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# NORTHERN IRELAND ASSEMBLY

# COMMITTEE BUSINESS

## Standing Orders

Monday 12 October 2009

*The Assembly met at 1.00 pm (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

### Suspension of Standing Orders

**Ms Ní Chuilín:** I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 12 October 2009.

**Mr Speaker:** Before I put the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That Standing Orders 10(2) to 10(4) be suspended for 12 October 2009.

**Mr Speaker:** As there are Ayes from all sides of the House and there are no dissenting voices, I am satisfied that cross-community support has been demonstrated. Today's sitting may go beyond 7.00 pm, if required.

**Mr Speaker:** As the next three motions provide for related amendments to Standing Orders, I propose to group all three motions and to conduct one debate. I will call the Chairperson of the Committee on Procedures to move motion (a). The debate will then take place on all three motions. When all Members who wish to speak have done so, I will put the Question on motion (a). I will then ask the Chairperson of the Committee on Procedures formally to move motions (b) and (c), and I will then put the Question on each motion in turn without further debate. If that is clear, I shall proceed.

**The Chairperson of the Committee on Procedures (Lord Morrow):** I beg to move

Motion (a): Leave out Standing Order 57 and insert —

“57. COMMITTEE ON STANDARDS AND PRIVILEGES

(1) There shall be a standing committee of the Assembly to be known as the Committee on Standards and Privileges —

(a) to consider specific matters relating to privilege referred to it by the Assembly;

(b) to oversee the work of the Clerk of Standards; to examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interests established by the Assembly; and to review from time to time the form and content of those registers;

(c) to consider any matter relating to the conduct of members, including specific complaints in relation to alleged breaches of the Code of Conduct which have been drawn to the committee's attention;

(d) to recommend any modifications to the Code of Conduct;

(e) to consider any reports of the Assembly Commissioner for Standards;

(f) to perform the functions described in Standing Orders 69B and 69C;

(g) to make reports (including reports to the Assembly) on the exercise of any of its functions or any other matter listed above.

(2) The committee shall be appointed at the commencement of every Assembly and may exercise the power in section 44(1) of the Northern Ireland Act 1998.”

*The following motions stood in the Order Paper:*

Motion (b): Leave out Standing Order 69 and insert —

“69. MEMBERS' INTERESTS

(1) A Register of Members' Interests, which shall list the categories of registrable interest, shall be established, published and made available for public inspection.

(2) The Clerk of Standards shall compile, maintain and from time to time publish, the Register of Members' Interests.

(3) Every member shall inform the Clerk of Standards of such particulars of their registrable interests as shall be required, and of any alterations to such interests within 28 days of each alteration occurring.

(4) Before taking part in any debate or proceeding of the Assembly or its committees, a member shall declare any interest, financial or otherwise, which is relevant to that debate or proceeding, where such interest is held by the member or an immediate relative.

(5) No member shall, in any proceeding of the Assembly —

(a) advocate or initiate any cause or matter on behalf of any outside body or individual; or

(b) urge any other member to do so; in return for any payment or benefit specified in this context in the Code of Conduct.

(6) In this order —

‘financial interest’ means any registrable interest other than one falling within category 3 which is not remunerated, category 11 or category 12 of the Code of Conduct;

‘registrable interest’ means any category of registrable interest defined as such in the Code of Conduct.

#### 69A. ASSEMBLY COMMISSIONER FOR STANDARDS

(1) There shall be an officer of the Assembly, to be known as the Assembly Commissioner for Standards, who shall upon referral —

(a) from any person of a specific complaint, in relation to alleged contravention of the Code of Conduct; and

(b) from the Clerk of Standards, in relation to any matter falling within paragraph (2);

carry out an investigation and make a report thereon to the Committee on Standards and Privileges.

(2) Those matters are —

(a) matters relating to members and Assembly privilege, including alleged breach of privilege;

(b) specific complaints about members made in relation to the registering or declaring of interests; and

(c) matters relating to the conduct of members, including specific complaints in relation to alleged contravention of the Code of Conduct.

(3) A report made under paragraph (1) shall not include any recommendation for any sanction to be imposed upon any member, other than a recommendation for rectification under Standing Order 69C.

(4) The Commissioner shall not, in the exercise of any function, be subject to the direction or control of the Assembly.

(5) The Commissioner shall not be dismissed unless —

(a) the Assembly so resolves; and

(b) the resolution is passed with the support of a number of members which equals or exceeds two-thirds of the total number of seats in the Assembly.

#### 69B. SANCTIONS

(1) Where it appears to the Committee on Standards and Privileges that a member has failed to comply with any provision of the Code of Conduct or Standing Orders 69 to 69C, the committee may make a report to the Assembly. The report may include a recommendation that a sanction be imposed upon the member.

(2) In consideration of such a report, the Assembly may impose a sanction upon a member who has failed to comply with any of those provisions.

(3) Sanctions may include, but are not limited to —

(a) a requirement that the member apologise to the Assembly;

(b) censure of the member by the Assembly;

(c) exclusion of the member from proceedings of the Assembly for a specified period;

(d) withdrawal of any of the member’s rights and privileges as a member for that period;

and for the avoidance of doubt, the rights and privileges withdrawn under sub-paragraph (d) may include the rights to salary and allowances.

#### 69C. RECTIFICATION

(1) Rectification under this order means —

(a) rectification of the Register of Members’ Interests, in the case of a complaint following failure by a member to register an interest in the Register;

(b) reporting and apologising to the Assembly in respect of a failure of a member to declare an interest, in the case of a complaint following that failure.

(2) The Committee on Standards and Privileges may allow rectification under this order if —

(a) the Assembly Commissioner for Standards recommends it;

(b) the failure was minor or inadvertent; and

(c) the member acknowledges the failure and either undertakes to apologise for it or has apologised for it.” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

Motion (c): In Standing Order 81, after “In these Standing Orders —” insert —

“‘Code of Conduct’ means any code of conduct for members together with any guide to the rules relating to the conduct of members agreed to by the Assembly;” — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

**Lord Morrow:** Members will recall that, on 23 June 2009, the Assembly agreed the report of the Committee on Standards and Privileges and the associated Assembly code of conduct and the guide to the rules relating to the conduct of Members.

The aim of the motions to amend Standing Orders is to allow the report’s recommendations and the code to be implemented. The issues in the code of conduct and in the report of the Committee on Standards and Privileges that require changes to Standing Orders are primarily about how to make a complaint to the Assembly Commissioner for Standards and about sanctions on Members who fail to follow certain rules.

Most of the amendments are fairly minor, and the Committee on Procedures took the opportunity to present the relevant Standing Orders in a more logical format. Motion (a) amends Standing Order 57, which is entitled “Committee on Standards and Privileges”. Currently, that Standing Order contains paragraphs dealing with the functions of the Assembly Commissioner for Standards and outlines the process for making complaints against a Member. At the moment, the complaint must be submitted to the Assembly Clerk of Standards, who forwards it to the Commissioner for Standards for investigation.

The report of the Committee on Standards and Privileges recommended that complaints about alleged

contraventions of the code of conduct should be made directly to the Commissioner without having to go through the Clerk. The issues have been addressed and are now contained in the proposed Standing Order 69A.

Two other minor changes have been made to Standing Order 57, one of which will harmonise the way in which references are made to Committees. The other is a consequence of adding references to the code of conduct to Standing Order 81. Revised Standing Order 57 will now deal solely with the Committee on Standards and Privileges.

Motion (b) on the Order Paper relates to Standing Order 69, which is about Members' interests. The Standing Order is being amended because Standing Order 69B is being created to deal with sanctions in the event of Members' failure to follow certain rules. Those provisions in Standing Order 69 are being deleted. Specific references to the code of conduct in Standing Order 69 have been amended because of the changes to Standing Order 81, and the reference to time periods has been changed from four weeks to 28 days to be consistent with the earlier changes to timescales.

As I mentioned earlier, the elements of Standing Order 57 that covered the Assembly Commissioner for Standards have been removed and are now in the proposed Standing Order 69A. This will allow anyone, not only the Clerk of Standards, to refer alleged contraventions of the code of conduct to the Assembly Commissioner for Standards. Alleged breaches of privilege, complaints about the registration or declaration of interests and Members' conduct will be referred to the Commissioner by the Clerk. A small number of other minor changes have been made to make the references gender-neutral. Consequential amendments have been made based on the change to Standing Order 81, and cross references, including references to rectification procedure, have been updated. The definition of "financial interest" has been amended to reflect the new structure of the code.

The report of the Committee on Standards and Privileges states that, where a Member is found to have breached the code of conduct, one sanction that it might recommend is that the Member is suspended from Assembly proceedings without pay for a specified period. Standing Order 69A is being introduced to make explicit the range of sanctions, such as withdrawal of salary, which may be imposed on Members for breaches of rules on standards and privileges. Moreover, it makes explicit the power of the Assembly to impose those sanctions. Standing Order 69C will allow for a new rectification procedure whereby complaints about Members' minor admitted failures to declare or register interests can be dealt with by an apology and rectification without the need for the Assembly to impose sanctions.

Finally, an interpretation of the code of conduct is being added to Standing Order 81. At present, Standing Orders contain references to specific paragraphs of the code of conduct or guide to the rules, as have been agreed at certain dates. Therefore, Standing Orders must be amended every time the code or guide changes. The addition to Standing Order 81, along with the consequential amendments, makes all references to the code and guide generic so that Standing Orders will not need to be changed every time the code or guide changes.

That completes my outline of the motions to amend Standing Orders 57, 69 and 81. I commend the motions to the Assembly.

**Mr McCartney:** Gabhaim buíochas leis an Chathaoirleach as na focail a dúirt sé. Beidh muidinne ag tabhairt tacaíochta do na moltaí.

First, I apologise for being late and missing the Chairperson's opening remarks. We support the motions and the changes to Standing Orders that they make. I wish to place on record the Chairperson's handling of those matters, and no doubt he has acknowledged the role played by the staff who assisted the Committee's deliberations.

**Mr O'Loan:** I support the motions. As a member of the Committee on Procedures, I concur with all that the Chairperson has said, and I can confirm to the Assembly that the Committee has given full and proper consideration to the proposed new Standing Orders.

I will now add some remarks in my capacity as Chairperson of the Committee on Standards and Privileges. The proposed changes enable the implementation of the new code of conduct, which the Assembly agreed in June 2009. The code will come into effect today, and all Members will have received a copy of it. I urge Members to read the code of conduct and abide by it. It is crucial for public confidence that we have in place a code that provides for trust in the integrity of Members of the Assembly.

The new code requires Members to complete a new registration form and return it by 9 November 2009. Any Member who wants advice or guidance on the registering of interests should speak to the Clerk of Standards, who will be happy to give assistance. I can confirm that the Committee on Standards and Privileges is content with the wording of the proposed new Standing Orders. Some of the changes are purely administrative or tidy up the language or structure that is used. The Committee on Standards and Privileges has no difficulty with any of that.

Other changes are essential in order to implement some of the new measures in the code. The issue of sanctions is a particular concern. The Assembly has agreed that it is essential that it should be able to suspend a Member without pay for a specified period, where

that Member is found to have breached the code or the guide. The proposed amendments to Standing Orders will enable us to do that.

Finally, I will address the matter of rectification. The Committee on Standards and Privileges has always recognised that there will be instances when Members may inadvertently omit to register or declare minor or trivial interests. Where that happens, it is more appropriate that we deal with complaints proportionately and quickly. The proposed amendments to Standing Orders will, therefore, allow for a rectification procedure that will enable the Committee on Standards and Privileges to secure an apology from the Member concerned and ensure that clarification be put on the public record, without formally bringing reports to the Assembly's attention.

**The Deputy Chairperson of the Committee on Procedures (Mr Storey):** I thank the Members who contributed to the debate. If we could all keep our comments as short and sweet in other debates, we might not have to suspend Standing Orders 10(2) to 10(4).

To get down to this afternoon's serious business, I want, in particular, to thank Mr O'Loan, whose Committee on Standards and Privileges has worked to ensure that the standards set in the House are robust yet are flexible enough to allow any minor oversights by Members to be handled in an appropriate manner. The Chairperson of the Committee on Standards and Privileges mentioned that.

The motions to amend Standing Orders ensure that the work of the Committee on Standards and Privileges can be brought to fruition. The relevant Standing Orders are now presented in a clearer and more logical format.

I have nothing further to add, other than to accept Lord Morrow's proposals.

*Question put and agreed to.*

*Resolved (with cross-community support):*

(a) Leave out Standing Order 57 and insert —

“57. COMMITTEE ON STANDARDS AND PRIVILEGES

(1) There shall be a standing committee of the Assembly to be known as the Committee on Standards and Privileges —

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(d) to recommend any modifications to the Code of Conduct;

(e) to consider any reports of the Assembly Commissioner for Standards;

(f) to perform the functions described in Standing Orders 69B and 69C;

(g) to make reports (including reports to the Assembly) on the exercise of any of its functions or any other matter listed above.

(2) The committee shall be appointed at the commencement of every Assembly and may exercise the power in section 44(1) of the Northern Ireland Act 1998.”

*Resolved (with cross-community support):*

(b) Leave out Standing Order 69 and insert —

“69. MEMBERS' INTERESTS

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(a) advocate or initiate any cause or matter on behalf of any outside body or individual; or

(b) urge any other member to do so; in return for any payment or benefit specified in this context in the Code of Conduct.

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(3) A report made under paragraph (1) shall not include any recommendation for any sanction to be imposed upon any member,



other than a recommendation for rectification under Standing Order 69C.

(4) The Commissioner shall not, in the exercise of any function, be subject to the direction or control of the Assembly.

(5) The Commissioner shall not be dismissed unless —

(a) the Assembly so resolves; and

(b) the resolution is passed with the support of a number of members which equals or exceeds two-thirds of the total number of seats in the Assembly.

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*Resolved (with cross-community support):*

(c) In Standing Order 81, after "In these Standing Orders — " insert —

"Code of Conduct' means any code of conduct for members together with any guide to the rules relating to the conduct of members agreed to by the Assembly;" — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

1.15 pm

## PRIVATE MEMBERS' BUSINESS

### Assisted Suicide

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who speak will have five minutes.

**Mr Donaldson:** I beg to move

That this Assembly notes the verdict in the Purdy case and the decision by the Director of Public Prosecutions in Northern Ireland to issue guidance on assisted suicide; and states its opposition to any attempt to legalise assisted suicide.

I welcome the opportunity to propose the motion in the names of myself and my honourable friends the Member for Strangford Mr Hamilton and the Member for South Down Mr Wells.

The background to the issue of assisted suicide or euthanasia, if you prefer, is based on the recent developments that occurred in the House of Lords, where a case was brought by a lady called Debbie Purdy, who sought clarification on the circumstances in which prosecutions might be brought in cases that involve assisted suicide. As a result of the observations that were made by the Law Lords in that case, it was necessary for the Public Prosecution Service (PPS) here and the Crown Prosecution Service (CPS) in England and Wales to publish interim guidance for the courts or anyone else on the circumstances in which prosecutions might be brought in cases of assisted suicide. The Director of Public Prosecutions in Northern Ireland issued his interim guidance on 23 September and launched a consultation process on the subject.

It is timely that we are discussing the issue. It is a matter that affects people in Northern Ireland, it is a matter of national import, and it is the cause of debate across the United Kingdom. It is a cause for concern. We made clear in the text of the motion that we are unequivocally opposed to the legalisation of assisted suicide or euthanasia in the United Kingdom.

Christianity teaches us that human life — all human life — is valuable and that the deliberate taking of life is wrong. That is the starting point for my examination of the issue. Human life is valuable and ought to be valued, not just the young, people who we regard as productive or the able-bodied in our society but all human life.

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

I happen to have the privilege of having a younger brother. He was born with cerebral palsy. Andrew has lived all his life in circumstances in which he has had a very limited form of life experience. He finds it difficult to communicate and he cannot walk, and I pay tribute to my mother and father for their dedication over the years in caring for him.

Let me be clear that there are no circumstances in which my family would consider it appropriate to take steps to end Andrew's life prematurely. We believe that his life is in the hands of God and not in our hands. We believe that the duration of his life is in the hands of God and not in our hands. Doctors told us that Andrew would not live for very long after he was born. However, more than 40 years later, he is still alive and still making his presence felt in our family home in the kingdom of Mourne.

Baroness Warnock, a leading member of the House of Lords, said that people with dementia, another medical condition that is often associated with assisted suicide, waste people's lives and the resources of the National Health Service. In her view, people with dementia are a drain on the resources of the National Health Service, and their lives are wasting away. She believes, therefore, that they almost have a duty to die. That attitude, which devalues human life to the extent that people are regarded as a drain on the resources of our Health Service and have some kind of duty to die, is appalling. It is contrary to the values and standards that I hope the Assembly would uphold in preserving and protecting the right to life in every circumstance.

Such an attitude wrongly evaluates people in terms of their benefit to others or what society can gain from their existence. It denies them their intrinsic value as human beings made in the image of God. A decision that the intentional ending of human life can be not only acceptable but therapeutic and a legitimate means of relieving pain and distress is a monumental step for our society to take. If human life can be terminated when it becomes too difficult and if some people are considered better off dead, how will society determine which lives are proper candidates for termination and which are not? How will we prevent the principle that certain lives can be terminated becoming a rule that they should be terminated?

Acute human suffering should not be dealt with by disposing of the person facing that suffering. We all recognise that there is acute human suffering. We all recognise what individuals and families have to go through when the health of a loved one deteriorates or when someone has a lifelong condition that limits his or her well-being and enjoyment of life. However, I do not believe that the answer is the legalisation of suicide, assisted suicide or the premature termination of life.

The pro-euthanasia lobby features a vocal minority of independently minded and articulate patients who want to control the time and manner of their death. However, the vast majority of those seeking to access legally assisted suicide do not fit into that category. Rather, they are the most vulnerable members of society: elderly people; terminally ill people; incapacitated people; and depressed people. Those people often feel uncertain about whether their lives are worth living and fear becoming a burden to others. We all have experience of older people who wrongly regard themselves as a being a burden on others. If assisted suicide were legal, many would feel that they had a duty to request an early death, especially if it were offered by their physician as a possible therapeutic option. Some people would face the added risk of coercion by others who might stand to gain financially or otherwise from their death.

Medical professionals are opposed to euthanasia. The British Medical Association (BMA) is opposed to both physician-assisted suicide and euthanasia. It believes that ongoing improvements in palliative care allow people to die with dignity. The BMA argues that there are limits to what patients should be able to choose if their choice will inevitably impact on other people.

A previous attempt in the House of Lords to permit assisted suicide was Lord Joffe's Assisted Dying for the Terminally Ill Bill. That Bill was opposed by the Royal College of Physicians, the Royal College of General Practitioners, the Royal College of Psychiatrists, the Royal College of Nursing, the Royal College of Anaesthetists, the Association for Palliative Medicine of Great Britain and Ireland and the British Geriatrics Society. That represented a very powerful coalition of opposition from the medical profession to the legalisation of assisted suicide.

The UK is a world leader in the provision of specialist palliative care, helping patients and their families to cope with the physical symptoms and the emotional distress of advanced illness. We want to continue to strengthen the level of care that we provide to our older people.

Let us, for one moment, consider the experiences of the few countries that have legalised assisted suicide. The Netherlands formally legalised voluntary euthanasia and physician-assisted suicide in 2002. The practice of involuntary euthanasia is now well established in that country, with 546 deaths in 2005 as a result of lethal drugs not explicitly requested by the patient. In the state of Oregon, in the United States, physician-assisted suicide was legalised in 1997. That law has led to patients "doctor shopping" for willing practitioners, using doctors who have minimal knowledge of the patients' pasts and who may be ideologically disposed to fulfil the patients' requests for a premature end to

their lives. That is not a road that we want to travel. That is not somewhere we want to go.

