mr Storey: It is now up to others to deliver.

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

Mr Kinahan: I am very pleased to speak today. I agree with much of what we have just heard, but I want to come at this from a slightly different angle. I want to start by saying that, during my brief time on the Education Committee, what I have seen from the Catholic

schools is a good, professional, high standard of excellence. We must always recognise that.

I find this a strange debate for us to be having as an Adjournment topic, because it is actually hugely important. At last, it raises the elephant in the room that is sitting there with all of us: selection. I do not accept the direct link, although certain change may be needed. We need to resolve the position. We all need to sit down together, discuss the way forward and try to find an agreed way forward.

Our party's position is that there should be one exam for the next two years while we all sit down and work out a way forward for the selection system. It is also our party's position that you do not mend what is not broken and that you go to the highest — not the lowest — common denominator and try to lift everyone to that level. There is a whole mass of other matters — I am not going to go into all of them here because the hour is late — from the capping or setting of school numbers to keeping parental choice, much of which has been raised by others, but I think that we should be focused on trying to find a way forward.

Mr Storey: Will the Member give way?

Mr Kinahan: I am happy to give way.

Mr Storey: The Member raised the issue of parental choice. As far as some Members in the House are concerned, there should be parental choice only if it happens to be Catholic education or Irish-medium education, but, if it happens to be a grammar school, you are not allowed parental choice, and that is something to be resisted. *[Interruption.]* The Members can laugh and try to be derogatory about the issue, but that is how it is perceived by many out there, including Catholic parents who are now choosing — this is what worries the monsignors — non-denominational schools rather than staying within the Catholic sector. Therein lies the problem for the system.

Mr Deputy Speaker: The Member has an extra minute. Can all remarks come through the Chair, please?

Mr Kinahan: Thank you very much. The 'Together Towards Tomorrow' document has some good ideas in it. It talks about partnership, but, at the same time, that partnership, as has been pointed out, is only within the Catholic system. Nevertheless, the idea of a partnership is there. As many of you know, our party's policy is for a single, shared education system. So, again, we need to sit

down and discuss things. Partnership is the right idea, but it is about pulling everything together — all beliefs and ideas — and trying to get a solution that we can all sign up to.

The document mentions parents, the community and early years, and we all know how important they are. We need to bring in and include everyone in this. We need to, as the document does, recognise that there will be different visions and different ethos. So, we need to take on board the fact that there will be very different visions and ethos, if that is the right way forward for all of us.

As I go on through the document, I see that there is a focus on deprivation. It is absolutely right that we should focus on deprivation, and yet, we seem to spend a lot of our time in here talking about GCSE exam passes. We listened to OFMDFM announce that it was going to get more trained teachers on the ground, but what we seem to fail to do on the ground is make sure that we identify the people who are failing at school and the reasons for that, so that those teachers, when they get there, know the right people to tackle. Again, I think that this needs all of us working together.

So, my plea really is this: let us learn from this document. It is not just about Catholic schools working together but about all of us trying to find a way forward. In our view, we need to keep academic selection but change the systems that work around that, so that we lift those in deprived areas and others, and get everyone up together, and then let us look outside Northern Ireland.

Mr McCartney: Will the Member give way?

Mr Kinahan: Yes.

Mr McCartney: The Member may not be aware, but the Foyle learning community in Derry encompasses all schools. Every school in the area co-operates and works in partnership.

Mr Kinahan: Thank you. I think that all the learning communities should really be praised, because they are the way forward, but the document does not really go into that.

My plea today is that we try to work together. The Belfast Agreement had the idea of everyone working together rather than in our silos. It may seem right that the Minister has his say and direction, but we all need to work together on the broad picture. So, let us pull

together and get something from today's debate.

