

# Official Report (Hansard)

Tuesday 12 October 2010  
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# Northern Ireland Assembly

Tuesday 12 October 2010

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

*Members observed two minutes' silence.*

## Ministerial Statement

### **Review of Higher Education Funding and Student Finance in England and the Independent Review of Variable Fees and Student Finance in Northern Ireland**

**Mr Speaker:** I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

**The Minister for Employment and Learning (Sir Reg Empey):** With your permission, Mr Speaker, I wish to make a statement.

Today's publication of the independent review of higher education funding and student finance, chaired by Lord Browne of Madingley, represents a significant milestone in the evolution of higher education in the United Kingdom. Our universities have, over centuries, contributed to a culture of learning in the British Isles, shaped our public discourse and increasingly played a significant economic role.

The reforms of the universities in the nineteenth century, particularly the removal of religious tests and the inclusion of women, ensured that higher education was opened up beyond an elite. The creation of new universities in the first decades of the twentieth century and the 1960s greatly contributed to a further opening up of higher education to social groups who previously would not have considered attending a university.

In recent years, we have witnessed a dramatic expansion in our university population. In Northern Ireland, we have achieved the 50% target that was set out by the former Government for university participation among 18-year-olds to 25-year-olds. We also have the highest and best higher education participation rates in the country for those from socially disadvantaged backgrounds, and that is an

achievement in which we in this part of the United Kingdom should take great pride.

In 2008-09, 41.7% of Northern Ireland's young full-time first degree entrants were from socio-economic classes 4 to 7, compared with only 32.4% in England and 28.2% in Scotland. The existing fees regime has not impacted adversely on our participation rates, so far.

That extension of opportunity has greatly benefited our society. However, it brings challenges, which intensify in straitened economic times. As a society, here in Northern Ireland and across the United Kingdom, we have to ask ourselves how we are to secure investment in higher education and how we will find the right balance between taxpayers' contributions and those of the individual who benefits from the experience of higher education. Lord Browne's report will help us to think through that challenge.

Of course, at this early stage, none of us in the House could possibly provide a meaningful, thoughtful response to the 64-page report. It will require careful reading and consideration by the House, the Committee, the Department, Executive colleagues, our universities and other stakeholders, including, of course, the students themselves. I, therefore, welcome the opportunity to update the Assembly on the latest developments on higher education funding and student finance in England and to inform the Assembly of my intentions for moving forward in Northern Ireland on those important issues.

As Members will be aware, the independent review of higher education funding and student finance in England was launched in November 2009. Lord Browne was tasked with making recommendations to the Government on the future of fees policy and financial support for full- and part-time undergraduate and

postgraduate students. The review fulfilled the commitment made by the Government during the Commons stages of the Higher Education Act 2004 to review the operation of variable tuition fees after they had been in force for three years. I am glad that Lord Browne's report has been published and I look forward to considering carefully the detail behind today's headlines.

Members will recall that I commissioned Joanne Stuart, the chairwoman of the Institute of Directors in Northern Ireland, to carry out an independent review of variable fees and future student finance arrangements in Northern Ireland. I received Joanne's report in March and have been considering her recommendations. As I indicated at the time, I am grateful for the report and for the time and effort given to the issue by Joanne Stuart and the external steering group that supported the work. The independent report is an important document and is making a key contribution to our deliberations on those issues.

In her report, Joanne Stuart indicated that there would be a need to review her recommendations in light of the output of the Browne review. In order to facilitate and inform debate on the consultation, I have asked Joanne Stuart to update her report in light of Lord Browne's. That is in keeping with the recommendations of the original report. I am pleased that Joanne has agreed to undertake that. I, therefore, intend to consider Lord Browne's report in conjunction with Joanne Stuart's report before bringing forward a public consultation on those very important issues. In advance of the consultation, however, I intend to publish Joanne Stuart's report today so that everyone has the opportunity to consider it within the context that Lord Browne's report now provides. It will be published at 2.30 pm and made available on the departmental website.

I referred earlier to the external steering group that supported Joanne Stuart in carrying out the review here. The group and the involvement of the key stakeholders benefited the process, and I want to ensure that we continue to build on the constructive working relationships that were established. To that end, I recently wrote to the members of the previous group to seek nominations to participate on a Department-led stakeholder group during the forthcoming consultation phase to contribute to the development of future student finance policy for Northern Ireland.

As soon as my officials and I have an opportunity to consider the Browne report, along with the recommendations in the Stuart report, we expect to move forward apace with preparations for a consultation in Northern Ireland on those important issues. The first meeting of the stakeholder group will be held in mid-November, which will provide an early opportunity for engagement with key stakeholders on the proposed consultation paper. Officials are also due to brief the Committee for Employment and Learning in late November. I value the role that the Committee will bring to the process, and I look forward to working constructively with it and with the Assembly as we create a long-term strategic plan for the future of our students in Northern Ireland.