**Mr Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Donaldson:** I hope that the Assembly will unite and make it clear that we oppose the legalisation of assisted suicide or euthanasia in Northern Ireland.

**Ms Anderson:** Go raibh míle maith agat. The motion and the outworkings of the Purdy case have highlighted genuine and deeply held concerns on both sides of an extremely emotive argument. There should be a genuine and open debate on this issue to allow us to reach an informed opinion, and I am concerned that the motion requires us to adopt a position on assisted suicide before such a debate has taken place.

The motion seeks to tie the Assembly to what some might view as a fundamental position of opposing any attempt to legalise assisted suicide, but I do not believe that the decision by the DPP to issue guidance on assisted suicides represents an attempt to move towards legalisation. Rather, that decision is the legal outworking of the Debbie Purdy case, a case that cannot have failed to move all of us in the Chamber.

The case of Debbie Purdy is the case of a woman who suffers from primary progressive multiple sclerosis and who made a decision to end her life when her condition deteriorates to such a point that she can no longer live her life with dignity. She is seeking legal reassurance that her husband would not face prosecution for helping her to die. Remember: the penalty for helping someone to end their life is a 14-year jail sentence. There is no doubt that the House of Lords ruling on her case was significant and a turning point for the law on assisted suicide, but does it represent an inevitable step towards the legalisation of assisted suicide, as this motion seems to suggest? I do not believe that it is as black and white as that.

The Law Lords found that it would be a breach of Debbie Purdy's human rights for her not to know whether her husband would be prosecuted for accompanying her to the Swiss clinic where she wishes to die. The Director of Public Prosecutions was, therefore, required to issue a policy setting out when those in such a position can expect to face prosecution. We are now seeing those guidelines being issued: we are not seeing assisted suicide being legalised.

Let us not forget that there needs to be room for compassion within the law. We, as a society, need to ask ourselves what good it would do to jail Debbie Purdy's husband for 14 years for helping her to fulfil her wishes. We need to tackle such questions, not only in this Chamber but across society, by having an open and frank debate. It is for that reason that Sinn Féin tabled an amendment to the motion, calling on the Executive to conduct an inquiry into the implications

of the Purdy case and the DPP decision and to report the findings back to the Assembly.

1.30 pm

Such an inquiry would have allowed us to make the informed, rational decision that is required. Unfortunately, Sinn Féin's amendment was rejected, and, in the absence of the necessary debate and discussion, we are being asked to adopt what some might view as a fundamental position.

In common with Jeffrey Donaldson, I am a carer; my family and I care for my mother who has had Alzheimer's disease for 10 years. I was appalled by what Baroness Warnock said. Although it has been challenging for us as a family, being able to care for our mother in our home has been a gift. As a family, we understand the illness. We would never countenance putting my mother into a home, let alone taking a decision that may, according to some interpretations, be available to us should the ruling be passed.

We must not adopt a knee-jerk reaction on assisted suicide; it is far too important for that. By not having the necessary conversations and not exploring all the possible ramifications, we fail to do justice to those, such as Debbie Purdy, who find themselves in tragic situations. For those reasons, Sinn Féin will abstain on the vote.

**Mr Kennedy:** I welcome the opportunity to participate in this important debate. The Ulster Unionist Party regards the issue as a matter of personal conscience, and, therefore, I speak as an individual. It is in the interests of parliamentary democracy that there should be a free vote to allow elected representatives to listen carefully to the debate and to vote according to their conscience.

Assisted suicide is not the act of an individual; it involves others, including family members and those in the medical profession. Furthermore, the legalisation of assisted suicide would involve the sanctioning of the act by society as a whole. Therefore, it is important not to regard the issue as one of respecting the rights of individuals. It is not about me and my rights; it is about us and our obligations to one another in society.

What would a change in the law mean for relationships in families, and between the medical profession and a patient and his or her family? It is my strong belief that, in the context of a terminal illness, the legalisation of assisted suicide could radically undermine those relationships. A family has a responsibility to love and to comfort during terminal illness, and central to a medical professional's vocation is the duty to do no harm. Both callings are challenged and undermined by the notion that a family member or medical professional can facilitate assisted suicide.



The present debate in the UK flows from the decision that the Law Lords made a relatively short time after Parliament had spoken definitively against suicide. That is not how the law in the United Kingdom or anywhere should be made. The courts exist to interpret law, not to make it. We should rethink our approach to, and investment in, palliative care. That should be a defining characteristic of what it means to be a caring society that cherishes the most vulnerable.

On a personal note, and reflecting on my experience and that of my family, we were blessed that my mother lived well into her 80s. In the latter stages of her life, however, she was considerably weakened by a series of strokes, and that gave rise to questions about her quality of life. Wherever mum was placed, whether in hospital or in nursing homes such as Avila in Bessbrook or the Sandringham Care Home in Portadown, the standard of care was not an issue. My family and I have the highest regard for all the staff, and we thank them for taking care of my mother.

However, at no stage did we, as a family, contemplate or even suggest that we should facilitate the premature ending of our mother's life. We wanted to cherish that life to the very end, however difficult that was. I believe that that is the view of the vast majority of people in Northern Ireland and I hope that it is the view of this Assembly. I respect those who have a different view, but that is how I see the issue.

**Mrs Hanna:** I thank the Members who tabled the motion. The SDLP has sympathy with the intent of the motion, although it is my understanding that the Director of Public Prosecutions (DPP) has issued guidance on whether prosecutions will take place in individual cases. The guidelines do not and cannot decriminalise assisted suicide, which is still illegal under the Suicide Act 1961. I welcome the fact that no advance guarantees will be given about whether to prosecute in individual cases.

The 1961 Suicide Act gave the final say to the DPP about whether there should be prosecutions. I accept that prosecutors have to exercise discretion in their decisions and assess whether a prosecution will pass the public interest test. It is clear from the DPP's paper that charges are more likely if the victim is under 18 or mentally ill, or if the suspect stood to gain, financially or otherwise, from the death of the person in question. It seems likely that serial assistors will be prosecuted, as will members of groups such as Dignitas, whose main purpose is to facilitate suicide.

I have four main concerns about the guidelines. First, they apply at home and abroad, so they apply to people who travel to Switzerland. They also encompass suicide by the seriously ill as well as the terminally ill. By the seriously ill, I mean a person who

may suffer from a severe and incurable physical disability or a severe degenerative physical condition from which there appears to be no recovery, but who may not be terminally ill. The term "seriously ill" covers a wide range of medical conditions, including chronic heart disease and most kinds of physical disability. However, the way the guidelines are written suggests that the lives of a whole group of people who are seriously ill or disabled are less deserving of the protection of the law than others.

Secondly, I am concerned that the prosecution of spouses, partners, close friends or family members is envisaged as being less likely than the prosecution of others. There is a danger that that could give the green light to assistance from close relatives or friends, who, in many cases, may be those who stand to gain personally from the death of the person in question.

Thirdly, I am concerned that the discretion of prosecutors will be accepted as the norm rather than the exception. To my mind, that usurps the function and prerogative of this legislative Assembly. Assuming that policing and justice powers will be devolved, this is an issue that will have to be faced up to and on which leadership will have to be given. With all due respect, nobody elected the DPP.

Fourthly, this Assembly has often debated the issue of suicide, particularly among young people and in urban and rural areas of economic and social deprivation. Recently, there were a reported 30 suicides in the North in one month. Although we have a suicide prevention strategy, I am concerned that those guidelines could inadvertently contribute to sending out the message that although we have policies for combating suicide among the young and other vulnerable groups, assisted suicide, in other cases, could be acceptable.

I do not minimise the distress of families and friends who watch a loved one who suffers from a terminal illness or whose personality crumbles under the ravages of Alzheimer's disease or similar conditions. However, we must have consistency. In relation to the issue of unbearable physical pain for the terminally ill, there have been tremendous advances in palliative care in recent years, and I pay tribute to the work of hospices and others. There is also much more emotional and practical support that is given by dedicated professionals to family and patients.

I agree with the science fiction author Terry Pratchett, who suffers from Alzheimer's disease, that we should devote more resources to help to find cures.

The SDLP's fundamental ethos is grounded on civil and human rights, and the most important right of all is the right to life. Our outlook has been shaped irrevocably by the terrible conflict that the North has had to endure for more than three decades. A primary



purpose of the law in any ordered society is to protect human life. In the past, the unique value of human life has too often been disregarded. Our belief that the right to life is paramount will certainly inform our response to the motion.

**Mr Ford:** At the outset, I emphasise that, given that my party regards assisted suicide as an issue of conscience, I speak in a purely personal capacity.

I also do so because of the personal circumstance in which I, like other Members, find myself. Within a little over two years my mother and my mother-in-law both died. Both died in their own beds, in their own homes, surrounded by family and after relatively short illnesses in which they did not suffer greatly. For that, we are extremely grateful. One should be very grateful that somebody can have more than 90 years of a happy life and die secure in their faith without suffering.

We must recognise that that is not the case for everyone in society. I am not talking about examples such as that which the proposer of the motion gave when he talked of his brother. The issue is not one of saying whether any particular person's life is worthless. However, difficulties arise that must be taken into account. One such example is the Purdy case, which involves someone who is clearly fully mentally competent and who recognises the suffering that may lie ahead. In such cases, the person involved may not share the faith that sustains others.

It seems to me that the key element is to ensure that guidelines are in place to meet those difficult circumstances with compassion while protecting the vulnerable. I do not doubt that in some places where assisted suicide has been legalised, the pressure builds up and assisted suicide becomes the assumed outcome and not just an option for those who wish to choose it. We should oppose absolutely people's being pressurised in that direction. Therefore, I agree with the opposition of the Members who tabled the motion to any question of legalising suicide in our society.

However, it was a little unfortunate that, when moving the motion, Mr Donaldson used the term "euthanasia" a couple of times. My understanding is that euthanasia is an active process of what might be described as mercy killing. I believe that there is a slight difference between the terms "suicide" and "assisting suicide" that is not accounted for fully in the language that he used.

**Mr Donaldson:** I was not trying to liken assisted suicide with euthanasia; my point was that there is a very fine line between the two, and that if one were legalised, the inevitable consequence would be the legalisation of the other.

**Mr Ford:** I thank the Member for that clarification. I may not agree with his use of the word "inevitable"

but I can certainly accept his point about there being a narrow line.

Other Members talked about the clear need for us to ensure that better care, including palliative care, is provided for many people with long-term illnesses. We heard already in the debate of examples of places and of family circumstances in which people with particular long-term needs are well cared for. The reality is that as a society we may or may not resource acute hospital services well. We do not, as a society and in general, resource community care and palliative care nearly as well as we should.

To some extent, the debate is not quite about the current legal situation. I have stated my opposition to any question of legalising assisted suicide, but we now have the DPP's guidelines of the circumstances in which prosecution would be considered. Those guidelines make it clear that the process for prosecuting assisted suicide cases is exactly the same as that for any other criminal case. First, there is the evidential test, which, in itself, may not be entirely clear. That is the situation in the Purdy case. Secondly, the public interest is tested. I would certainly not stand over the guidelines for the latter test in every sense as they are promulgated, but I believe that they are a reasonable attempt to recognise that there will be a small number of extremely difficult circumstances in which prosecution will probably not be in the public interest.

In circumstances in which someone who is deeply affected by their love for somebody who is suffering gives that person a relatively small amount of assistance to carry out what is clearly an intended suicide, we have to recognise that there are real public interest issues in pursuing such a case to the full extent of criminal law.

*1.45 pm*

The Director of Public Prosecution's guidelines are a reasonable attempt to take account of such circumstances. Nevertheless, rather than the majority of Members simply saying, as I expect, that they are opposed to legalisation, we should debate them in more detail than one can manage in a five-minute speech in this place. There are difficulties with how guidelines might be applied on the issue of whether prosecution is in the public interest that must be discussed, not just by lawyers and doctors but by wider society, of which we are representatives. With that caveat in mind, I accept what the proposer of the motion has said, but this debate should not be the end of the matter.

**Mrs I Robinson:** I am grateful for the opportunity to speak on the motion. As Members have already said, this is a very serious matter. Society has a duty of care to the sick and vulnerable, especially the aged population. Therefore, the guidelines recently published by the

Director of Public Prosecutions are worrying. The law should uphold the sanctity of life, without any equivocation.

Why do our legislators always seem to rush head-on to accommodate a vociferous minority, regardless of the overwhelming body of evidence that opposes its opinion, either on a Christian or a moral basis? Moreover, how many of us have heard our elderly parents say at some stage in their lives that they are a burden on everyone? Down the line, such words could become a green light for someone to believe that they are helping their elderly parent by offering a way out. Some people could abuse that, and, unfortunately, we have seen people in ordinary criminal circles manipulate others because they have, for example, a lot of money in a bank account or a property. Why would they not do the same in respect of this matter?

I am also glad to take this opportunity to applaud the work of the palliative care nursing profession, all of whom give wonderful service and display devotion and commitment to the terminally ill. I call on the Minister of Health to do his utmost to improve palliative care services for the terminally ill and those who are suffering great pain.

On publishing his guidelines, the Director of Public Prosecutions, Mr Starmer, said:

“There are also no guarantees against prosecution.”

I welcome that statement, but he also suggested that the guidelines will provide people with enough information to make informed decisions. I want to know what he actually meant.

Dr Peter Saunders from Care Not Killing said:

“There must be a real danger that this will be seen as giving the green light to assistance from close relatives or friends.”

As I said, I share that concern. The guidelines have not changed the law, but I am worried that they give people something on which to fall back should they help someone to end their life. That position should be clarified.

Among the factors in the guidelines that determine prosecution, it is worrying that the Director of Public Prosecutions suggests that having the guidelines written down could lead to people helping their loved ones to take their own life in due course.

We must oppose any move to introduce to the United Kingdom any form of law that permits a person to help to take someone else's life. I am morally opposed to any such legal idea, which throws up many challenges. If such a law were passed, what would constitute murder? Anyone who takes someone else's life in cold blood could claim that they were asked to by that individual. That scenario is particularly relevant to the elderly or physically disabled.

Assisted suicide also throws up many social issues. If we get too old or too sick, will we face pressure to take our own lives, as a result of the fear that we will be a burden on our family and friends? Furthermore, any move to legalise assisted suicide will put those in the medical profession under extreme strain, for, on entering the service, members of that profession take an oath to save and preserve human life.

The number of those who die as a result of assisted suicide in Europe is growing, but I am thankful that it has not reached the same level here. I am happy to stand with my colleagues in supporting this important motion.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The tone and manner of the debate reflects how personal an issue this is, both to us as legislators and to society at large. What strikes me is that, even in our own minds, Members do not have the answers to all the questions raised. That is true even of those Members who have taken time to research the subject, are involved in the issue in other legislatures, have been lobbied more strongly than other Members or have been involved in the debate over many more years than most through their politics, their Church or other aspects of life.

Many questions on the subject remain unanswered. That is why, as stated by my colleague Martina Anderson, my party will abstain from voting on the motion. The debate almost finalises the issue: the Assembly has spoken, and this is the way it will be. In my party's view, we need to begin a debate on the subject of assisted suicide and allow all sections of society to be heard on this most sensitive subject. It is about how our loved ones wish to deal with illness and becoming old and infirm. That is what we are talking about: people who find that someone with whom they have spent their life and whom they love deeply has reached a stage where he or she can no longer continue because of illness or infirmity.

As has been pointed out, the Purdy case highlights many of those issues. A young woman who has all her mental capabilities intact decided that she wanted to bring to an end her suffering and went through a legal process to ensure that her husband would not be prosecuted for involvement in that. Mr Donaldson said that some who ask for assisted suicide have strong mental capabilities but that there are others in a similar position who cannot make such a decision for themselves. Those are the people whom we must protect.

The question is asked whether, if we introduce assisted suicide, it will open a door to many other things. I hope and expect that those questions have been asked in other countries and legislatures that have introduced assisted suicide, and that those jurisdictions have introduced safeguards to protect the vulnerable

and the loved ones of those who have decided to take that path and to ensure that assisted suicide does not become a byword for murder. We all want to avoid that and to ensure that those who have reached such a decision are not treated badly or abused by close relatives or friends who are motivated by the prospect of financial gain.

We must also ask ourselves whether, if we talk openly about or legislate to allow assisted suicide, we damage all the energetic work and campaigning that we have put into that other aspect of suicide, namely, its prevention. Does that open up a new debate? Does it legitimise suicide?

In saying that, I am not saying that anyone has committed a crime or, in my opinion, a sin for taking their own life. No one knows what pushes that final trigger in someone's head when they decide to take their own life, and I will not sit in judgement on anyone on that issue.

Another question is whether assisted suicide means that suicide becomes more frequent. I do not know the answer to that. It is difficult for me as a legislator to make a decision on a subject that we have only started to debate. Until those questions are answered in my head, the debate has taken place in public and all sections of society have made their voices heard on the subject, the Assembly should not be making a decision, even during or after a private Member's debate. We need to ensure that, following today's debate, we open up the public forum; that, in six months or a year, we return to an informed and sensitive debate — and today's debate has been sensitive — on the subject of assisted suicide; and that we approach it with open minds.

**Mr Wells:** It is seldom that the Assembly deals with such a serious issue. I will not be my normal, chatty self in this particular debate because it is such a serious matter.

Yesterday, I had the privilege of attending an event that was organised by Life After Loss at Belfast Castle, which was supported by more than 1,000 people who had lost children through a miscarriage, stillbirth or death shortly after birth. It was an extremely poignant event as we launched 1,000 balloons, each with the name of a child who had been lost in those circumstances, into the sky. Not only was it poignant but there were many tears. That event emphasised to me, once again, how sacred life is.

My view, which I am sure is the view of many people in Northern Ireland, is that life starts at conception and ends at a natural death and that the only being who can or should control that is the Almighty. Northern Ireland is different from the rest of the United Kingdom and, indeed, probably from the rest of Europe in that we hold, as a community, to strong Christian values. We do so whether we are from the evangelical Protestant, the Roman Catholic, or

even the liberal Presbyterian tradition that I know that Mr Ford comes from. We hold to those views as something that we will lose at our peril and that is very dear to us.

Therefore, there should be no question of any change in the legislation in Northern Ireland on this important subject; just as the Abortion Act 1967 should never be introduced in Northern Ireland. That legislation may be imperfect, confusing and difficult to interpret but it has worked — it has acted as an impediment to abortion, as the present legislation clearly acts as an impediment to assisted suicide.

Recently, we have all heard about the tragic case of Gareth Anderson in the Ulster Hospital. The initial prognosis was that Gareth's condition was extremely serious. I am delighted to say and we are all pleased to hear that, as a result of the skill of surgeons and a lot of prayer, Gareth's condition has improved dramatically and there is every prospect that he may make a reasonable recovery. That is good news. However, that case shows that the initial prognosis can be wrong. A very serious diagnosis can be made, and then, as a result of prayer, natural healing or the skills of surgeons, the situation can be turned round.

In Newcastle, in my constituency, there is a famous case of a clergyman's wife, Mrs Mackay, who was diagnosed as being terminally ill with cancer and was given absolutely no hope six years ago. That lady is now out and about giving talks to church congregations throughout Northern Ireland about the benefits of faith healing. Therefore, it is wrong to assume that, because someone has had terribly bad news, it is terminal.

Like other Members who spoke in this debate, I am extremely worried that a right to die could become a duty to die — that older people may be placed under huge pressure to do the honourable thing, as it were, because they are considered to be a burden on society or to the family. There is precedence for that. We have often heard in the courts about elderly people who were pressurised by their families to change their wills.