Mr O'Dowd: Ba mhaith liom buíochas a ghabháil leis an gcomhalta Raymond McCartney as aird an tí a tharraingt ar an gceist seo. I would like to thank Raymond McCartney for bringing this matter to the attention of the House. Before turning to the specific proposals for Derry, I want to acknowledge the work undertaken by the Catholic bishops and trustees in developing a vision for the future of post-primary education across the Catholic sector. I also thank them for their active and constructive engagement in the area planning process. In answer to Mr Storey's question, they are involved in it. The proof is in the primary and post-primary area plans that have been published and have gone through consultation. They are there. That is the only place in which area planning is taking place: in those documents. The process is at the core of raising our standards agenda. Improvement in educational standards can only be fully delivered through a network of strong, sustainable schools that command the confidence of the communities they serve.

11.15 pm

I welcome the leadership that the Catholic bishops and trustees have demonstrated in bringing forward a framework to move all Catholic post-primary schools away from academic selection. I commend the leadership that has been demonstrated by Monsignor Martin in articulating a vision for the Catholic family of schools in Derry. He has produced a document in relation to the Catholic schools in Derry, but I am aware that he is keen to engage with all the school sectors in the Derry area about how we move beyond academic selection.

Regardless of political opinion, I believe that we can all share the vision of an education system that prepares pupils to lead fulfilling and purposeful lives; a system that tackles disadvantage and underachievement. It matters what is in the child's lunch box and their parents' bank account. All the evidence shows us that a wealthy or middle-class family's children will do well in education. That is the reality; it is fact. It is not Sinn Féin propaganda. It is not the Minister's propaganda. Mr Kinahan said that we need to study those things and that we need to get down onto the ground. Those are things that you have not done.

Mr Kinahan: I have.

Mr O'Dowd: You have not done them. If you were down on the ground and looking at the evidence, it would show you that social and economic disadvantage has a bearing on your educational outcomes. Why should it? Why should we allow it to have such a detrimental impact on your educational outcomes? The challenge is for us all to move away from that. You cannot ignore the evidence, but you insist on ignoring the evidence every time. Every time you speak about education, you tell me that we have to get down on the ground to look at evidence. I suggest that you do it.

Mr Storey: Will the Minister give way?

Mr O'Dowd: I will maybe give way later on.

The Members opposite, and indeed Mr Durkan — I have to say that I do not know what his position is. I understand his position as a father. I am a father. I am also a political leader, as is everyone in the Chamber. We have to show political leadership. I want and expect the best for my children in education, but I know that my children will not have to go through academic selection to achieve that. They will not have to go through academic selection to achieve excellent education. That is a fact, a simple fact.

Anyone who defends academic selection on the basis that you have to have it for good education purposes is wrong. International evidence shows that they are wrong. I understand the concerns of parents. As I said, I am a parent. I understand some of the concerns that were raised in the responses to the Derry document from parents who are concerned about academic excellence. However, we are now talking about an education system in the 21st century. Understandably, many people reflect on their own educational experiences, but we have moved beyond that. Academic excellence is now spread across all our schools. You can access 27 subjects in all our post-primary schools. You do not have to go to a selective school to access this course or that course or to do academia or whatever. You do not have to do that any more; it is no longer relevant. Indeed, our grammar schools also have to offer 27 subjects across a wide range.

Mr Storey: Will the Minister give way?

Mr O'Dowd: I will.

Mr Storey: Thanks. I am glad, at last, that the Minister has admitted something that he and his Department have denied. The entitlement

framework was brought about to give pupils greater choice, but the Minister has confirmed in the House tonight that it was brought about so that academic schools and grammar schools would not be the only place where there was the provision of other subjects. That was really why the entitlement framework was brought about.

Mr O'Dowd: Yes. Why would we not bring that about? Why would the Member deny all children access to 27 subjects? The Member's defence of the voluntary sector at any cost absolutely baffles me. There is no subject that you would be debating in the Chamber at 11.20 pm other than this one. Your defence —

Mr Storey: Settle.

Mr Deputy Speaker: Order.

Mr O'Dowd: Your continued defence of academic selection at the cost of the Protestant working class amazes me. Your defence of academic selection at the cost of all the working classes amazes me. *[Interruption.]* If there is any chance of having a —

Mr Deputy Speaker: Order.