How many times have such cases been fought in the courts? Last Friday, in fact, the court ruled to revoke a will under which someone had left £2 million to the RSPCA, and it was believed that pressure had been exerted in that case. If such behaviour goes on during the writing of a will, what might happen as the burden of residential or care at home, in particular, weighs heavily upon a family? It is possible that they will come under pressure from the unscrupulous to do the "honourable thing" and subject the elderly person to some form of assisted suicide.

2.00 pm

Northern Ireland is well served by the present arrangements. I am not certain of the legal situation; it



would be useful if Mr Hamilton, in his summation, informed the House whether the issue is the call of Northern Ireland, through the Executive or the Department of Health, Social Services and Public Safety, or whether direct rule Ministers acting on behalf of the Parliament in Westminster can inflict it on us. It would be useful to know exactly where we stand. Most people in Northern Ireland do not want to see any move or significant change in the present situation on this highly emotive issue.

**Mr Kinahan:** I am glad to be able to speak on such a serious issue. However, the motion muddles matters and does not demonstrate an understanding of what is going on. The DPP's decision to issue guidance is an effort to simplify the issue so that we will understand the rules; it is not an attempt to legalise assisted suicide. I agree that we need to look into the matter in more detail.

We should thank Sir Alasdair Fraser for putting together the guidelines and for clarifying matters, as we do indeed know when to prosecute. We should praise the Purdys. If we think of the absolute hell that they and many others must have gone through, we will appreciate that this is a chance for people to consider how they are to cope in future.

If I may go for a slightly lighter tone for a second, may I say that many of us might feel that appearing on 'The Stephen Nolan Show' or coming here is assisted suicide. However, I do not want to joke too much; this is a very serious matter, and I do not want to see it perverted by us thinking truly down Christian principles. It may be Christian to allow things to happen, and we must not force our religious principles down other people's throats, as, it seems, is the case with a motion that will be debated later today.

There will be rare occasions on which we will need the guidelines. We need better care and debate, but think of those people who, nobly and bravely, are suffering complete and utter agony. If we prevent them from finding a release from that agony, we are no better than the Gestapo. The issue is not about rights; it is about freedom. It is about the freedom of choice for a very small minority. Today, I hope that Members will remember that rare cases will arise, and we should not condemn everyone by misreading the guidelines. Choice is a bedrock of our society, and the motion is too dogmatic. I do not support the motion, and I agree that we should have further debate.

**Mr A Maginness:** I come from a constituency that is labouring under the horror of many suicides, particularly among young people. What sort of message do our arguments on assisted suicide send to young people who are suffering under stress? I understand the inevitability of the DPP issuing guidance on assisted suicide following the Purdy case,

where the House of Lords indicated that there ought to be guidance or assistance on whether to prosecute. However, I am uncomfortable with some aspects of the interim guidelines.

I do not blame the DPP for Northern Ireland, Sir Alasdair Fraser, because he is an honourable public official who is carrying out his public duty following the decision of the House of Lords. However, his interim guidelines on the public interest factors against prosecution for assisted suicide sit uncomfortably with those who are opposed to assisted suicide becoming permissible under the law. He makes it clear that there will be no change in the law and that it is not the intention of the guidelines to make such a change.

The first of those guidelines requires:

"The victim had a clear, settled and informed wish to commit suicide."

How can the DPP or anyone else come to that conclusion? How does one define or determine a victim's state of mind? The fifth guideline requires:

"The suspect was wholly motivated by compassion."

"Wholly" motivated, as opposed to "partly" motivated, by compassion is also difficult to define. The sixth guideline requires that:

"The suspect was the spouse, partner or a close relative or a close personal friend of the victim, within the context of a long-term and supportive relationship."

Is that guideline helpful, and does it really assist us in determining whether a prosecution should be brought? Surely those who are closest to the victim are the people who have suffered the most and are the most likely to carry out an action that could bring about suicide.

Although the DPP's guidelines on assisted suicide are well intended, there are some difficulties. The public have been given an opportunity to air their views on the guidance during the consultation process, and I encourage them to do so.

Although the guidelines will not change the law, they could muddle it. The law entrenches certain values, and, when one begins to change the law, those values are undermined. It is important that the law supports the right to life. I believe that life is a sacred gift. I do not believe that it should be interfered with, and nor do I believe that a person has the right to end his or her life.

**Mr McNarry:** It is always interesting to hear Mr Maginness being subjective, and I thank him for being so during his contribution.

I also share his belief in the right to life. Does the Member feel that that right is not being dealt with in the guidelines? Will he suggest a way in which it could be dealt with? There are those who believe that that view, because it is not written in the guidelines and, therefore, cannot be read or pointed to, has been set aside.



**Mr Deputy Speaker:** Order. I remind the Member that interventions should be as short as possible.

**Mr McNarry:** You are quite right to remind me of that. I am looking for the Member's professional guidance as to how —

**Mr Deputy Speaker:** There will be no time for an answer if the Member does not hurry up with his intervention.

**Mr McNarry:** Does Mr Maginness think that the right to life should be included in the guidance?

**Mr Deputy Speaker:** The Member has 10 seconds left.

**Mr A Maginness:** That is an extremely difficult question to answer. All that I can say is that if the law remains unchanged —

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

**Mr A Maginness:** I thought that I had an extra minute.

**Mr Deputy Speaker:** You have got the extra minute.

**Mr A Maginness:** I have or I have not?

**Mr Deputy Speaker:** You have; yes.

**Mr A Maginness:** I believe that, if the law remains unchanged, the criminal offence of assisting suicide is a certainty.

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

**Ms S Ramsey:** As John O'Dowd said earlier, this has been a sensible and sensitive debate. It is always useful for the Assembly to have the opportunity to discuss important issues. I agree with the part of the motion that states:

"That this Assembly notes the verdict in the Purdy case".

However, I also think that any decision made by any Government — including our Executive — should have an input from the community, and it is useful that there will be a consultation exercise. We should, through our offices and constituency networks, encourage people to get involved in the consultation exercise and to respond to the documents.

There appears to be some confusion, even during this debate, over points that have been raised, and Members have raised a wide range of opinions on the issues. Nevertheless, the key message from all Members is that we must ensure that we protect the most vulnerable, no matter what. The most vulnerable people should be uppermost in our minds, and it is important that that message gets across. It is very hard, during a debate that lasts an hour and a half, or during a five-minute contribution, to get that message across, and only the sound bites come out in the media. The clear message today is that we must protect the most vulnerable in our society.

The interim guidance states that the consultation will run from 16 December and a final policy will be

published in the spring of 2010. Sinn Féin tabled an amendment so that the Executive could become involved. What input will the Executive Ministers, including the Minister for Health, Social Services and Public Safety, or the Committees have? This is a fundamental issue. Members spoke earlier about the need for personal choice and for free votes. However, it is important for the Executive to be involved.

The press release issued with the guidance states that it:

"identifies those public interest factors which must be weighted both for and against prosecuting someone".

Members who spoke previously highlighted the confusion in that area. Many people have strong views both for and against assisted suicide. Therefore, it is important to have a consultation exercise. A recent press article stated that the will of the people will be listened to. There should also be input from the Health Minister and the Health Committee, which should have a role and be able to respond. Therefore, it would be important for the Committee to have a copy of the consultation documents.

The Debbie Purdy case has raised important issues and important questions. However, everybody should arm themselves with the facts. No one takes the issue of assisted suicide lightly. We commend carers, but we must follow that up. Carers who look after loved ones are sorely underfunded, and they are not getting the proper care package or the financial support that they need. That issue must be looked at.

Families of a loved one who has taken his or her life have campaigned long and hard to remove the stigma that he or she "committed suicide". Those families believe that their loved ones did not commit a crime, and we should be sensitive to the needs of those families.

I also believe that it is a matter of personal conscience; Danny Kennedy mentioned that earlier, as did a number of other speakers. It is important that people come to the decision armed with all the facts.

2.15 pm

I want to end on this note: I hope that no one here finds themselves in the position of being asked to assist a loved one to commit suicide. The clear message that should be expressed is that there is always hope, and that we should never lose hope. Go raibh maith agat.

**Mr Easton:** I support the motion on a most vital matter, namely, the sanctity of human life. It is, I would contend, a matter of principle to seek to support, to nurture and, most importantly, to protect human life. Can any of us envisage where it would end, were we to devalue the principle of the sanctity of human life? Is it a folly to suggest that we could end up in a situation in which, as a society, we would tell people with

serious life-limiting conditions that we do not deem it appropriate to use financial resources to sustain and prolong their lives, but that, when they are ready, the Government will assist their suicide? I believe that that would be wrong.

That is the reality of what is happening in the state of Oregon in the United States. A lady there named Barbara Wagner, who had lung cancer and was on Medicare, the state health insurance system for the poor, was given the message that she would be denied certain forms of medical treatment, but that the state would pay for her assisted suicide. That is wrong.

A similar thing happened to Randy Stroup, who had prostate cancer. Perhaps it is appropriate to listen to what Mr Stroup had to say verbatim:

"It dropped my chin to the floor ... not pay for medication that would help my life, and yet offer to pay to end my life?"

Those are sad words, which make us confront the importance of today's debate.

As I understand it, the decision in Mr Stroup's case was reversed on appeal, and Mrs Wagner was subsequently supplied with free medication by the drug manufacturers. However, those two cases show what can occur to people in our time, in a state where the authorities assist suicide. We must be ever vigilant to ensure that vulnerable people in our society are not pushed around, cajoled or — let us be frank — bullied into the termination of their lives because they are led to believe that, due to their life-limiting illness, they are a drain on society's financial resources and that their care is some sort of affliction and burden that their loved ones have to bear.

The British Medical Association states that it:

"has long advised doctors — for moral as well as legal reasons — to avoid actions that might be interpreted as assisting, facilitating or encouraging a suicide attempt."

If that were not explicit enough, it goes on to state:

"The BMA remains opposed to doctors taking a role in any form of assisted dying."

I contend that those directions are not given lightly by medical experts; rather, they are the conclusion arrived at after detailed analysis of the expertise of the medical profession. Although no one has the monopoly on wisdom, only a fool would consider lightly the direction of the BMA.

In conclusion, what is the situation for a person with depression who seeks assisted suicide? Are patients in that situation given the necessary psychiatric care and support? The experience of Oregon would appear to suggest otherwise, as physicians there can assist suicide without considering the psychological aspects. Is that where we wish to go? I do not believe so.

**Mr Ford:** I appreciate the Member giving way. I wonder whether he has actually read the guidelines,

because, as I read them, it was absolutely clear that a case that involved any question of a psychiatric illness would tend to result in prosecution.

**Mr Easton:** I thank the Member for his intervention, and I take his comments on board.

I argue for a better way, where the psychology is changed from suffering from a life-limiting condition to living with a life-limiting condition, where there is effective palliative care and the sanctity of human life is upheld, promoted, and, most important of all, protected. In supporting the motion there is no better conclusion than that of the assistant director of the International Task Force on Euthanasia and Assisted Suicide, Wesley Smith, who stated, when referring to Oregon:

"legalising assisted suicide leads to abandonment, bad medical practice and a disregard for the importance of patients' lives."

Life is sacred, and only God can decide when we go from this life.

**Lord Morrow:** I support the motion. Some interesting comments have been made, not least the confusing ones, particularly Mr Kinahan's. I could not make up my mind, and I suspect that he could not either, whether he supports the motion, is against it or is neutral on it. Perhaps some day he will tell us.

I agree thoroughly with the view that has been expressed that human life is God given and can be terminated only by the giver of life. Suicide, in any form, is wrong. It would be a sad day for Northern Ireland if assisted suicide were legalised and legislated for here. Carmel Hanna said correctly that, one day, the Assembly will have to stand up on the issue. I look forward to that day.

We are faced with sad statistics about people who simply feel that they cannot bear another day alive and who are driven or are drawn to take their own lives. Generally, that leaves a gulf of unanswered questions, recriminations and, of course, tremendous grief. We have campaigned for support and funding for the individuals who have simply come to the end of their tether, if I may use that expression. However, I accept fully that the issue of assisted suicide is in a somewhat different category. We are told that the people involved have made the conscious decision that they no longer wish to suffer from a crippling, debilitating illness that has left them without hope or dignity. Therefore, a degree of sensitivity must be exercised when challenging the topic.

On completing training and before stepping out as fully fledged practitioners, doctors take the Hippocratic oath, which has formed the backbone of medicine for centuries. Its emphasis is on preserving life at all costs, treating the condition where possible, and, whenever they are successful, making the patient well. Whenever that cannot be achieved, the oath

remains a powerful ethic by ensuring that the suffering of patients is kept to a bare minimum.

We are told that two doctors are required to examine a potential assisted suicide patient to determine whether their condition is terminal and degenerative and to decide whether they are of sound mind. We are told that strenuous enquiries will be made to ensure that the patient has not been put under any financial, emotional or physical pressure.

However, a closer look reveals that the only requirement on the two doctors is that they be registered. That means that they could be qualified for as little as one year. Such doctors would have gained very little on-the-job experience. Much of a doctor's career is spent learning from such experience and putting into practice tried and tested methods over and over again. A doctor with one year's experience would not be remotely close to having gained enough pertinent knowledge of life and death.

Furthermore, to examine such cases, a doctor will not be required to have any specialised background on the patient's condition or illness. They will need neither any particular ability to assess the patient's mental health nor the experience to determine whether a patient has been forced into such a position.

Each doctor will see the patient only once. No doctor, even a highly trained and experienced consultant, could possibly draw conclusions on a matter of life and death after one sitting. The two doctors must, of course, be paid for their time. The criteria for assisted suicide are fundamentally flawed and fall far short of the core of the Hippocratic oath and society's duty to care.

When the Abortion Act 1967 was introduced, similar arguments were made that it would not open the floodgates. Let us consider that, some seven million abortions later.

**Mr Wells:** Will the Member agree that David Steel, who introduced the Act in 1967, said that it was intended only to clarify the confusing and difficult cases? He managed to clarify the 2% of difficult cases by introducing an Act that led to the deaths of seven million unborn children. Can the Member see the same danger with potential legislation on assisted suicide?

**Lord Morrow:** I thank the Member for making that point. I could not agree with him more.

I trust that the Assembly will take a long hard look at such issues when the day comes for it to make a decision. Now, we can see the extent to which legislation that was introduced to accommodate difficult cases has been abused. Much more could and should be said about that. I see that my time is nearly up.

Some people say that there is no comparison between euthanasia and assisted suicide. I disagree;

there is a comparison and a frightening closeness. Recently, someone on the Benches opposite said that this is a fundamentalist's viewpoint. It most certainly is not. The BMA made its position clear recently, and it is also opposed to assisted suicide.

I am pleased that no one in the Chamber strongly feels that assisted suicide should be legalised. I hope that the House supports the motion unanimously.

**Mr Deputy Speaker:** Order. Question Time will commence at 2.30 pm. Therefore, the debate will resume at 3.30 pm when the first Member to speak will be Alex Attwood.

*The debate stood suspended.*

2.30 pm

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

## Oral Answers to Questions

**Mr Deputy Speaker:** I remind Members gently that supplementary questions should not be read out.

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

#### Myalgic Encephalomyelitis

1. **Mr P Maskey** asked the Minister of Health, Social Services and Public Safety where ME patients are currently being treated, following the closure of the clinic at Belfast City Hospital. (AQO 187/10)

4. **Mr Attwood** asked the Minister of Health, Social Services and Public Safety what alternative arrangements will be made for ME patients following the closure of the only treatment facility at Windsor House. (AQO 190/10)

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** With your permission, Mr Deputy Speaker, I will answer questions 1 and 4 together.

The clinic at Belfast City Hospital was provided on a voluntary basis by a consultant psychiatrist who had a personal interest in chronic fatigue syndrome. In the 12 months up to July 2009, 16 patients were seen at that clinic. The consultant concerned has retired recently, and in preparation for his retirement, no new referrals have been accepted since July. The occupational therapy element of the service, however, is continuing for existing patients.

I met representatives of the Northern Ireland ME Association recently to hear their concerns at first hand. I understand that patients do not want a psychiatric-led clinic in Belfast; rather, they want a consultant-led service that is based in a neurology department. I have asked my officials, in association with the Regional Health and Social Care Board, the Belfast Trust and patient representatives, to examine how access to the services that ME sufferers require might be improved. An initial meeting involving those key stakeholders will be held in the next few weeks.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle agus a Aire. I am glad that the Minister

answered my question. Obviously, a number of people were concerned when they heard that the service was being moved. I appreciate the effort that the Minister has made in meeting some of the stakeholders concerned. The Minister said that a meeting with other key stakeholders will take place in the next few weeks. Is there any prospect of proposals coming out of that meeting? If so, when does he think that will happen?

**The Minister of Health, Social Services and Public Safety:** A couple of other things are under way. First, a neurology review is examining the policy that was laid down in 2002, and secondly, a physical and sensory disability strategy will go out for consultation shortly. Those will have a bearing on how we address ME.

In effect, ME sufferers have access to the full range of services that are laid out by the Health Service, and that is available to them in consultation with their GPs. However, at the meeting with stakeholders, including the board and the trust, it is important that we look at ways of going forward and of addressing patient need.

**Mr Attwood:** I welcome that the Minister, like the World Health Organization, acknowledges that ME is a neurological condition and should be treated in that context, rather than the way in which it was treated at Windsor House, which is a psychiatric-based facility.

I understand that the Minister has received recommendations, further to a health assessment, for shared services on the island of Ireland that will address a range of conditions. Neither the North nor the South alone has the critical mass to provide treatment on that basis, but together they do. Given the number of people who have been diagnosed and who are awaiting treatment, does the Minister agree that a better co-ordination of services and facilities on the island would develop a better service generally for those patients?

**The Minister of Health, Social Services and Public Safety:** I am not aware of any all-Ireland proposal; I am looking at the needs of patients in Northern Ireland. We are guided by the National Institute for Health and Clinical Excellence (NICE) guidelines, which were published in 2007 and which the Department endorsed in a circular that was issued in January 2008.

The guidelines recommend, for example, that there should be individualised programmes for patients with ME. The issue is about addressing that need. There are about 7,000 ME sufferers in Northern Ireland, and their symptoms range from mild and moderate to severe. The cause of ME is unknown, and there is no known cure for it.

We are looking at best practice in other areas. We are seeking to ensure that sufferers have access to the required services and, in common with NICE



guidelines, a neurology-based service rather than a psychology-based service. The service was in Windsor House, at Belfast City Hospital, and was led by a consultant psychiatrist who had a particular interest in the condition. It was carried out on a voluntary basis and, as I said, the consultant is about to retire.

The best thing to do now is to meet stakeholders. We will take account of the neurology review, which is coming forward, and the physical and sensory disability strategy, the consultation on which will be put out shortly. That consultation period is an opportunity for others to provide their input. There are a number of things that we can bring together to see what steps can be taken in managing what is a very difficult and complex condition.

**Mr Shannon:** I am sure that the Minister will be aware, as Members are, that many ME patients have asked their elected representatives to consider whether a specialist ME adviser could be designated for one of the hospitals. Has the Minister considered designating a specialist ME adviser for one of the hospitals in the Province to address that issue?

**The Minister of Health, Social Services and Public Safety:** I will listen to what comes out of the meeting with the stakeholders, the trust and the Department, and what comes out of the physical and sensory disability strategy and the neurology review. We will look to find a way forward that corresponds with NICE guidelines. No doubt we can tease out whether to have one ME centre in Northern Ireland or to use the services that are available throughout the health and social care framework to create a system in Northern Ireland that is signposted by GPs.

**Mr McCarthy:** I welcome the Minister's response, and pass on my best wishes to Dr Scott, who performed that service for almost 10 years. As far back as July, he was instructed by the trust not to accept any further referrals. It is now October —

**Mr Deputy Speaker:** You must ask a question, Mr McCarthy.

**Mr McCarthy:** Some 7,000 patients have had nowhere to go since July. Does the Minister think that something more urgent could have taken place before now? We are only now talking about starting to meet people.

**The Minister of Health, Social Services and Public Safety:** The clinic was run on a voluntary basis by a consultant who had a particular interest in ME. Dr Scott worked as a consultant psychiatrist in Windsor House at Belfast City Hospital. He took on 16 patients a year, which is a very small number compared to the number of people in Northern Ireland who have ME.

Mr McCarthy says that ME patients had nowhere to go. That is not true. Patients have the whole health and social care system to address their needs, and it does

so. ME sufferers say that there needs to be a more co-ordinated approach, and that is what I am looking at to get through the steps that I have outlined in previous answers.

### **Ambulance Service: Western Health and Social Care Trust**

2. **Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety for his assessment of the proposed cuts to ambulance hours in the Western Health and Social Care Trust. (AQO 188/10)

**The Minister of Health, Social Services and Public Safety:** There is no proposed cut to Ambulance Service cover in the Western Health and Social Care Trust area. Under the Ambulance Service's plans, there will be a net increase of nearly 4,500 hours of paramedic cover. That will be achieved by replacing 13,500 hours of A&E ambulance cover with over 18,000 hours of rapid response paramedic cover. My assessment of the proposals is that emergency response times in the Western Trust area will continue to improve, and that those patients most in need will get faster pre-hospital emergency care.

**Mr P Ramsey:** Is the Minister aware that a recent BBC report showed that in England — or Britain — in over 91% of calls in which a rapid response vehicle was sent out, an ambulance was sent out also? In light of that, can the Minister tell me the number of rapid response vehicles that were sent to emergencies in which an ambulance was also required because the rapid response paramedic could not provide adequate cover in that emergency?

**The Minister of Health, Social Services and Public Safety:** We covered that issue on a number of occasions. When a rapid-response vehicle is dispatched, an ambulance is dispatched at the same time. In about 90% of cases, the ambulance is required, but the rapid-response vehicle arrives at the scene first, which means that the paramedic gets to the patient faster. In 10% of cases, the ambulance, which carries a paramedic and a medical technician, can turn back because its presence is not necessary.

There is a fully trained paramedic in both the rapid-response vehicle and the ambulance. Although a rapid-response vehicle can respond more quickly than an ambulance, the two are very similar and can provide the same treatment. However, an ambulance carries a stretcher, a chair and a spine board. Therefore, the figures that the Member read out for England are entirely consistent with what we would expect.

The performance of the Ambulance Service over the past five years, particularly its performance in the Western Trust area, shows a marked improvement in response times.

**Mr Elliott:** I thank the Minister for his statement and the information that the Ambulance Service has made a positive difference in Fermanagh and west Tyrone. Does he agree that continual negative comments about the Ambulance Service are extremely demoralising for its hard-working staff?

**The Minister of Health, Social Services and Public Safety:** I entirely agree and extend that sentiment to the entire health and social care sector, which seems to be subject to constant scaremongering, criticism and negativity. That has been particularly apparent over the past couple of weeks.

The Ambulance Service is doing better year by year. For example, we set a target for a response time of eight minutes to life-threatening emergency calls. In 2004-05 in the Western Trust, 49% of such calls were responded to in eight minutes; the response rate is now 71%, which is a marked improvement. The figures for the rest of Northern Ireland are equally encouraging. Every minute that we can save in getting paramedics to patients with cardiovascular conditions, for example, can show a marked improvement in their chances of recovery or chances of avoiding permanent disability.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's comments on the Ambulance Service, which gave evidence to the Committee on Thursday. Will the Minister provide reassurance that, in the rural parts of the west, outside Derry and Omagh, for example, the target response time of eight minutes for life-threatening calls will be achieved? Go raibh maith agat, a LeasCheann Comhairle.

**The Minister of Health, Social Services and Public Safety:** One of the heartening features of the Ambulance Service's performance is the improvement in rural areas. The rapid-response vehicle primarily concentrates on urban areas, because that is where it works best. In most of the rural areas of Northern Ireland, we are planning no change to existing accident and emergency cover. In western areas, such as Limavady in the north, Strabane, Castlederg and Enniskillen, it is proposed that there will be no change in Ambulance Service provision.

We are always seeking to reduce response times. The Ambulance Service is doing very well and reaching the target of 70%; it knows that as soon as it reaches the target, we will start discussing how to better it. We are concerned with what is best for the patient, how the patient can do better, providing the best service and saving lives.

2.45 pm

In the Western Trust area, an increase from 49% to 71% in response times within eight minutes for category A life-threatening calls was made against a background of a 40% increase in calls. Demand is rising all the time, with a huge increase in business.

Despite that, the Ambulance Service has shown a very marked, heartening and commendable improvement in response times, and it deserves to be congratulated for that.

**Mr Easton:** Will the Minister explain why, at last Thursday's Health Committee meeting, when a set of cuts was presented by the Ambulance Service, we were told about a second set of proposals that the Health Committee had not seen nor heard about from the trusts, the Department or the Minister? Will the Minister give an assurance that, in future, any proposals will come to the Health Committee so that it can have view of them and comment before he signs off on them?

**Mr Deputy Speaker:** Order. I will not ask the Minister to answer that. It is not specific to question 2.

## Health and Social Care

3. **Mr McFarland** asked the Minister of Health, Social Services and Public Safety if there has been increased demand for services in the health and social care sector in the past twelve months. (AQO 189/10)

**The Minister of Health, Social Services and Public Safety:** In 2008-09, around 48,000 more people had a first outpatient appointment than in 2007-08. That had a knock-on effect on elective patients and day cases, where over 13,000 more people were treated. Eleven thousand more people were admitted through A&E for emergency inpatient care, which is an increase in overall demand in 2008-09 of 9% or more. Growth is set to continue at the same rate in 2009-2010, but I have only 0.5% more resources, in real terms, to respond to that. Hardworking health and social services staff delivered an impressive increase of 6.7% in productivity between 2006-07 and 2008-09, but that will not be enough to bridge the gap, and services are under pressure to meet demand and the challenging efficiency targets.

**Mr McFarland:** I recall that the Executive agreed that the Minister could have the first £20 million call on funds. Does he agree that urgent funding is needed to deal with the swine flu epidemic, and that others should stop playing party politics with the Health Service?

**The Minister of Health, Social Services and Public Safety:** Not playing party politics with health has been my constant plea. Most people in this House are, in general, very responsible and supportive of the Health Service. Some are consistently negative and unhelpful, and, as far as I can see, consistently play politics with the Health Service. Shame on them — I could name them, but I will not. I do not want to embarrass anyone who is here, but I particularly do not want to embarrass absent friends.

The Health Service has made huge strides in a programme that is still rolling out. As Members are aware, the service has gone from 19 trusts to six, and from four boards to one, and has set up a business services organisation to centralise essential services, such as HR, wages and maintenance, which were spread across a number of trusts. Those are being centralised by the business services organisation to create economies of scale and streamlining.

We have seen an almost 7% increase in efficiency in the Health Service over the past couple of years. That is highly commendable, and all members of the health and social care workforce, from consultants all the way through, deserve to be congratulated for the work that they have done. Against that, however, we have seen rising demand — up by around 9% so far this year. It is impossible for the Health Service to respond to a 9% increase in demand on a 0.5% increase in resources in real terms.

In addition, I am still waiting for the Budget settlement to be implemented. I have not seen a penny of the first call of £20 million in the Budget. Moreover, I have to deal with pandemic flu. We estimated our middle-case scenario at £78 million, and I have a right to bid for that. To date, I have not been assured of a penny of that. Therefore, I cannot respond to contingency plans at the minute, although I hope to be able to respond in due course. However, it will only be possible when I am absolutely certain about finances in the Health Service.

**Mr Deputy Speaker:** I remind Members that mobile phones and BlackBerries should be switched off.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I agree with the Minister: it is important to commend staff. I hope that he does not consider my question negative, but rather as a means of teasing out answers. I am slightly concerned that the Department's permanent secretary, in his previous role in the Department of Finance and Personnel, seemed to be of the opinion that we could deal with efficiency savings in Departments. How can we square that circle, given that there is now a suggestion that health should be excluded from efficiency savings? The permanent secretary's approach does not make sense; why has it changed?

**The Minister of Health, Social Services and Public Safety:** Before I took up this post, the Health Service produced £124 million of efficiencies under the Gershon-related efficiencies every year. As the Member is aware, the current efficiencies amount to £700 million over three years. As I have explained, demand has increased. At a base level of two years ago, £700 million of savings would have been achievable with a huge amount of pain; the background of a 9% increase in demand, frankly, makes it

impossible. The same number of healthcare staff is, in essence, doing 9% more work; they are stretching themselves.

When considering efficiencies, we must compare like with like. I am not aware of other Departments in which the workload has increased by 9% per annum, and the Member should note the distinct lack of pain in all other Departments in finding efficiencies. That suggests that it is not as difficult in other Departments as it is in the Department of Health, Social Services and Public Safety, which is further along in the review of public administration (RPA) process. We are saving 1,700 administrative jobs at £53 million per annum. I remind everybody that the House and the Executive voted for that through the priorities for action targets under the Programme for Government. We all voted for that, and I am ahead of that target. I am achieving every target for the Health Service that was laid down in efficiencies and agreed in the House.

My Department's efficiency has increased by 7%, but demand has increased by 9%. John Appleby came to Northern Ireland and produced a famous report on efficiency that made a number of recommendations. All those recommendations have been implemented — bar one. One key recommendation was that Health Service resource should rise by 4.3% per annum in real terms. That has not happened, and, therefore, we are still labouring under the resource that was set several years ago. Our increase this year is, in real terms, half a percent, which is the lowest increase in the Health Service in living memory.

Furthermore, I have not seen a ha'penny of the first £20 million call that I was supposed to receive without a problem. In addition, I must deal with the problems of pandemic flu. For example, I will soon announce the first deliveries of vaccines, which I have bought because I believe that the people of Northern Ireland need them. However, I still have no assurances on that resource.

**Dr Farry:** I did not vote for the Budget or the Programme for Government. Given that trusts are proposing the closure of hospitals and the removal of beds, does the Minister agree that the approach to efficiency savings is clearly wrong? Does he believe that the bureaucrats in the trusts are the best people to determine the way forward on efficiency savings?

**The Minister of Health, Social Services and Public Safety:** The Member did not vote for the Programme for Government or the priorities for action; however, he voted for Ian Parsley. Look where that got him. *[Laughter.]* A vote from Stephen Farry is no particular endorsement. *[Interruption.]*

You are not in Bangor now.

We are reducing bureaucracy according to the Programme for Government's priority targets, which



were agreed by the Assembly and the Executive, and we are ahead of those targets as well as our efficiency targets.

I will move to the issue of bed closures. At the tail end of the financial year, when trusts are suddenly faced with deficit funding, Government finances do not allow us to underspend or overspend; our spending must be in line. In most businesses that have a turnover of £1 billion, as the Belfast Health and Social Care Trust does, a £20 million overspend is not something to get excited about; one would simply take from next year's money or borrow from reserves. However, none of those options is available to the Health Service because of the way in which it is funded and because of the way in which public finances are administered in the UK, which means that there must be full spend as opposed to good spend.

As a result, we have to find £20 million fast, and that has an effect. The contingency plans are simply plans and proposals; I have not examined them in depth, and they are a long way from being approved. There has been a great deal of scaremongering about those plans and other plans that are effectively non-plans, and which can become plans only if I agree to them. I am a long way from doing that.

### Missed GP and Hospital Appointments

5. **Mr Ross** asked the Minister of Health, Social Services and Public Safety to provide estimates of the number of missed GP and hospital appointments in the last year. (AQO 191/10)

**The Minister of Health, Social Services and Public Safety:** The Regional Health and Social Care Board does not separately collect information on the number of GP appointments. Some general practices may collect information on missed appointments, but to collect such information from each of the 357 general practices in Northern Ireland would involve a disproportionate cost. The number of hospital appointments for which patients have failed to attend in the past year is as follows: there were 1,565,497 outpatient attendances in 2008-09; patients failed to attend 190,235 appointments. The "did not attend" rate was 10.8%.

**Mr Ross:** In August 2009, the BBC reported that, across the UK, approximately £600 million was wasted on missed GP and hospital appointments. What steps is the Minister taking to try to stop people from missing appointments? Has he considered fining people who continually miss appointments?

**The Minister of Health, Social Services and Public Safety:** GP appointments are one thing: GPs are independent contractors who contract with the Health Service to provide certain levels of healthcare

to their patients, and there is a tariff that goes with that. They are, in effect, independent businessmen and businesswomen who manage their own affairs, including their "did not attends". Hospitals are somewhat different; we have taken a number of steps to bring down the "did not attend" rate of cancelled appointments, such as partial booking, whereby outpatients agree a suitable date and time for their appointment no more than six weeks in advance.

One of the problems was that appointments were being agreed months in advance. Partial booking arrangements offer patients a choice of date and time for their appointment, and they reduce the number of patients who do not attend. Trusts must ensure that patients of the same clinical priority are seen in strict chronological order. Trusts pool lists between consultants in a specialty to equalise waiting times, and clinic templates have been reviewed to ensure that a reasonable allocation of time is given to new non-urgent referrals.

Some steps have been put in place. We still have an unacceptably high rate of missed appointments, which costs many millions of pounds a year. If memory serves me right, the most recent estimate was that approximately £14 million was lost to the Health Service in missed appointments; that is money that we can ill afford to lose. We constantly appeal to patients not to break appointments.

Fining patients would be much more difficult. GPs can take more direct action. I should have said that the estimated loss to the Health Service in missed appointments was £11.6 million; that information is in the public domain. We might have to consider fining patients, but it would be difficult to administer.

One would have to allow for the fact that people can have perfectly valid reasons for non-attendance and may be unable to phone through their cancellations. Fining those who do not keep appointments is not the simple solution to the problem.

3.00 pm

## AGRICULTURE AND RURAL DEVELOPMENT

### Better Regulation and Simplification Review

1. **Mrs Hanna** asked the Minister of Agriculture and Rural Development how, and when, she will implement the recommendations of the report on the better regulation and simplification review.

(AQO 202/10)



9. **Mr Cobain** asked the Minister of Agriculture and Rural Development for an update on her Department's response to the better regulation and simplification review. (AQO 210/10)

**The Minister of Agriculture and Rural Development (Ms Gildernew):** With your permission, a LeasCheann Comhairle, I will answer questions one and nine together.

The review is complex, with 85 recommendations that apply to all areas of the Department's work in the agrifood sector, including areas in which we are applying European legislation. Fifty two recommendations fall specifically to the Department of Agriculture and Rural Development (DARD), and of those, 35 that can be implemented have been identified, many of which were already being implemented as ongoing developments in various work areas.

Forty one recommendations require further investigation to identify the possibility of introduction by DARD and/or other Departments. So far, nine are likely to be rejected for various reasons including legal obstacles and disproportionate costs.

The informal consultation on the independent panel's better regulation and simplification review ended on 30 September. Three responses have been received by my Department and will be taken into consideration in the formal response to the review that will be published in the autumn.

**Mrs Hanna:** Will the Minister outline the overall costs of the review and specify whether any anticipated savings will result from the implementation of the recommendations?

**The Minister of Agriculture and Rural Development:** I do not have the actual costs of the review to hand. Some recommendations will reduce the administrative burden on farmers; but at this point, I do not have that level of information. I am happy to respond to the Member in writing.

**Mr Cobain:** Will the Minister consider establishing a single inspection body for all on-farm inspections?

**The Minister of Agriculture and Rural Development:** I came to this job with a view to looking at what I could do to help reduce the burden on farmers: I asked that question. However, inspections are carried out for different reasons. We have brought inspections together where possible but, unfortunately, it is not possible to do that for all of them. We have done what we can to reduce the burden of inspections on farmers.

**Mr Shannon:** I thank the Minister for her responses. Will she indicate when she intends to introduce, and ensure the early implementation of, the independent panel's recommendations in a clear and beneficial way to help the farming industry?

**The Minister of Agriculture and Rural Development:** I recognise that the burden on farmers can be reduced. There is a public service agreement target to reduce the administrative burden on farmers by 25% by 2013, with an interim target of 15% by 2011. Progress towards those targets will be monitored to ensure that they are being met. We will do everything that we can to reduce the burden on farmers.

**Mr Deputy Speaker:** Question 2 has been withdrawn.

## Rural Communities

3. **Mr Bresland** asked the Minister of Agriculture and Rural Development what plans she has to support rural communities, particularly people in isolated areas who are on low incomes. (AQO 204/10)

**The Minister of Agriculture and Rural Development:** The Department of Agriculture and Rural Development is responsible for investing significant amounts of money into the rural economy each year, including single farm payments and investment through the rural development programme. I also argued successfully for £10 million of Programme for Government funds specifically to address poverty and social exclusion in a rural context. That funding is to address five key themes: rural fuel poverty; rural community development; rural childcare; transport; and a rural challenge fund.

Last winter, I supported the Department for Social Development's warm homes scheme, under the fuel poverty element of the programme, ensuring that up to 600 rural homes received necessary improvements to heating and insulation systems. The rural childcare programme opened to applicants in June 2009, and received 57 applications that are now being assessed. I have confirmed my support for continued community development including the provision of resources for rural support. I am also finalising plans with the Department for Regional Development for improved access to transport for people living in isolated rural areas.

The rural challenge programme is also open to applications. That programme aims to assist in tackling poverty and exclusion in rural areas, and to provide project-based evidence to inform future policy on rural poverty and exclusion. The programme will focus on eight target beneficiary groups in rural areas, including low-paid workers. Potential applicants will be required to attend a best-practice workshop, which will assist applicants with the identification of poverty and exclusion issues in their area; the evidence to support need; the people affected; and the most suitable responses for each local area.

I am also delighted to advise that, in conjunction with the Public Health Agency, I have agreed to a project to maximise access to, and uptake of, grants,

benefits and services in rural areas. It is planned that the unique cross-departmental project will target the most deprived rural super output areas across the North. It will seek to assist hard-to-reach people who live in rural areas to access the benefits, grants and services to which they are entitled. I will continue to advocate on behalf of rural people who live in isolated areas and on low incomes, particularly through my membership of the ministerial subcommittee on poverty and social inclusion.

**Mr Bresland:** I thank the Minister for her answer. The Renewing Communities pilot programme, which was delivered by the Department, sought to support isolated Protestant communities that live in border areas. Will the Minister outline the future plans for that programme?

**The Minister of Agriculture and Rural Development:** I do not have that information with me. A pilot project was undertaken in four areas of the North, and we are evaluating that programme. I will come back to the Member with more details on its future.

**Mr Elliott:** The Minister said quite a lot about the rural development programme. Has she sent any letters of support to individual projects that are being undertaken under axis 3 of that programme?

**The Minister of Agriculture and Rural Development:** I am not sure what the Member means by “support”. Axis 3 is being administered by local action groups and, primarily, councils. I do not fully understand the Member’s question.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. As someone who lives in and represents a rural area, I thank the Minister for her reply about those areas. The Minister, as part of the Executive, has a keen interest in rural matters and, indeed, has placed that interest on the public record. Can the Minister confirm that the independent working group’s report, which contains recommendations on planning permission for non-farming families, has proven inconclusive, despite the group having spent a substantial length of time deliberating on the matter?

**The Minister of Agriculture and Rural Development:** My participation in the Planning Policy Statement 21 working group is not related to the original question. I will be happy to respond to the Member’s query if he comes back to me in writing.

## Dangerous Dogs

4. **Mr McCartney** asked the Minister of Agriculture and Rural Development for an update on her proposals to deal with the issue of dangerous dogs.