Mr O'Dowd: The Derry proposals are about bringing academic excellence and educational equality to everyone. I do not understand why that cannot be embraced. There is a responsibility on all political leaders, civic leaders, church leaders and community leaders to bring this forward. Derry has a very proud history of delivering social change to this society. It can lead the way again in delivering social change on this matter — *[Interruption.]*

Mr Deputy Speaker: Order. There are not meant to be comments from a sedentary position. If someone wishes to intervene, they should ask the Member who is speaking if they will give way.

Mr O'Dowd: This debate did not start with Monsignor Martin's paper nor with Martin McGuinness, the previous Education Minister; it started five decades ago. Look at the political progress, the socio-economic changes and all the changes that have happened for the better in our society over the past five decades, yet one sector — the grammar sector — has not moved one inch. I can produce reports from five decades ago in which the grammar sector asked for another couple of years to change, to bring in another type of test or to do something to be more inclusive. Not one change has

taken place over five decades, and no one in this Room can deny that.

Mr Storey: Will the Minister give way?

Mr O'Dowd: Very quickly.

Mr Storey: The Minister is trying to use a document produced in Londonderry to mask the fact that the Catholic system has not moved. The Member for Foyle referred to the fact that there is deprivation in Creggan and the Bogside. What has happened to the leadership in that city to allow that deprivation? It is an insult to schools to blame them for the failure of political leadership in the city of Londonderry.

Mr O'Dowd: The Member will be aware that deprivation exists across the North. It exists in the Member's constituency, and he will be acutely aware of the detrimental impact that socio-economic deprivation has on his constituency and on the schools estate.

The Catholic sector has decided to move. It defended academic selection for the past four out of five decades — *[Interruption.]*

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

Mr O'Dowd: Thank you, Mr Deputy Speaker. It now recognises that it needs to move away from it, and it has made the right decision. We have to offer assurances and practical measures to families who are genuinely concerned, and I accept that there is genuine concern among families about the need for continued academic excellence. However, I would ask them to look at the post-primary schools in Derry that do not practise academic selection. They should look at the results coming out of those schools — not just the academic results but the quality of the individuals who come out of those schools. They are well-rounded young people who value themselves and the communities around them. Schools that practice non-academic selection in the Derry area are proof, if proof be needed, that you do not need academic selection.

The Member opposite has thrown up the issue of children being tested when they go into schools. Only in the Member's head does the theory exist that I am opposed to testing. Of course schools test children's ability and match teaching to their ability. It is not about excluding children from schools.

The Member spoke about people leaving colleges in Omagh and going up to Strabane,

and he let the words "Strabane Academy" slip. He did not let it slip that Strabane Academy is also moving away from academic selection and is going bilateral. So, not only the Catholic sector is moving away from academic seduction. I am glad to hear that there are also schools in the controlled sector that have had, at times, a difficult and passionate debate about the pathway for education but have made the right decisions. They have found that academic selection is not necessary for academic excellence. There is a challenge for us all —

Mr Deputy Speaker: Will the Minister draw his remarks to a close, please?

Mr O'Dowd: Given all the changes that have taken place in this society over the past five decades, we can no longer accept the position that one sector alone is beyond change. That is the challenge for everybody in the Room.

Adjourned at 11.24 pm.

WRITTEN MINISTERIAL STATEMENT

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

Justice

Status of the Compensation Agency

Published at 12:00 noon on Thursday 14 March 2013

Mr Ford (The Minister of Justice): A recent review of the Compensation Agency which I commissioned concluded that the current functions of the Compensation Agency should be integrated within the core Department of Justice. I have accepted the recommendations of the review and agreed that the Compensation Agency should cease to be an Executive Agency of the Department with effect from 1 April 2013.

This is largely an administrative change and will have no impact on the daily work of the majority of staff or the compensation services currently delivered by the Agency. Those services will be delivered by a new business unit within the Department. The new business unit, Compensation Services, will maintain a strong focus on ensuring that compensation services are delivered to victims of crime in an efficient and effective way.



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