(AQO 205/10)

**The Minister of Agriculture and Rural Development:** I am pleased to announce that the wide-ranging and comprehensive review of dog control legislation, which I announced in November 2007, is now complete. I am preparing proposals for consultation. As Members are aware, we have serious dog control problems here. The system is simply not dealing with the issues effectively. There were around 750 dog attacks on people last year. We also have a big problem with stray dogs, with almost 8,000 stray dogs being impounded by dog wardens in 2008. That is a greater number of stray dogs per head of population than in Britain. Moreover, many of those strays have to be destroyed. It is unacceptable that the North accounts for one third of all dogs that are destroyed between here, England, Scotland and Wales.

To address those issues, I propose to build on the existing legislation by retaining the ban on dangerous breeds and introducing further dog control measures. The enhanced measures will have three main elements: a focus on prevention through earlier intervention to stop dog attacks; making it an offence for a dog to attack another dog; and promotion of responsible dog ownership that is supported by a more robust and effective dog licensing regime.

As part of the enhanced dog licensing regime, I am proposing that all dogs should be microchipped and that dog wardens should have powers to attach conditions to licences if there are concerns about dog behaviour. Given that licence fees have not been reviewed since 1983 and stand at £5, I also propose that the licence fee should be increased to a more appropriate level, with significant reductions for groups such as pensioners and those on benefits.

As part of an agreement to share early thinking with the Committee for Agriculture and Rural Development, my officials presented initial policy ideas to the Committee last week and agreed to consider some of the views of its members. Committee members agreed with me that there were serious dog control problems and they raised a number of concerns.

It is extremely unfortunate that the exploratory thinking on the licence fee was wrongly presented in the media as a firm proposal. It is also regrettable that some of the reporting was simply wrong. There is no proposal that requires all dogs to be on a leash at all times. The comments of the Committee were very helpful, and I have listened very carefully to them and to the views of the public over the past few days in further developing my proposals for consultation. Once they are finalised, I will seek the approval of the Executive to put them out for consultation. It is anticipated that that will run from November to January and, following full consultation, a Bill will be drafted, with the aim of introducing it to the Assembly

by June 2010 and it reaching the statute book within the lifetime of the current Assembly.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I have listened to what the Minister has said and I thank her for her comprehensive answer. Has she decided on the level of licence fee that she is going to consult on?

**The Minister of Agriculture and Rural Development:** There certainly needs to be an informed debate on the dog licence fee, and the current level of £5 falls far short of the cost of enforcing the legislation. As a result, the bulk of the dog warden service cost is currently borne by all ratepayers, not just dog owners. The dog licence fees currently collected amount to less than 10% of the cost of the dog warden service.

During the review, local councils suggested figures for dog licensing ranging up to £70. My officials explored with the Committee for Agriculture and Rural Development some early ideas on a fee of £50, with 50% reductions for the owners of neutered dogs, and further reductions for people aged 65 or over and those on certain means-tested benefits. Again, it is extremely unfortunate that that exploratory thinking on the licence fee was wrongly presented in the media as a firm proposal. However, I am pleased that a debate has started on the matter of dog control and licence fees.

I have listened very carefully to the concerns of the Committee and the public and have taken those into account in developing my proposals for consultation. I am, therefore, preparing to consult on the basis of three options: one is a core option based on an inflation-linked rise; one is an option to maintain the status quo; and one is an option that covers the full cost of the dog warden service.

Under my core proposal, a dog licence will be free to those aged 65 and over. The cost to those on benefits will be pegged at the current price of £5. The cost to owners whose dogs are neutered will also be pegged at the current price of £5, and the full fee cost to others will be £12.50, reflecting the increase in inflation since the fee was last reviewed in 1983.

I recognise the importance that a dog can have for an older person, in providing companionship and a sense of security, and that is why for the first time I am making a dog licence free of charge for those aged 65 and over. If an older person has more than one dog, the fee for additional dogs will be pegged at the current rate of £5. The fee will also be pegged at the current rate for those on means-tested benefits and for any owners who have their dogs neutered. That will help those on low incomes and will encourage neutering, in turn reducing the number of strays and unwanted dogs.

That core proposal will help the elderly, protect those on benefits, encourage neutering and provide some additional resource to local councils to meet the cost of dog control. As I have said, the licence fee is only one part of my proposals. I believe that the whole dog control package will be widely welcomed and I look forward to hearing the responses from all stakeholders when the proposals are put out to public consultation.

**Mr Deputy Speaker:** I call Mr Danny Kennedy, who has not been microchipped, to ask a supplementary question.

**Mr Kennedy:** I have not been neutered either — yet. *[Laughter.]*

As a concerned owner of two West Highland terriers, both of whom have been warned about their future because of financial issues, I welcome the Minister's change of emphasis. Will the Minister assure the House that the additional revenue collected will be available to local councils for the policing and enforcement of the legislation?

3.15 pm

**The Minister of Agriculture and Rural Development:** At the moment, councils retain the collected revenue to help with their provision of dog wardens, and that will also be the case in future.

I cannot possibly comment on whether Mr Kennedy is neutered or muzzled.

**Mr McCarthy:** I welcome the Minister's comments; there is a lot to take in. It is a pity that that message was not sent out in the first place. Many people, particularly elderly people, have been coming to my office, and, I am sure, to the offices of other Members, to complain.

**Mr Deputy Speaker:** Ask your question, Mr McCarthy.

**Mr McCarthy:** My question is simply whether the Minister should have considered significantly increasing the penalties for people who allow their dogs to cause damage, chase other dogs, and so forth, rather than an excessive increase in the cost of a licence.

**The Minister of Agriculture and Rural Development:** I regret that our initial discussions with the Agriculture and Rural Development Committee were taken so badly out of context by the media. A lot of people were concerned about the implications that it would have for them. I appeared on a BBC programme to try to reassure people, but that did not work, and I was unable to get the message across that dog licensing was only one element of what is being proposed.

The point of the legislation is to give more control to councils so that irresponsible dog owners will have



to face up to their actions. The councils will have the power to force people to do things, such as keeping a dog muzzled or on a lead in public, or maybe insisting that a dog be neutered. Various conditions can be applied to try to encourage responsible dog ownership; that is what we are trying to get to.

**Mr Deputy Speaker:** The licence for a black-and-white dog is not cheaper.

### Rural Childcare Strategy

5. **Ms Anderson** asked the Minister of Agriculture and Rural Development for an update on the implementation of the rural childcare strategy.  
(AQO 206/10)

#### The Minister of Agriculture and Rural

**Development:** I set up the rural childcare stakeholder group in July 2007 and, in March 2008, I was pleased to present its report 'Rural Childcare: Investing in the Future' to the ministerial subcommittee on children and young people. The report contained a number of cross-cutting recommendations, including the development of a DARD rural childcare programme. It also ensured that rural childcare was recognised in the early-years strategy for nought-to-six-year-olds that was developed by the Department of Education

My officials have now developed a rural childcare programme that is delivered and funded as part of the Department's rural anti-poverty and social inclusion framework. That programme's aim is to improve childcare provision across the rural North. That will be accomplished by supporting a series of pilot or demonstration projects that provide solutions to the particular and distinct challenges faced by rural areas and communities. Those will provide a positive evidence base for the development of future policy and priorities in the provision of rural childcare.

Since the programme began in June, 57 applications have been received, and those that passed the initial eligibility sift are being appraised. It is intended that letters of offer will be issued to successful applicants in late October or early November.

Childcare is recognised as being extremely important in enabling people to pursue employment and training opportunities. Therefore, the adequate provision of childcare in rural areas is essential. I am pleased that, through the rural childcare programme, the opportunities for rural areas will be better explored and realised. Furthermore, in my role as a rural champion, and through my membership of the ministerial subcommittee on children and young people, I will continue to advocate the needs of children living in rural areas.

**Ms Anderson:** Go raibh maith agat. I thank the Minister for her answer; it will be much appreciated out there. Will the Minister tell the House who can apply to the programme and when, because that information is required?

#### The Minister of Agriculture and Rural

**Development:** Applications were restricted to pilot or demonstration projects run by community or regional representative organisations that address the key areas highlighted in the rural stakeholders' report, such as access, early-years integration, quality, sustainability and affordability in a rural context.

Of the total of 57 applications, 31 passed the initial eligibility sift. The applications came from a range of groups: cross-community childcare facilities, such as preschools, playgroups, naíscóils and so forth; and groups with a specific interest in the provision of childcare for those with special or additional needs. Individuals and profit-making organisations also had an opportunity to receive support, other than financial assistance, from projects run by community-based and representative organisations.

Although the scheme has closed, people who work in the private sector can still apply for childminding support under the rural development programme, particularly under measures 3.1 and 3.2.

**Mrs M Bradley:** I welcome the rural childcare strategy. How many extra childcare places will the strategy fund?

#### The Minister of Agriculture and Rural

**Development:** It is premature to say how many until letters of offer go out and until we view the applications. However, it is very important to get that evidence base so that the Department and the Executive can identify the needs of rural areas and ensure that those needs are met. I am happy to answer the Member's question, but I will not be able to do so for some months.

**Mr Beggs:** I thank the Minister for her answer. Will she advise what amount of funding has been made available to implement the new strategy? One hundred per cent of a rural playgroup's funding can be withdrawn if its attendance dips below 10 children in the immediate preschool year, even if that happens for a very short period. That can result in the removal of a playgroup from an isolated area. Has the Minister made representations to the Minister of Education on that issue on the ministerial subcommittee?

#### The Minister of Agriculture and Rural

**Development:** I have not made representations on that issue specifically. In answer to the first part of the Member's question, the indicative budget for the rural childcare programme was set at £1.5 million, and there is a maximum available grant of £250,000 for Six-County-wide representative organisations and



£100,000 for community organisations. However, I have had a number of discussions with the Education Minister on childcare provision in rural areas. I expect those discussions to continue.

### Animal Welfare Legislation

6. **Mr Attwood** asked the Minister of Agriculture and Rural Development when she expects to bring forward an animal welfare Bill. (AQO 207/10)

#### The Minister of Agriculture and Rural

**Development:** A new animal welfare Bill is one of my key ministerial priorities. I intend, subject to Executive approval, to progress an animal welfare Bill through to introduction in the Assembly by June 2010, and to enactment during the lifetime of the current Assembly. A new animal welfare Bill will seek to address the gap between the legislative protection that is provided to farmed and non-farmed animals and to strengthen existing welfare provisions generally. The legislation will aim to ensure that protection for animals is at least equal to that in Britain and will reflect on lessons that have been learnt since its animal welfare legislation came into force. Where possible, the new Bill will also endeavour to take on board legislative developments in the South.

The new legislation's overall purpose will be to protect all sentient animals from cruelty and unnecessary suffering. It will also set out the obligations for people who have animals in their care, including domestic pets for which they are responsible.

**Mr Attwood:** I thank the Minister for her answer. Given the nature of Executive business these days, and given that we are now well into October, will she give a reassurance that her Department will have produced a Bill by June of next year that has Executive approval, and that that piece of legislation will be passed by May of the following year? If that has been a priority for the Minister's Department, will she give guarantees, in so far as she can, around the Executive timetable and the Assembly timetable?

#### The Minister of Agriculture and Rural

**Development:** The Member knows that the only two certainties in life are death and taxes. Although I cannot give such guarantees, I put on record my appreciation of the very proactive work that the Committee for Agriculture and Rural Development has undertaken with me on animal welfare legislation and dog control legislation. We recognise and accept that the work is hugely ambitious. It will take a great deal of effort to get down to the nitty-gritty, but I have no doubt that the public expect us to introduce legislation, which we can do if we work collectively. I will deal with the issue of Executive approval when the time comes.

**Mr McCallister:** I thank the Minister for her reply. I agree that the public expected the legislation to be introduced some time ago. Does she envisage any proposed role for the USPCA or other welfare organisations under the new legislation?

#### The Minister of Agriculture and Rural

**Development:** At this stage, there is no intention to change the USPCA's role under the Bill.

The USPCA is an independent charity and nothing in the Bill will change that. However, the Department will continue to work closely with the USPCA on welfare issues.

**Mr Doherty:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. Will the Bill increase the penalties?

#### The Minister of Agriculture and Rural

**Development:** Subject to Executive approval, the Department intends to address the maximum level of penalties. Under the current legislation, a person convicted of cruelty to animals under the Welfare of Animals Act 1972 is liable on conviction to a maximum fine of £5,000 and/or three months imprisonment. The Bill will set out new maximum penalties for cruelty offences, including imprisonment for a term not exceeding 51 weeks or a fine of up to £20,000, or both.

Those penalties would apply to offences that involve the causing of unnecessary suffering, animal mutilation, administration of poisons and offences in respect of animal fighting. The Bill will include post-conviction penalties such as deprivation of and disqualification from the right to keep animals; destruction of animals, if appropriate; cancellation of existing licences; and the forfeiture of equipment.

### DARD: Efficiency Delivery Plan

7. **Mr Kinahan** asked the Minister of Agriculture and Rural Development what percentage of her Department's efficiency delivery plan is based on cuts to front line services. (AQO 208/10)

#### The Minister of Agriculture and Rural

**Development:** The efficiency delivery plans, or EDPs, require DARD to save 3% cumulatively per annum over the period 2008 to 2011, which, in DARD's case, equates to £6 million, £12 million and £18 million.

DARD's EDPs include three areas that could have an impact on its customers. First, we intend to re-phase the implementation of the food strategy. Secondly, the incidence of brucellosis is falling at present, which may obviate the need to reduce disease-compensation levels, although that must be reviewed by the Department. Thirdly, we are in discussions with the Committee for Agriculture and Rural Development about the transfer of the costs of collection and

disposal of fallen bovines aged over 48 months back to the industry. The EU decision to increase the BSE testing age has already enabled annual savings of £1.4 million to be made in that area.

**Mr Kinahan:** I thank the Minister for her answer. In the original efficiency delivery plans in 2007, the savings on administrative charges through improved business processes were £5.68 million. In the most recent proposals, the Department expects to save just £0.87 million. Why is there such a significant reduction? Where have those costs transferred to?

**The Minister of Agriculture and Rural**

**Development:** In fairness, I do not have in front of me a breakdown of the Member's figures, so I will have to look at that again. However, we have tried to mitigate the effect of savings on front line services, and we have looked very hard at how we can lessen the impact of those savings, but every Department must make savings or cuts. We must find a way of doing so that does not increase the burden on our customer base.

**Mr Savage:** I listened carefully to the Minister. Will she indicate to the House the whereabouts of the cattle that were stolen in the Loughgall area that were infected with TB —

**Mr Deputy Speaker:** Order. That is not relevant to the question being answered by the Minister.

### Single Farm Payments

8. **Mrs D Kelly** asked the Minister of Agriculture and Rural Development if she can give farmers an assurance that if they are chosen for inspection it will not delay their Single Farm Payments, particularly if no problems are found. (AQO 209/10)

**The Minister of Agriculture and Rural**

**Development:** I personally assure all farmers that we will work to process cases and to make single farm payments as quickly as possible, once the payment window opens on 1 December. In 2008, we paid out more than 80% of single farm payment claims by the end of December, and we hope to do the same this year.

As far as inspection cases are concerned, I can provide the assurance that those not showing any problems will be processed alongside non-inspected cases. Unfortunately, feedback from the payments branch suggests that the number of inspected cases that need adjustment because of land changes related to boundaries and ineligible land is likely to be very high. Those adjustments are complex and take time to clear. I take the opportunity to remind farmers that it is essential that they tell the Department about any changes to field areas.

The changes fall into two categories. The first involves permanent features such as houses, laneways and tanks; the second, semi-permanent features such as scrub and winds.

Land under both those categories is considered ineligible and should not be claimed for. If farmers tell us of any change to their eligible land before we find it, although we will have to readjust their single farm payment entitlements, we will not apply penalties. However, in cases in which we find the change, we have to readjust entitlements and, if appropriate, apply penalties. Such cases take longer to process. We have no choice but to make those adjustments, and we are facing a potential £28.5 million disallowance.

3.30 pm

## PRIVATE MEMBERS' BUSINESS

### Assisted Suicide

#### *Debate resumed on motion:*

That this Assembly notes the verdict in the Purdy case and the decision by the Director of Public Prosecutions in Northern Ireland to issue guidance on assisted suicide; and states its opposition to any attempt to legalise assisted suicide. — *[Mr Donaldson.]*

**Mr Attwood:** I broadly welcome the tone and content of many of the contributions to the debate before Question Time. Before dealing with the particulars of the motion, without prejudice to the guidelines that the CPS and the PPS have issued, I shall make a broader point.

I welcome it when the prosecution authorities in the North begin to develop policy and issue public statements about what their policy might be when prosecuting offences. That is a welcome development, and it sets a useful precedent, because, whatever one may think about the guidelines, there are too many vacuums in the administration of justice and in the prosecution of offences for the PPS in the North and, I dare say, the CPS in England not to publish more comprehensive reasons for and policies about when cases will be prosecuted or dropped. Indeed, as I understand it, the PPS in Belfast is about to publish a new policy that gives reasons why cases may collapse or be withdrawn or why charges may be reduced. In that regard, I have been saying to the PPS that it should not publish those guidelines until there has been further consultation with victims and witnesses. Nonetheless, the publication of policies and the giving of insight into why the PPS makes decisions about certain matters is a useful and welcome development.

A number of colleagues, including Mrs Hanna from South Belfast, expressed concerns about the guidelines' content. I have no doubt that the CPS in England and, more particularly, the PPS in Belfast have listened to those concerns. Therefore, if issues arise about the level of discretion that the PPS may have in deciding whether to prosecute a spouse who assists a suicide or about assisted suicides for those who are seriously as opposed to terminally ill, I trust that the new guidelines will be clarified or strengthened in order to address those concerns. Moreover, I trust that this debate will be reflected in the consultation that PPS is undertaking.

Having said that, I think that the Assembly will have to get its head around the matter and similar matters, especially in the context of the devolution of justice powers. John O'Dowd and Martina Anderson in some

way dealt with that point. When it comes to matters such as assisted suicide, people in the North have, in effect, three choices. First, we can pass laws that create absolute offences, whereby anybody who assists a suicide will be prosecuted and appear before a judge, in which case a judge will have the discretion to decide what penalties are laid down, which could end up being a minimum penalty. Even an absolute or conditional discharge for assisted suicide may not help public confidence or move public debate forward. Secondly, we do precisely what happens now; namely, the PPS, consistent with the law that governs the matter in Northern Ireland, should develop the tightest possible guidelines to legislate against any possible abuse in assisted suicide cases. Thirdly, after the devolution of policing and justice powers, the Assembly could legislate on the matter, creating the context, guidelines and certainty for assisted suicide to reflect views in the Assembly and public opinion in the North.

Those are our alternatives. People may not like the CPS/PPS route for moral or legal reasons, but it is probably the best way of creating certainty and best practice rather than leaving it to judges to decide what penalties should be imposed or to the Assembly to create law that would have to take into account variable factors such as the public interest and other matters.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Attwood:** I welcome the debate and hope that the Assembly returns to this matter and deals with suicide and assisted suicide in a much fuller and more rounded way.

**Mr Shannon:** The matter is an emotive one and it is easy to get carried away; I may be one of those sometimes carried away by emotion. However, sound judgements are not usually based on emotional responses. There is a saying: hard cases make bad law. That has been tried and tested over many years' and I believe it to be true.

A hae a strang belief i the sancity o' life. A alloo at we hae laas fer gye guid reasons an' tae let ithers bae i a position o' dictatin' life an' death isnae a healthfu' position fer simboadie tae bae in. In es mich es we'd like tae think at loved yins an femmelie members onie iver hae oor bes' intherests aa hairt, they can bae swayed bae emotion an bae ither less worthy motives.

I believe firmly in the sanctity of life and that we have laws for good reasons. To allow others to dictate life or death is not a healthy position for anyone. As much as we would like to think that loved ones and family members only ever have our best interests at heart, they too may be swayed by emotion and other less worthy motives.

Recently, I read an article by the Reverend Ian Galloway that succinctly expresses much of the fear

and reservation that should be taken into account when considering the legalising of assisted suicide. The author states that a certain camp seeks to change our law so that the state will be given the authority to stamp "suitable to die" on some people. It goes on to state that we are assured by those who advocate assisted dying that it will be tightly controlled, well policed and not open to abuse. Vulnerable people, they assure us, will not feel pressurised into taking an option with which they are not entirely comfortable. After all, we are a civilised society, or at least that is what they say. However, more than 200 people a year starve to death in NHS hospital wards and, tragically, people fall through all those safety nets. Can it be guaranteed that legislation with the express purpose of bringing about the deliberate killing of a human being will never be misused?

Many were shocked by the views of Ludwig Minelli, the lawyer who founded the financially opaque Dignitas suicide clinic in Switzerland, where one may be charged £2,500 to £6,000 for the privilege of undergoing assisted suicide. He defended the decision of his non-profit-making organisation to assist in the suicide of a healthy young woman and talked of the "marvellous possibility" presented by suicide and of the burden placed on the NHS by those who have attempted suicide and failed. Does that vision really represent the route that this country wants to go down or the kind of society in which we want to live? The Royal College of Nursing now takes an officially neutral stance on the issue, but the British Medical Association and the Academy of Medical Royal Colleges continue to oppose assisted dying. The most recent and comprehensive survey of doctors in the UK shows a large majority of medical professionals against it.

Tragically, large numbers of people choose to end their life. Our response should not be to encourage and help people along that route but to offer care, support and a listening ear.

I also read of a survey of 7,000 doctors that reveals that the group of clinicians most strongly opposed to any form of assisted dying is palliative care specialists: the doctors who deal most closely with people at the end of their life. We should take note of that as well.

If we allow our feelings of pity to endorse a case where a husband assists his dying wife to end her life sooner, what will happen in the case of a father who has a child with an expected lifespan of five or six years? Can that father rightly assist the child to die sooner rather than later? Do we discount the life-saving breakthroughs that medicine delivers daily? Do we discount the hand of an almighty God? My colleague Jim Wells mentioned the case of young Gareth Anderson. Gareth lives in my constituency, and I worked with his father. To those who do not believe in miracles I say, "If ever there was a miracle, that was one".

My answer to all of those questions is a resounding no. As is often said, this is a slippery slope, and we cannot let it go too far. The legalisation of abortion has led to thousands of perfect children being killed every month on the mainland because they are an inconvenience. How long will it be before it becomes inconvenient to pay for a nursing home for an elderly relative? Where do we stop?

We have heard what other Members have said on the subject. No matter how people try to rationalise assisted suicide, it can never be a good thing for society as a whole, and we will stand against it in this Chamber. I urge Members to support the motion; it has been moved for the best reasons. Assisted suicide is a moral issue for many people in our society, and we must support the motion.

**Mr Hamilton:** Like Mr Shannon and Mr Attwood, I thank Members not only for their contributions to the debate but for its tone. Given that this is an extremely emotive subject, the emotion of which could easily have spilled over into the Chamber, the manner of debate has been good and helpful towards having a worthwhile discussion. It was noticeable that a number of Members spoke not only of general cases of which they are aware but of personal cases in which their loved ones have had very challenging conditions that have made the latter days of their lives very difficult for them and for their families. The personal experience that Members brought to the discussion was helpful to the debate.

For me, as for many people, the subject of assisted suicide was brought into focus when the verdict was reached in the Purdy case early in the summer. What particularly irked me was the joy with which the verdict was met by some. It was a verdict not on a libel case or on the awarding of damages for an accident but on a case that had profound and far-reaching implications for how we, as a society, treat our fellow man. That is why the issue deserved much more respect than was, perhaps, shown by some in the immediate aftermath of the case.

I concur with the comments made by Mr Kennedy; it also worried me that we were seeing another example of potential legislating from the bench. That is not the way that law is or should be made in this part of the world. Law is supposed to be made by legislators such as us and enacted in the courts by the judiciary, not made by the judiciary itself.

Inevitably, the verdict in the Purdy case has been latched onto by those who have had a long-standing agenda of legalising state-sponsored suicide and who see it as an opportunity to achieve that agenda. Although I understand Mr Attwood's point about the guidelines — in many respects the Public Prosecution Service has been put in the unenviable position of



having to issue them — and I disagree fundamentally with that guidance or the points contained in it, I understand the position into which the PPS has been put by the verdict in the Purdy case. Many of us regard the guidelines as the slippery slope or the thin end of the wedge towards something much worse than guidance on when somebody may be prosecuted for assisting in someone else's death. That is the real fear.

I also understand that the issue of assisted suicide is not black and white. I may see it as being black and white, but I know that a great many others do not. However, I believe that the vast majority of people in the UK, particularly in Northern Ireland, are opposed to any liberalisation or attempted liberalisation of the laws to allow for assisted suicide or, indeed, for the turning of a blind eye to it.

The greatest fear that I have with any move towards liberalising the law on assisted suicide in any way, shape or form is not for those articulate individuals who are seen as the face of assisted suicide, calling for changes in the law to allow it to happen or for those who assist not to be prosecuted. My fear is not for that group of people, who are clear in their views and espouse them articulately, but for the wide number of others, the vulnerable in our society. If we move to a situation in which assisted suicide is legal or a blind eye is turned to it in this country, it raises the question of what happens to the elderly, those with dementia, those who are very ill or even those who are depressed. Allied to that, I have another question: what about the individuals who exert a malign influence on those vulnerable people for their own benefit, perhaps even for material benefit? What is done to protect those vulnerable people?

3.45 pm

Some espouse the view that there are those who would be better off dead or who are a burden to their loved ones or to the society in which they live and that time, energy and resources are being taken up in looking after them. In proposing the motion, my colleague Mr Donaldson mentioned Baroness Warnock, who has been forthright in her views on and support for assisted suicide. Of people who have dementia, she said:

“you're wasting people's lives — your family's lives — and you're wasting the resources of the National Health Service.”

She went on to say:

“you'd be licensing people to put others down. Actually I think why not?”

There is a view, which is espoused by such individuals as Baroness Warnock, that people are a burden when they get to old age or if they suffer from a particular illness. If we liberalise the law on this issue in any way, my greatest fear is that the people who are going through a difficult time in their lives and who need our help and assistance will be put at risk.

When I was preparing for today's debate, I was touched by the words of another member of the House of Lords, Baroness Campbell of Surbiton. She suffers from spinal muscular atrophy and is confined to a wheelchair. She has said that she could meet, in many ways, the criteria for assisted suicide that people are putting forward. She does not want to see the law changed to allow for assisted suicide, particularly for disabled people. She said:

“Our belief was that if the state were to sanction any person to assist another in the ending of that person's life, it would switch the mindset of doctors and those who would help us in this country to thinking that that is what we really want — the very people who need every encouragement to live and not to succumb to society's prevalent view that our situation is so tragic, so burdensome, so insufferable that surely we must want to die.”

Those words are particularly poignant, coming as they do from somebody in Baroness Campbell's position.

Some Members said that, if assisted suicide were legalised, there would be safeguards in place. However, the evidence from other jurisdictions around the world that have entertained and played with the idea of allowing assisted suicide is that those safeguards will be absolutely worthless.

Jeffrey Donaldson cited the example of Holland, where 546 deaths in 2005 came about as a result of lethal drugs being prescribed but not at the request of the individuals who committed assisted suicide. In Oregon, in the United States, there are cases of “doctor-shopping”. In 2008, 50% of cases of assisted suicide in that state involved individuals who had been with their doctor for less than eight weeks. Therefore, people are finding doctors who are sympathetic to the idea of assisted suicide and who know nothing of the patient's circumstances, illness or condition.

There are also famous cases concerning the Dignitas clinic in Switzerland. Although we see that clinic in the headlines, a lot of people do not realise that that clinic is under investigation on several counts, including accusations of malpractice, of profiteering from death and, dangerously, of assisting a depressed man to kill himself. The evidence from around the world is not, as one Member said, that such cases will be rare. Many ongoing cases have possible malpractice and wrongdoing connected with them.

We are a civilised, caring, compassionate and, above all, Christian society, and, when looking after those who are ill or the most vulnerable, those qualities should be demonstrated. That should be what marks us out as a civilised, caring, compassionate and Christian society. We have some of the highest standards of palliative care in the world, and I echo the calls of others to see what we can do to help the likes of the Northern Ireland Hospice, Marie Curie Cancer Care and Macmillan Cancer Support to enhance the work

that they do and to help more people in those difficult times of their lives.

The widespread, almost universal, medical opposition to assisted suicide is something that we cannot ignore. Nor can we ignore the fact that not a single group that works with the terminally ill or the elderly supports the introduction of assisted suicide.

In conclusion, I will quote Baroness Campbell, who is an inspiration on the subject. In a debate in the House of Lords on the subject of assisted suicide she said:

“If I should ever seek death — there have been times when my progressive condition challenges me — I want a guarantee that you are there supporting my continued life and its value. The last thing that I want is for you to give up on me, especially when I need you most.”

Those words are extremely poignant. All lives are valuable, and we should not do anything, inside or outside the Chamber, that devalues human life. Assisted suicide is not an easy way out. It should not be viewed by the House or by any other legislature as an easy option to deal with a difficult issue.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the verdict in the Purdy case and the decision by the Director of Public Prosecutions in Northern Ireland to issue guidance on assisted suicide; and states its opposition to any attempt to legalise assisted suicide.

## Catholic Church Services

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr O’Dowd:** I beg to move

That this Assembly calls on the Minister of Culture, Arts and Leisure to withdraw his statement that he will “not attend a service in a Catholic Church”; further calls on the Minister to recognise that such a refusal to attend a Catholic Church service from an Executive Minister has no place in an inclusive society, and that as an Executive Minister he has a duty to serve, respect and engage with all sections of society regardless of their religious background.

Go raibh maith agat, a LeasCheann Comhairle. I ask Members to read the motion that has been tabled, because it calls on a Minister of the Executive to take action. It does not call for action from an individual or anyone else with deeply held personal beliefs but from someone who has consciously decided that they wish to serve in a power-sharing Executive.

The House heard from the United States Secretary of State today, and she told us that the Assembly is involved in building peace on a day-to-day basis. We will not always agree, and there will be heated and agitated debate, but our role is to build peace. Furthermore, the role of the Executive, which came out of the Good Friday and St Andrews Agreements, is to create a new beginning in this part of Ireland and to help the various communities and political factions to work together. It is not always easy to work together, and it sometimes proves difficult, but that is our role. However, the Minister of Culture, Arts and Leisure feels that it is appropriate, as a Minister, to state publicly that he will not attend a service in a Catholic church. That is despite the fact that he made a conscious decision to become a Minister and to sign the Pledge of Office in which he pledged to work for all of the people in the North.

I am not a theologian, and the debate should not be on theology, religious beliefs, who is right or wrong or how they worship their God or their gods. That is not my role, nor is it the role of anyone in the House. We are politicians; our role is to legislate, and, in our unique circumstances, we must use our role to build peace on a day-to-day basis.

Can anyone imagine a Minister in any other Executive or Government in western Europe saying that he or she would refuse to attend a church service of another denomination? Can anyone imagine an English Minister saying that he or she would refuse to attend a service in a mosque or a Minister from the Twenty-Six Counties saying that he or she would refuse to attend a Presbyterian or Church of Ireland

service? If that happened there would be uproar, quite rightly. However, it seems acceptable for an Executive Minister here to say just that and, whether he meant it or not, to insult over 40% of the population.

It is no good people claiming that some of their best friends are Catholics, because that is like people saying that some of their best friends are black after a racist remark has been made. There is no point in saying that. To create a new beginning and to be friends with and respect someone, that relationship must be built on the principle of respect. You may not agree with them. I am not asking the Minister to attend a Catholic service and to take the sacraments, and I am not asking him to agree with the sacraments. I am not asking him to do anything. In fact, I am not even saying that he has to attend a Catholic service at some stage. However, I object to someone in a power-sharing Executive that has been built out of the need to build peace and end sectarianism saying that he will not attend a service in a Catholic church and then expecting that statement to go unchallenged.

In England, a row is going on in the media over an allegedly racist comment that a TV personality made to a guest on a dance show. The row has taken up many column inches and editorials in the broadsheets and red tops. The papers are challenging the notion that such racist comments are acceptable in the modern era. That debate has gone back and forth, with apologies being issued and reassurances given that racism was not at the heart of what was said and that the TV personality wishes to tackle racism. However, an Executive Minister, calculating or otherwise, insults 40% of the population with his comment, yet it has been allowed to pass us all by. I have no doubt that other comments that he has made since he came into office will also come into play.

The motion calls on the Minister to withdraw his statement. It does not call on him to attend a church service or to put one in his diary — it does none of that. Nevertheless, the question that lingers in most people's minds is —

**Mr Weir:** Is the Member saying that it does not matter what the Minister does, as long as he says what he does that he is not going to do? [*Laughter.*]

**Mr O'Dowd:** I will treat that intervention with the contempt that it deserves. I am saying that the motion does not call on him to put attending a church service in his diary. Other Members and I are challenging the Minister's belief or mindset that says that it is OK to come out with such statements and not expect a reaction.

The question that must be answered is "Why?". Why should he not attend a service in a Catholic church? I have attended services in churches of several different denominations, and I found them very interesting, very informative, very enjoyable and, in some ways, even

spiritual. I was not struck down by a bolt of lightning when I left those services. Does the Minister expect that he will be struck by a bolt of lightning when he leaves a Catholic service? Is that where the belief comes from? Or is there a more sinister belief that says that those who attend services of Catholic worship are lesser people? If that is the case, it is a very concerning stance to take.

It is bad enough for a member of the public to have such views, and it is bad enough for that person to express them. However, it is totally unacceptable for a Minister of this power-sharing Executive, which was formed out of the Good Friday Agreement and the St Andrews Agreement, to make such a statement. Those agreements were put in place to build peace. One of the challenges that faces the Executive and individuals is how to tackle sectarianism and break down the old barriers that created sectarianism, hatred and division in our society. Part of peace building is looking deep into oneself and seeing what challenges one must overcome as an individual to ensure that peace is built in this society and to see that one's work and role is to build that peace and not cause greater division.

I wait in expectation for the Minister's response; perhaps he will explain why he felt it necessary to make such a statement, especially as he was being interviewed in his capacity as a Minister. I note that he will be responding to the debate as a Minister. That shows, therefore, that he believes that the issue fell into the ministerial pot. It is beyond me why he felt it necessary to come out with such remarks and why he has felt it necessary, since he has come into office, to target nearly every aspect of the Catholic, nationalist and republican community's lifestyle. That appears to be his hobby horse. He does not appear to be promoting arts and culture; he appears to be demonising people's arts and culture, and now he is demonising their religious beliefs.

4.00 pm

I am not here to lobby on behalf of any religious faith; all Churches have perfectly capable leaders, spokespeople and people in high office for that very reason. It is not my role. I am not taking the role on, and have no wish to do so. There are people to do that job. However, when a calculated insult seems to have been offered to 40% of the population, the House deserves, first, to hear from the Minister why he said what he did, and, secondly, to ask him to withdraw the statement, because there is no logical reason for it.

Everyone has their own personal beliefs, but the Minister knew when he took on the role as a Minister in the Executive that he would face challenges. If he is not up to the challenges of a power-sharing Executive, of creating peace on this island, and of tackling sectarianism, he should go even further than the motion requests and step aside. If he cannot



live up to the pledge and the spirit of his ministerial office, he should step aside, because unless we tackle sectarianism in all its forms, we are doomed to repeat our history. For a Minister to say that he will not attend a service in a Catholic church is blatantly sectarian.

**Mr Campbell:** The only thing on which I find myself in agreement with Mr O'Dowd is that Members should read the motion. That is always a good place to start. I would have thought that Members would have done so anyway without any persuasion on the part of the Member for Upper Bann.

When considering the motion, we have to look at the incident to which it refers. My understanding is that the Minister of Culture, Arts and Leisure was asked a straightforward question on the radio. The question was not flagged up in advance, but was asked during an interview. When that happens, I assume that most people would expect an honest answer. Having got the honest answer, the honourable Member proceeded to table the motion.

To all intents and purposes, the motion seems to say that if a Minister has particularly religious or evangelical personal views and expresses those views openly and honestly in an interview, under certain circumstances that viewpoint almost automatically debars them from office. That is what the motion says. It appears to be an attempt to gag the Minister politically and to dictate what he can and cannot say. The movement to which the honourable Member for Upper Bann and all his colleagues belonged for more than 30 years was a dab hand at gagging, although it was not political gagging that it engaged in. It was more direct gagging, and events took courses beyond gagging. Fortunately, however, as I have said many times, we have moved on, even though sometimes the rhetoric seems to suggest that people want to go back.

The motion says that the comments to which it refers have no place in an inclusive society. I would have thought that the right of a Minister, an MLA, public representative, or, indeed, any member of society, to express their sincerely held views when asked a direct question is part and parcel of an inclusive society. I would have thought that it is the antithesis of an inclusive society to assert that people can say certain things as long as we agree with them, but if they say things to which we take exception, their part in an inclusive society will be withdrawn. That is what the motion appears to smack of.

Not in a radio interview, but during last week's Question Time to the Office of the First Minister and deputy First Minister, another Minister made comments in response to my honourable friend the Member for Strangford Mr Hamilton that caused offence in our community. The DUP did not table a

motion that stated that such comments are not part of an inclusive society.

**Mr Weir:** If the DUP were to follow the example of the party opposite, we would be so deeply offended that we would wait for around three months before tabling such a motion.

**Mr Campbell:** I am glad that the honourable Member mentioned that. It has not gone unnoticed that that length of time elapsed before the motion was tabled.

The honourable Member for Upper Bann Mr O'Dowd made the most spurious reference that I could imagine. He said that the motion was not an attempt to ask the Minister to attend a Catholic Church service. However, the motion addresses the fact that the Minister said that he will not do that. The Sinn Féin motion, therefore, attacks the Minister for not doing something that Sinn Féin does not want him to do. I am sure that some people would like the opportunity to psychologically analyse that. I would be interested to hear their conclusions.

Outside the Chamber, Minister Ritchie of the SDLP gave an interview in which she made a comment about the Orange Order. Many people on these Benches and outside the Chamber took exception to, and were offended by, those comments. However, we did not table a motion to ask her to withdraw those comments.

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

**Mr Campbell:** Yes, I will, Mr Deputy Speaker.

This is a free society. The Minister is entitled to his personal religious views, and he is entitled to express them. None of those views counteracts or runs contrary to the duty to serve, respect and engage with all sections of society. The Minister has eminently displayed his ability to do that, and he will continue to do so.

**Mr Kennedy:** On a day when much international opinion has been directed and focused towards Northern Ireland, it is deeply unfortunate that the Assembly is debating a motion of this nature. The motion does not reflect today's Northern Ireland — a Northern Ireland in which good neighbourliness and common decency lead people across the traditional religious, cultural and political divides to respect one another's religious traditions.

Many people in Northern Ireland will wonder exactly what the motion is about. It is quite noticeable that the Church leaders who were in attendance for this morning's proceedings have not deemed it necessary to stay for this debate. At weddings, funerals, carol services, Remembrance Day services and other civic functions throughout Northern Ireland, people from the Protestant and Roman Catholic traditions, people from



other faith communities and people from none interact with and show respect for one another. I strongly believe that that sense of good neighbourliness and common decency, which is shared by the vast majority of people across the community, has sustained Northern Ireland through its darkest days and can now provide the foundation for building a shared future.

I understand and strongly share the convictions of the reformed faith, but I regard my views as personal, and, in most cases, I regard them as private to me, even in the conduct of my public service as a Member of the Assembly or as a member of my local authority, Newry and Mourne District Council.

Of course, reference has been made to certain statements by various Ministers. It is worth reflecting that, in the past, the Education Minister praised a hunger striker as being a role model for young people. The deputy First Minister described partitionism as evil, which leaves those of us who believe that the creation of the state of Northern Ireland was both necessary and positive in no doubt as to what he thinks of us. It is no wonder, therefore, that OFMDFM is making little or no progress towards a shared future when the habit of making such statements is so deeply ingrained in certain parties.

On the specific matter that is dealt with by the motion; I must say that the right to freely exercise one's conscience and religious beliefs is a fundamental cornerstone of a liberalist, pluralist society. That belief is also strongly affirmed by the faith traditions that contribute so much to the life of our community. The very idea that we could compel a Minister to act contrary to his or her conscience is both deeply disturbing and illiberal.

The party that proposed the motion appears to have a new-found belief in respecting the sanctity of Catholic acts of worship. That comes from a party that, within recent living memory, sought to justify the murder and attempted murder of judges and their family members as they left Mass. That comes from a party that blatantly ignored the words of the spiritual leader of the Catholic tradition, the Pope, who, in Drogheda in 1979, said that "murder is murder is murder."

My party understands the obligation that public service places on elected representatives to respect our community's diverse religious traditions. It also understands that the free exercise of conscience must be respected. The motion does a huge disservice to both those truths. The Ulster Unionist Party will oppose it.

**Mr P J Bradley:** When I read the motion, my immediate thought was whether the issue is people's most important concern at present, or whether it was yet another attempt by Sinn Féin to divert attention from the Assembly's continual failure to deliver

anything of value to Northern Ireland's people. I will return to that matter later.

I want to state clearly that it is not for me or anyone else to tell Mr Nelson McCausland the layman which churches he should or should not visit. He is entitled to his convictions, however much they may differ from those of other people, and to practise them as he believes best.

However, it is a different situation when we talk about the obligation of Mr Nelson McCausland, the Minister for Culture, Arts and Leisure. By accepting ministerial office, and knowing the demands that come with it, the Minister should, at all times, demonstrate a willingness to respect other people's religious convictions.

Like his ministerial colleagues, Minister McCausland is paid for his work out of the public purse. The taxes that go towards his income are not collected from one particular section of society. Taxpayers — whether they are Protestant or Catholic, belong to other denominations or are non-believers — contribute to the Minister's salary and to the running of his Department.

Therefore, I suggest that Minister McCausland is not exempt from carrying out all his ministerial obligations. His advisers must ensure that selectiveness is not permitted to sideline his obligations. He is expected to be a Minister for all people: he cannot be a Minister for some.

At a time of crisis in hospitals and throughout the Health Service, and when thousands of men who were once employed in the construction industry are doing what Phil Coulter wrote about — walking the dog — I ask whether Mr McCausland's comments should be elevated to such a major point of concern. The education system is an absolute mess. The conundrum of the transfer procedure remains the ultimate riddle about which the Minister of Education is still guessing.

Farming and many other industries are living through the greatest period of uncertainty that they have ever faced. During a time of such economic unrest, the best that Sinn Féin can come up with is to bring a divisive religious motion to the Assembly; a motion that, regardless of its failure or success, will do absolutely nothing for Northern Ireland's people.

*4.15 pm*

How many people went to bed last night either worrying about, or being delighted at, Minister McCausland's remarks? I imagine that very few did. In the privacy of their homes, the majority of people are more concerned about health and education issues, lack of employment opportunities, shortage of money for housing and home repairs, paying their mortgages, and other concerns.

On another line of thought, albeit somewhat hypothetical, Pope Benedict XVI is contemplating a visit to the United Kingdom in 2010. However, what will his Irish advisers, who are considering the possibility of inviting him to Ireland, make of the Minister's attitude and the fact that the Catholic religion has been dragged down to the level of political debate by Sinn Féin.

We all remember when Pope John Paul II was prevented from coming North in 1979 because of IRA violence. It would be ironic if history were to repeat itself and another Pope was advised to stay away from the North.

I am not qualified to make authoritative comments on religion or to advise anyone on religious practices. However, I wish to quote a deceased cleric who travelled the world promoting shared futures and peace. I ask the Minister and Sinn Féin to consider the words of the late Fr Mychal Judge, who visited Northern Ireland during millennium year.

Fr Judge had a message for all, and it was not directed at any specific religion or religious grouping. He said that, when people get to heaven, God would not ask them to which denomination they had subscribed but only how much they had loved him and how much they had shared their lives with others. He went on to say that his findings on the human condition were that such divisions persisted for reasons of power and control, and all that does is cause conflict and its inevitable consequences. I share the late Fr Judge's thinking. However, as the comments of Minister McCausland and Sinn Féin verify, the scene in Northern Ireland has, sadly, not really changed in almost a decade.

The SDLP will continue to promote the term "shared future". I occasionally hear other parties paying lip service to that. I do not view the Minister's comments as being part of any shared future strategy; however, I think that he must be given the chance to work towards that. I do not consider the ongoing antics of Sinn Féin, either inside or outside the Assembly, as being part of outreach programmes. In fact, the direct opposite is true.

**Mr Lunn:** The Minister's comments raise problems in respect of the requirements in the ministerial code and the Pledge of Office. I am surprised that no Member has yet read out the relevant sections of either of them, so I will.

The ministerial code requires Ministers to:

"operate in a way conducive to promoting good community relations and equality of treatment".

The Pledge of Office states that Ministers must:

"promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future".

I doubt that any Member would disagree that that is a basic requirement of holding public office. Neither the ministerial code nor the Pledge of Office actually mentions religion. However, they imply that Ministers are required to behave in an even-handed and impartial way. I know that the Minister will respond to the debate, so I want to know whether he thinks that his comments bring into doubt the impartiality that is implied by the Pledge of Office and the ministerial code.

My party had a considerable discussion about this issue today.

**A Member:** *[Interruption.]*

**Mr Lunn:** There might have been minor nuances in the difference of opinion.

One section of the party believes that a Member is perfectly entitled to his or her point of view, and that is my view. When I say "Member", I mean ordinary Members of the Assembly. However, I think that the Pledge of Office and the ministerial code put an extra onus on Ministers to go beyond that.

I wonder whether Mr McCausland has the same objection to going to other non-Protestant services. What is his stand on attending a mosque or a Jewish synagogue? The job of Minister carries certain requirements. I do not imagine that Ministers are frequently asked to go to church services. A mayor of a city might have to do that as part of his or her civic duty. I certainly had to, but perhaps Ministers do not have to.

If a very prominent figure in the arts world were to pass away in any other jurisdiction in the world — I hesitate to use a name, but I am talking about someone of the stature of Seamus Heaney — it would be normal for a Minister with responsibility for culture, arts and leisure in that jurisdiction to attend the funeral. I wonder how our Minister would respond to that sort of request.

We had a discussion about what the word "attendance" means. Does it mean participation? I will put that one to bed straight away; as far as I am concerned, if someone enters the precincts of a church during a service and stays for its duration, he or she is participating.

I respect Members' rights to make comments. Recently, Mr McCrea Jnr made a comment on the subject of the Pope being the Antichrist. I totally disagree with that, but it appears that he can say things such as that as a private citizen and even as an MLA. That is a pity. I think that it is a different matter when a person is speaking as a Minister, which brings me back to the Pledge of Office and the ministerial code.

The motion calls for the statement to be withdrawn. I do not think that there is much chance of that, and I do not think that it would make any difference if the statement were withdrawn. Such a statement cannot

really be withdrawn; it was a straightforward declaration. However, I agree with the second half of the motion, which states:

“as an Executive Minister he has a duty to serve, respect and engage with all sections of society regardless of their religious background.”

To me, that sums up the matter, perhaps more than the requirement for the withdrawal of the statement. The Alliance Party is going to have to support the motion, but I am trying to be even-handed about it. *[Laughter.]*

**Mr Weir:** Perhaps the previous Member who spoke goes to show that there is often nobody more illiberal than a liberal.

In recent days, some Members opposite have falsely accused my party of trying to drag Northern Ireland back to the 1950s and into some sort of one-party rule. Yet, if the motion is passed, its import will drag us back to the 1550s, to the days of Queen Mary and compulsory attendance at Catholic churches. That is the import of the motion, essentially. It indicates clearly that there is no place in any ministerial team for anyone who will not worship at every church available. Therefore, I urge everyone who believes in freedom of religion and freedom of conscience to join us in the “No” Lobby today. I hope that the Alliance Party will have some sort of last-minute Damascene conversion, if that is not an inappropriate phrase, and join us in the “No” Lobby.

Mention has been made, particularly by the Member who spoke previously, of the Pledge of Office and the need to engage with all sections of society. Everyone, including the Minister, accepts that there is a need to engage with all sections of society. He has not said that he will not go into a Catholic church; he has not said that he will not deal with the Catholic community; he has not said that he will not meet Catholic representatives. What the Minister said specifically is that he will not participate in a particular form of worship.

We are told, and it has been said in the debate, that we live in a free, liberal and tolerant society, although one may sometimes question some of the implications of that. Yet, it seems strange that there is a great sense of tolerance except when some Members express their religious views. In such cases, there is no tolerance at all. We have seen a number of occasions on which Members, having expressed a particular religious viewpoint, have been subjected to a form of witch hunt. That is particularly acute when it comes to those who express an evangelical Protestant viewpoint.

If a motion came before us condemning a Muslim Member of the Assembly for refusing to go to a particular religious service, everyone, rightly, would say that the motion was racist and sectarian in nature.

It would be fundamentally wrong to condemn a Muslim for refusing to go against his or her beliefs. However, the Minister of Culture, Arts and Leisure seems to be an appropriate Aunt Sally for the Members opposite. If we are to accept the ideals of freedom of religion and freedom of conscience, there must be freedom to attend church services, and freedom not to attend church services if someone believes that it is wrong to do so. Choosing a place of worship is a fundamental freedom.

Mention was made of respect. Henry III, King of Navarre, who was a Huguenot and became the King of France in the 1590s, famously said that Paris was worth a Mass. He meant that he would swallow his pride, swallow the Catholic wafer and take part in the Mass so that he could become a king. Does that show respect for religion? If the Minister went to a church service believing that it was fundamentally wrong and hypocritically went through the motions, would that show respect for the Catholic Church, or any religion?

I will peel away the layers of the motion to show what lies behind it. As has been said, it is not about the Pledge of Office, because the Minister is engaging with all sections of society. The motivation for the motion is not offence caused to the Catholic Church, because, as I said, the Members opposite were so offended that they tabled the motion a mere three months after the Minister’s comments. The party opposite did not seem worried about offending the Catholic Church when it was engaged in 30 years of murder and mayhem: there was no great point of high theological principle back then. The motion is more about incidents such as that in Galbally, where there was a commemoration of terrorism, than it is about transubstantiation.

The Minister is a *bête noire* for the republican community and it seems to be “Kick Nelson McCausland Day”. That is not an acceptable basis —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close?

**Mr Weir:** We should promote and support freedom of conscience and freedom of religion. Anyone who has a sincere belief in those ideals and in liberty will join us in the “No” Lobby.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a rá go mbeidh mé ag labhairt i bhfabhar an rúin seo.

The subject of the motion is important because it goes to the heart of what is expected of Ministers as they carry out their duties. The debate comes on a day when the Assembly voted to adopt a new code of conduct. No smokescreen based on the visit of Hillary Clinton, or a Member mixing the Pope up with Maggie Thatcher, will change that. A Member said that the issue being debated may not be the most important



thing on people's minds. We accept that, but it is an important matter and should be debated in the Assembly.

On 9 July, the Minister of Culture, Arts and Leisure said on the BBC that he would not, on a point of principle, attend a service in a Roman Catholic church. That is a complete contravention of any interpretation of the Pledge of Office. If that pledge is to mean anything, it must ensure that Ministers act and serve in the best interests of all people. In accepting their roles, all Ministers should commit to not making religious belief a barrier to carrying out their duties in an impartial and non-partisan manner.

The Minister's statement contradicts that sentiment and fundamentally undermines his ability to say that he is carrying out his duties without fear or favour. No one on these Benches, or anyone anywhere, would expect Ministers to alter any well-held views that they have, no matter how absurd or quaint others may regard them. However, adopting a blanket-ban approach to any religion undermines a Minister's ability to do his or her work. Gregory Campbell propagated the idea that a person who gives an honest answer to an honest question is absolved from all wrong. If a position is incorrect, it is incorrect: honesty does not come into it, and the Minister needs to learn that.

His stance is a product of days long since passed — they certainly should have long since passed. Indeed, we should perhaps have left such views behind in the Dark Ages. The Minister's statement is wrong, and that is why we have adopted our position.

4.30 pm

**Mr Campbell:** You used to shoot people.

**Mr McCartney:** Would you like to repeat that?

**Mr Campbell:** I am happy to take up the offer to make an intervention. The Member spoke about personally held views. Is he saying that, if a Minister is asked what his personally held religious views are and he answers honestly and if his view is of a particular kind, that automatically debars him from being a Minister?

**Mr McCartney:** No. I wish to make two points. First, that is not what you said from a sedentary position. You did not take the opportunity to repeat in your intervention what you said when you were sitting down.

Secondly, through the Chair —

**Mr Deputy Speaker:** Order.

**Mr McCartney:** My apologies.

**Mr Deputy Speaker:** Order. All remarks should be made through the Chair, Mr McCartney.

**Mr McCartney:** Through the Chair, I want to note that that is not what the Member said when he was sitting down.

Secondly, I have already said that, even if a person holds an honest position, if it is incorrect, it is incorrect. Racists might be asked whether they believe that other races are inferior. They may give an honest answer and say that yes, they believe that they are, but they are wrong — that is the point that we are making here today. The Minister's position is wrong; that is all that we are saying. By being wrong, he is, in our opinion, in breach of the ministerial code.

None of this happens in a vacuum. Only last month, in a debate in this Chamber and on three radio programmes, the Minister gave his sense of what he believed to be the shared future. He is entitled to do that, and he was not a bit behind the door in saying how he felt that others had failed to meet his definition of a shared future. Indeed, the benchmark that he put forward for the definition of "shared" was how reasonable people would react to certain given situations. Therefore, the question for the Minister now is his own question: would it be reasonable for people in the twenty-first century to expect Ministers in an Executive — indeed, all Members of this Assembly — to attend religious services as part of their ministerial or Assembly functions? In my opinion, it would. The Minister's current position exposes his narrow view of what "shared" means. He is saying, "If my vision or sense of 'shared' is not accepted by other people, I rule you out, and you will not be part of that society."

The purpose of the motion is very simple. There are no hidden agendas. The motion is up front; there is no sense of my trying to say something that is not in the Order Paper, which I do not think that many Members have read. The Minister should take the opportunity today to address the matter by asking himself the very simple question —

**Lord Morrow:** Give him a chance.

**Mr McCartney:** Pardon?

**Lord Morrow:** I suspect that he will.

**Mr Deputy Speaker:** Order, order. We are not going to have a tennis match from one side of the Chamber to the other. Mr McCartney, you have 40 seconds.

**Mr McCartney:** Thank you very much, a LeasCheann Comhairle. The question for the Minister to ask himself is whether reasonable people would view him as someone who is not capable of acting in a fair and non-partisan way. His position, as stated, serves only to undermine his ministerial integrity. Go raibh míle maith agaibh.

**Mr Simpson:** If ever there was a debate in this Chamber that shows the true depth of Sinn Féin's moral, ethical and political bankruptcy, this is it. In the past year, we witnessed the fortieth anniversary of the civil rights movement. All those Members on the Sinn Féin Benches, including those who cobbled together



this motion, would claim to be inheritors of that movement. I may be wrong, but, from what I recall, one of the claims that supporters of the civil rights movement made is that nobody should be denied employment, discriminated against or denigrated on the grounds of his or her religion. However, Sinn Féin, in an official Assembly motion, has today tossed all those fine words in the bin. According to Sinn Féin, people are entitled to have their faith honoured and protected only as long as they are not an evangelical Protestant whose beliefs differ from the claims and activities of the ecumenical movement.

Of course, there is another side to this. What does Sinn Féin always tell us? It tells us that it follows in the footsteps of Wolfe Tone and wants to bring together Protestant, Catholic and Dissenter. However, today we can see the truth: Sinn Féin never meant a word of it. Today, thanks to Mr O'Dowd, Mr McElduff and Mr McCartney, we see the truth: anyone who dissents from the modern ecumenical movement has no place in this new Ireland, as they call it.

For 40 years, members of the IRA, Sinn Féin's night shift, lay in the drains and crawled on their bellies to slaughter people on the sole grounds of their religion. During today's debate, the day shift has set out its stall. Whereas the IRA sought to deny Protestants the right to life, Sinn Féin seeks to deny the wrong kind of Protestant the right to hold a job. Perhaps we are supposed to be glad of that progress. Perhaps we are supposed to be glad that, instead of regarding all Protestants as legitimate targets who can be justifiably killed on the grounds of their religion, Irish republicanism now only takes the view that some Protestants should be denied the right to hold public position on the grounds of their religion. I am not inclined to be glad with such progress. Of course, that is the Sinn Féin view.

Where does the SDLP stand on the matter? Will it actively oppose Sinn Féin's attempt to create a modern-day Spanish Inquisition in Northern Ireland? The debate also raises serious questions for the Catholic Church and, indeed, for every component part of professing Christendom. Does it support this attempt to coerce a person's religious conscience? Does it subscribe to Sinn Féin's attempt to force individuals to recant their religious convictions? Does it endorse this crude but clear attempt to deny people the basic right to think, believe and worship according to the dictates of their conscience? We have a right to expect an answer from all those angles: from the SDLP, the Catholic Church and from across the religious spectrum.

**Mr Deputy Speaker:** I call Mr Dominic Bradley. *[Laughter.]* I call Mr Alban Maginness.

**Mr A Maginness:** I will try my best to substitute for my colleague.

A person who wants to be respected should respect. In our divided community, respect is required across the political divide. We must respect both political traditions and the people who represent them. Equally, there are religious differences in our society that are, in many ways, coterminous with the political divisions. We should respect one another's religion as much as we respect one another's political beliefs. Therefore, it behoves every Member, whether Catholic or Protestant, nationalist or unionist, to respect and to be respected. It is important that we all abide by and aspire to that principle.

*(Mr Speaker in the Chair)*

It is desirable that individual Members show such respect. However, Ministers in the Administration here have a duty to show that respect. A person who becomes a Minister, the chairperson of a council or the mayor of a borough must divest himself or herself, to some extent, of party-political association. That person must represent the whole community. Ministers are no different from the Lord Mayor of Belfast or the mayor of Lisburn; they should show respect for the whole community and represent the community at large.

I do not believe that, as Mr Simpson suggested, anyone is saying that people should compromise their religious beliefs. A person does not compromise his or her religious beliefs by entering a Catholic church in which a service is taking place. People do not have to participate actively, but they must show respect for those who belong to that religious tradition. It is important that Members of the Assembly who become Ministers do that. It is desirable for all Members of the House to do that, whether they are entering a Catholic church or a Protestant church or attending a Catholic service or a Protestant service. That should surely be everyone's basic duty.

The matter does not simply end there as far as religion is concerned. It extends further into the political field. There are those in this House, particularly on the Sinn Féin Benches, who would refuse to attend any event at which members of the British Royal Family were present. Surely that is wrong, but I do not hear Sinn Féin Members saying that it is wrong. Indeed, the Member for Upper Bann Mr O'Dowd criticised the leader of the SDLP recently for attending the opening of the new wing of Altnagelvin Area Hospital in Derry because the Queen took part in the official opening.

The application of any standard must be consistent; it seems to me that, in this matter, Sinn Féin is being inconsistent and is open, rightly, to criticism. It may well be that, as P J Bradley said, this is simply a diversion from the profound political difficulties in

which Sinn Féin finds itself at this time. Whether or not that is true, there are principles in this divided society that politicians should adhere to; they should represent the common good, and they should do things that, perhaps, they do not like, such as attending a Catholic service in a Catholic church. If that creates goodwill in our community, helps to bridge the divide and helps to create a shared future, surely that is a good thing.

I know Nelson McCausland personally, and I know that he has deep religious feelings and beliefs. I respect those feelings and beliefs, but I do not believe that asking him to attend a Catholic church service compromises his religious beliefs. I believe that he, in fact, enhances his religious beliefs by creating in our society an open and respectful culture.

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

**Lord Morrow:** On a point of order, Mr Speaker. Is it now practice in this House that, when a Member does not turn up for a debate, one of his party colleagues is called in his place? That is in sharp contrast to what happened to one of my colleagues when he was about 45 seconds late for a debate.

**Mr Speaker:** The Member knows that I was not in the Chair at that time. I will consider the issue, and I am prepared to come back to the Member directly or to the House.

**Mr Bresland:** This is not only a disgraceful motion; it is offensive, bigoted, sectarian and intolerant. Those who tabled it should hang their heads in shame, but at least it reminds us that their commitment to equality comprises nothing but hypocrisy and emptiness. Like squawking parrots, Mr O'Dowd, Mr McElduff and Mr McCartney have been trained to repeat wonderful words such as "equality" and phrases such as "inclusive society", "parity of esteem" and "ending sectarianism", but I fear that they have absolutely no idea what those words really mean. They have no understanding of fairness or true equality; indeed, they are the enemies of those values. They have no interest in them; they never had and never will.

Sinn Féin has long talked of its vision for a new Ireland in which everyone, Protestant and Catholic, would be equal. It was saying that even during the years of the IRA's campaign of terror, when people were murdered simply because they were Protestants.

We did not believe Sinn Féin then, and we do not believe it now. That party will, of course, tell us that it has no problems with people holding religious views, as long as they keep them to themselves and do not let those views affect how they do their work.

4.45 pm

The motion basically states that, if people hold public office, they are not allowed to have a

conscience, especially if it is a Protestant one, and that they must attend a form of worship that they do not agree with and cannot accept. Again, those are the bully-boy tactics that Sinn Féin is long famous for. It reminds me of Germany in the days of Hitler. Perhaps Sinn Féin would like all Protestants to be marked with a "P", just to make things simpler.

To see an example of religious bigotry, sectarianism and hatred, we need look no further than Sinn Féin. The motion states that the Minister has:

"a duty to serve, respect and engage with all sections of society regardless of their religious background."

I agree entirely. That is what my colleague Nelson McCausland has done since he took up office. He will continue to do that and do it well without the need to attend a service in a Roman Catholic church. How does Sinn Féin square the motion with the refusal of its MPs to attend Westminster? Surely, by the logic of the motion, their absence from Westminster is wrong?

I fear that the bigotry displayed in the motion is also to be found on the SDLP Benches. That party's record on the issue is not good either. The great civil rights party has been quick to condemn evangelical Protestants who have expressed strong religious views. SDLP Members have argued that such views are not compatible with public office. How does the SDLP feel about a Protestant being ordered to attend a Mass against his wishes?

Where does the Roman Catholic Church stand on the motion? I would be very interested to know. If the motion is passed, it will send out an alarming signal not only to Protestants but to all who value and cherish civil and religious liberty. I oppose the motion.

**Lord Browne:** I rise to support — to oppose the motion. *[Interruption.]* I support the previous Member, and I oppose the motion. *[Interruption.]*

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

**Lord Browne:** It is my firm conviction that any Executive Minister has a duty to serve, respect and engage with all sections of society, whether the person or persons concerned are Christian, Jewish, Muslim, Hindu, Buddhist or atheist. However, I utterly reject the narrow-minded and baseless assertion that adherence to a religious principle that requires non-attendance at a service based on different theological principles has no place in an inclusive society.

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

**Lord Browne:** I have just started, but I will give way.

**Mr A Maginness:** The Member states that this is a principled objection. Will he explain how non-attendance at a Catholic service is a principled objection?

**Mr Speaker:** The Member has an extra minute in which to speak.

**Lord Browne:** I regard the right of an individual to decide whether he wishes to attend a particular religious service or to attend none as a vital component of his or her religious and civil liberties. I am sure that Mr Maginness would agree.

The House should not assume from what I have said that I believe that there are no political or religious principles that may, in certain circumstances, lead to social division. I recently read that Islamic religious law, as applied in Iran, permits a man to marry a non-Muslim woman but forbids a woman to marry a non-Muslim man. Clearly, that religious rule would appear to most of us in this society to be socially divisive and discriminatory against women. However, a rule requiring non-attendance at a particular religious service seems to be completely unobjectionable. It would have absolutely no effect on the people participating in that service; they would be completely free to worship as they please and without hindrance.

The Minister has demonstrated, on many occasions, his full commitment to the building of a shared and inclusive society in Northern Ireland. In the short period since his appointment, he has engaged fully with all the major sporting organisations, and he has promoted artistic and cultural events across all sections of the community. In the light of all that, the wording of the motion is particularly regrettable. Indeed, the motion's implication that the Minister is not fulfilling his duty to serve, respect and engage with all sections of society could be considered inflammatory.

There is no doubt that the motion has caused great offence to several religious groups and has perhaps made community tensions a little worse. The Minister is a man of great integrity and high moral principle. It is utterly absurd and offensive to call on him to recognise his duty to society, given that he has never neglected that duty in any way. I strongly oppose the motion.

**The Minister of Culture, Arts and Leisure (Mr McCausland):** Soon after my appointment to the Department of Culture, Arts and Leisure, I was interviewed by the BBC. In the course of that interview, the journalist asked me whether I would attend a service in any church at all. I was honest with him and explained that, although I would attend a cultural or community event in a Roman Catholic building, I would not attend a service of Roman Catholic worship.

John O'Dowd said that the view that I expressed was a calculated insult. I remind him of the next sentence of the interview, in which I stated that my position does not mean that I do not have good relationships with Roman Catholic people. I do not want to offend them, and I am sure that they do not want to offend me. In the course of my ministerial duties, I have attended a concert by the Ulster Youth

Choir at Clonard monastery already, and I may well attend an event in that Roman Catholic building again in the future. I have attended events in Roman Catholic schools, and I am sure that I will do so again.

For me, the issue is one solely of worship. I emphasise that because, as reported in the latest edition of the 'Limavady Northern Constitution', Sinn Féin councillor Paddy Butcher said that I had refused to enter a Catholic church. Gerry Kelly made the same point in a Radio Ulster interview. By the time that the motion was proposed today, however, Sinn Féin had managed to check the facts and get them right. That message should be passed back to Paddy Butcher and to Gerry Kelly, given that he is not here.

I must add that I did not raise the issue, because I believe that it relates to a situation that will not arise. I merely answered a question that was put to me, and I stated something that is a matter of personal conscience. I emphasise that I am a Minister of culture and sport, not a minister of theology. However, both John O'Dowd and Alban Maginness asked why I hold the view that I hold. I hold it for a number of reasons, and I assure John O'Dowd that it has nothing to do with bolts of lightning.

There are significant theological differences between Roman Catholicism and Protestantism that concern fundamental issues of the Christian faith. This is not the place in which to explore those differences, but I take the position that I have because of such theological differences. I will say in passing that if one looks at the standard publications and documents of the Roman Catholic Church and the historic Protestant statements of faith, right across the range of Protestant denominations, those differences are noted, whether they are in the Westminster Confession of Faith of Presbyterians, the Thirty-Nine Articles of Religion of the Church of Ireland, John Wesley's sermons and notes, the Savoy Declaration of the Congregationalists or the 1689 Baptist Confession of Faith. There are many people to whom such doctrinal differences will mean nothing at all, but, as a Christian, saved by the grace of God on the cross of Jesus Christ, I hold that those are important matters that go to the heart of my Christian faith, because they are about salvation, redemption and grace; they are not peripheral matters.

I believe also in civil and religious liberty and in freedom of conscience. Those are long-established principles that can be traced back 300 years. Indeed, the concepts of civil and religious liberty were very much at the heart of the Bill of Rights and other documents associated with the Glorious Revolution. Moreover, in a more contemporary light, the right to freedom of conscience is enshrined in international human rights law, and, if it is a right, it is for everyone, including MLAs and Ministers in the Executive. I will add also that we have seen the Roman Catholic Church



demand that same right of freedom of conscience, especially in areas such as the work of Roman Catholic adoption societies, and I agree with those organisations on that matter. However, the Sinn Féin motion before us seeks to deny a Minister the right to religious liberty and freedom of conscience and is a denial of those basic human rights.

It seems that Sinn Féin is demanding that, in order to hold ministerial office, a person should be required to attend worship in a church of a particular denomination. That is something for which there is an interesting historical precedent. In 1704, soon after the death of King William III, the Test Act was introduced in Ireland, and it required that anyone holding public office should attend communion in the established Church of Ireland. Dissenting Protestants and Roman Catholics who did not attend communion in the parish church were, therefore, barred from public office. The effect of the Test Act was that all the Dissenters, or Presbyterians, on the corporations in Belfast, Londonderry and other towns were removed from office in what was an act of religious discrimination. Eventually and thankfully, the Test Act was abolished, and the cause of religious liberty in Ireland prevailed, but now it seems that Sinn Féin and some others want to introduce a new Test Act of their own making. They want to promote religious discrimination, and anyone who supports the motion is supporting religious discrimination.

**Mr Elliott:** Does the Minister accept that it is duplicitous of Sinn Féin to propose such a motion when only a few weeks ago, it objected to the local authority in County Longford giving a civic reception for a group of Orangemen from County Fermanagh who were visiting there?

**The Minister of Culture, Arts and Leisure:** I thank the Member for that helpful intervention and for that information, which sheds some light on the attitudes and motivations of members of Sinn Féin.

The motion refers to an “inclusive society”, but an inclusive society is a tolerant society and one that respects the personal faith of every individual. Therefore, an inclusive society has a place in it for the evangelical Protestant, just as much as for anyone else. How can society be inclusive if there is no place in it for those of us who are traditional evangelical Protestants? How can a society that excludes evangelical Protestants from ministerial office be inclusive?

5.00 pm

Alban Maginness used the word “respect”. I always seek to respect the rights of others, and I simply ask that others respect my right of conscience and my right to civil and religious liberty.

I do not disagree with the final part of the motion: how could anyone? I agree that:

“an Executive Minister has a duty to serve, respect and engage with all sections of society regardless of their religious background.”

However, that should be true of all Members of the Assembly. I serve, respect and engage with all sections of society, irrespective of their religious background, and that includes the Roman Catholic community. I, as an evangelical Protestant, may share common cause with the Roman Catholic Church on a range of social and moral issues, particularly on the sanctity of human life, as I am unashamedly pro-life and pro-family.

It is interesting to recall that when the forum on the bill of rights discussed the right to life of the unborn child, I and other members of my party voted for a pro-life position and engaged with a representative of the Roman Catholic Church on that and other matters. The party that sits opposite, and whose members tabled the motion, took the contrary view.

The interview that gave rise to the motion took place at the start of July, and it is now the second week of October. Why is Sinn Féin raising the issue three months later? Is Sinn Féin seeking to divert attention from its shortcomings?

**Mr O’Dowd:** It was summer recess.

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

**The Minister of Culture, Arts and Leisure:** Is it seeking to divert attention from the issues that I raised about its abuse of GAA premises at Galbally? Is Sinn Féin seeking to divert attention from its failure to embrace a shared and better future?

In my private life, I have always sought to show respect to members of other Churches. I may disagree with them and I may express that disagreement, but I respect their right to hold their views. Most people recognise that the real reason for today’s belated and discriminatory motion is that Sinn Féin is seeking to divert attention from itself. The motion is framed in the language of liberalism, but it is intolerant, inconsistent and discriminatory.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Ní nach ionadh, beidh mise ag labhairt i bhfabhar an rúin seo. Ní aontaím le PJ Ó Brollacháin nuair a deir sé nach bhfuil an díospóireacht seo tábhachtach: tá sí thar a bheith tábhachtach.

Unsurprisingly, I will speak in favour of the motion. I disagree with earlier contributors to the debate who suggested that it is not particularly important; it is an extremely important debate.

John O’Dowd commenced the debate by reminding Minister Nelson McCausland that he is a Minister in the power-sharing Executive. As such, he has signed the Pledge of Office that includes the obligation:

“to serve all the people ... equally”.

Mr O'Dowd asked how it would be received if a Minister in England or elsewhere in Ireland said that he or she would not attend a mosque or a Presbyterian church. There would, of course, be uproar.

The word "respect" was much used throughout the debate. John O'Dowd suggested that the Minister was guilty of making a calculated insult and causing offence to more than 40% of the population of the Six Counties, and he asked why he had done so. In the latter part of his speech, the Minister set about answering that question.

Gregory Campbell suggested that people are entitled to articulate their religious or evangelical views, and that that should not debar anyone from office. He said that Simon Hamilton was greatly offended by Martin McGuinness last week. Peter Weir wondered why there was a three-month delay in bringing this motion before the Assembly. That was answered very recently by John O'Dowd when, from a sedentary position, he explained that there was a summer recess.

**Mr Weir:** Will the Member therefore confirm that this was the first opportunity to have this motion put the Order Paper and that Sinn Féin has not selected other motions ahead of it?

**Mr McElduff:** I do not know whether the Member is suggesting that there are more important motions, but we suggest that this is a very important motion. We went through the normal procedure to secure its tabling today.

We were told that the Minister has, so far, eminently displayed his ability to act as Minister of Culture, Arts and Leisure. That would not be universally accepted in the Catholic community, the nationalist community or the republican community. If a vox pop were done, it would be evident that Nelson McCausland is a Minister who does not inspire any confidence at all in the wider community.

Danny Kennedy suggested that the motion was bad timing. Of course, there would never be a good time for a motion like this from Danny's point of view. I think that, at one point, Danny said that he would vote in favour of the motion, but he may have changed his stance. He said that it was all about interaction with good neighbours, and he talked about partition. He then confused what the Pope said at Drogheda with what Margaret Thatcher said.

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

**Mr McElduff:** I will not, in this case.

Unfortunately, P J Bradley said that this debate was not the most important that could come before the Assembly. I agreed with much of what he and Alban Maginness said, but it occasionally appears that if Sinn Féin says that today is Monday, the SDLP will say that today is not Monday; it is the day before Tuesday. It

increasingly appears that the SDLP will say that something is black if Sinn Féin says that something is white.

**Mr A Maginness:** Does the Member agree that Sinn Féin contradicts itself in relation to its criticism of the Minister because it maintains a ban on its members or Ministers attending any function that the Royal Family attends? How can he reconcile that with the position of Sinn Féin in relation to the Minister?

**Mr McElduff:** The Member is introducing a non sequitur to the debate. It is not relevant. My point was — *[Interruption.]*

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

**Mr McElduff:** My point was that the SDLP, in the Latin vernacular, tends to play ad hominem instead of addressing the issues.

Trevor Lunn was much more constructive. I welcome the fact that the Alliance Party will support the motion. That is an example of a party reading the motion on its merits and individual strengths and then, in its wisdom, deciding that this motion is worthy of support: no other agendas, just worthy of support.

Peter Weir took us back to the 1500s. He felt that Nelson McCausland has become an appropriate Aunt Sally for Sinn Féin. However, if Peter were to examine the track record of Nelson McCausland in his three months as Minister of Culture, Arts and Leisure with respect to a whole range of issues, he would see that Nelson is doing quite a good job of alienating himself from —

**Mr T Clarke:** Will the Member give way?

**Mr McElduff:** I will not give way in this case.

Raymond McCartney said that a lot of the debate was a smokescreen and that, effectively, the Minister's comments are a contravention of any possible interpretation of the ministerial pledge. I agree. Raymond talked about this being a product of the Dark Ages.

He reminded Members that the Minister is good at lecturing us all on a shared and inclusive future. However, ask any nationalist or Catholic member of the public about Nelson McCausland and they will echo the 'Irish News' letter-writer who said that he may have received a broad education, but he is extremely narrow-minded.

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

**Mr McElduff:** I will not; I will proceed to the end of my speech now, if the Member does not mind, but I hope that he is keeping well, apart from that. *[Laughter.]*

David Simpson seemed to be a latter-day convert to republicanism when he quoted Wolfe Tone; I welcome that. *[Interruption.]*

**Mr Speaker:** Order.

**Mr McElduff:** Mr Simpson was a good advocate for Theobald Wolfe Tone, and he asked where the SDLP stood on the motion. Alban Maginness then set about answering that question, and, again, respect was the key word for Mr Maginness. He felt that one does not compromise religious beliefs by entering a chapel where mass or a Catholic service may be taking place. Mr Maginness then went on to say that the motion was a diversion from Sinn Féin's "profound political difficulties".

That was Alban Maginness talking to Sinn Féin, the party that topped the poll in the European elections in which Alban failed to secure a seat, yet he lectures us on our "profound political difficulties". He talked about disagreeing with Sinn Féin when it did not seem to make any sense.

Allan Bresland then spoke —

**Mr McNarry:** On a point of order, Mr Speaker. Will you guide the House on whether it would be correct for the Member to declare whether or not he is speaking as Chairman of the Culture, Arts and Leisure Committee?

**Mr Speaker:** Order. The Member should take his seat. That is certainly not a point of order.

**Mr McElduff:** I will resist the opportunity to ask whether David is speaking as Deputy Chairperson of the Culture, Arts and Leisure Committee.

**Mr McNarry:** I am ready to answer that.

**Mr Speaker:** Order. Take your seat. *[Interruption.]*

Order. Every Member has had an opportunity to speak on the motion. I certainly did not call Mr McElduff as Chairperson of the Committee; that was absolutely clear. Carry on, Mr McElduff.

**Mr McElduff:** Well, I think —

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

**Mr McElduff:** Not in this instance, David. *[Laughter.]*

The Member knows fine well, or at least he ought to know, that I am speaking in a party political capacity.

East Belfast Member Wallace Browne said that he supported the motion, then quickly corrected himself. He said that Nelson McCausland was a man of great integrity and high moral principle — I am sure that he owes Wallace Browne a tenner for that.

I will move to a conclusion. The Minister é féin denied that his remarks were a calculated insult and once more went down the line of saying that some of his best friends are Catholics, as outlined by John O'Dowd. The Minister said that he had been to Clonard Monastery; we welcome that. I again ask whether there is an element of incitement to those who are not theologically minded or theologically aware of the great differences of salvation, redemption and faith when a Minister publicly declares what sets us all apart.

I invite the Minister to in future concentrate more often on a public declaration of commonalities and similarities. I will end with that. I ask everybody to unite behind the motion.

*Question put.*

*The Assembly divided: Ayes 35; Noes 41.*

#### AYES

*Ms Anderson, Mr Attwood, Mr Boylan, Mrs M Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr W Clarke, Mr Dallat, Dr Deeny, Dr Farry, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lunn, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Dr McDonnell, Mr McElduff, Mr McGlone, Mr M McGuinness, Mr McKay, Ms Ni Chuilín, Mr O'Dowd, Mr P Ramsey, Ms S Ramsey, Ms Ruane, Mr B Wilson.*

*Tellers for the Ayes: Mr F McCann and Mr McKay.*

#### NOES

*Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds, Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Irwin, Mr Kennedy, Mr McCausland, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Paisley Jnr, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Weir, Mr Wells, Mr S Wilson.*

*Tellers for the Noes: Mr T Clarke and Mr G Robinson.*

*Question accordingly negatived.*

*Adjourned at 5.27 pm.*