I made contact with key stakeholders in the past 24 hours, including the vice chancellors of Queen's and the University of Ulster, the president of the National Union of Students and the Chairperson of the Committee for Employment and Learning. I value the opportunity to garner initial reactions from those key stakeholders and I hope that the findings of the Browne and Stuart reviews will stimulate a mature, responsible and informed debate on the future funding of higher education in Northern Ireland.

Lord Browne's report challenges the Assembly and the Executive to consider the way forward for higher education in Northern Ireland. Queen's University, Belfast and the University of Ulster proudly compete with some of the very best higher education institutions on these islands.

Put simply, for that to continue, ongoing investment will be required. It will also require us, as legislators, and the Executive, to determine the appropriate balance between the contribution from taxpayers and that from the individuals who benefit from higher education.

At a time of grave economic difficulty, cheap words and easy promises from the House would betray the responsibility placed on us to demonstrate real leadership. Northern Ireland now needs to have a mature, responsible debate on the funding of the higher education sector and student finance that will allow a consensus to emerge on securing investment in our universities while protecting and improving our widening participation record.

**The Chairperson of the Committee for  
Employment and Learning (Mrs D Kelly):**

I thank the Minister for his statement. As

Chairperson of the Committee for Employment and Learning, I make clear that the Committee will take a thorough look at the Browne and Stuart reports and take soundings from all key stakeholders.

I listened carefully to what the Minister said and noted that he has not had much opportunity to digest the recommendations of the Browne report. I hope that when he has had time to consider it, he will come back to the House to make a further statement on how he intends to take some of those matters forward.

Higher education is too significant an economic driver for rash decisions to be made. What does the Minister think the Browne report means for Northern Ireland? Are we in a position to ignore it? Does it contain sufficient protection for the current level of social inclusion at our universities, and what will it mean for widening access?

**The Minister for Employment and Learning:**

I am grateful for the Member's comments. Of course, it will be necessary to come back to the House at an early stage once we have consulted stakeholders and know the comprehensive spending review (CSR) settlement, because, to some extent, those two things have to be read together.

The Member asked what the Browne report means for Northern Ireland, particularly for our widening participation policy, of which the House should be very proud. That is the very question: will there be Barnett consequentials? Although it is perfectly clear that these are devolved matters, we will defend our position, and it is for the Assembly to make any changes that we feel to be appropriate.

Ultimately, our ability will be determined in large measure by how we are financed on this matter. We will not know what the total block grant will be until next week. However, within that, the Executive, the Committee and the House will have to make decisions about what priority will be applied to this area of activity and how we juxtapose that priority with other key areas such as health and education.

Therefore, I say to the Member: no rash decisions will be taken; it is too important a matter for off-the-cuff responses. I repeat what I said in my statement: we will have to have a mature and responsible debate. Let us be frank: it would be very easy in an election year to beat

one's chest and say that we are backing this or that on the basis that they may be populist matters. We will not know the full implications of the Browne report until we read it in the context of the CSR settlement.

We also need to see the reaction of Ministers in London. I understand that we will get some indication of that at 3.30 this afternoon when Ministers make statements. Only when we see all that together will we know how the report will restrict our ability to manoeuvre locally, if it comes to that. However, this is a devolved matter, and I assure the Member that the Committee will play a pivotal role, as it always does on key matters concerning the Department.

**10.45 am**

**Mr Bell:** I thank the Minister for a mature and comprehensive response to a difficult question for Northern Ireland. I want to make three points. Let me build on what we said yesterday. Fairness and quality should be built into our agenda. Fairness to allow socially disadvantaged students to access university education, and in that we lead the rest of the United Kingdom, but also quality to ensure that our universities can compete at the highest level in the British Isles, Europe and the United States.

**Mr Speaker:** I encourage the Member to come to his question.

**Mr Bell:** Let us remember that the Stuart report was written when house prices in Northern Ireland were going up by £75,000 a year and Lehman Brothers was still trading. Therefore, can the Minister ensure that, in marrying the Browne and Stuart reports, we have a university system fit for purpose that has fairness and quality at its heart?

**The Minister for Employment and Learning:** In recent years, we have invested heavily in higher education. The worst that can happen is that we squander the gains that have been made. There are people at university today whose families never thought that they would see their children at university. I recall going, as I normally do, to the summer graduation ceremonies for the Step Up students at Jordanstown. I met people from schools in disadvantaged areas and whose families never thought that they would see their children at university. They are there because we have invested in a particular scheme to give direct access to higher education to those

from disadvantaged backgrounds. We have the best figures in the UK, not only for total participation of 18-year-olds and younger, first-time undergraduates, but for participation of students from disadvantaged backgrounds.

My Department is writing a strategy to complete the widening access agenda. Even though access has widened and people are going to university who would never have gone before, as I said at Question Time yesterday, there are still significant pockets of under-representation as far as participation in higher education is concerned. Therefore, on the fairness side of the Member's agenda, I can tell him that the Department remains fully committed. It would be entirely wrong to squander the gains that have been made. We have made progress, but we have not completed the journey.

As far as quality is concerned, our universities and university colleges have an excellent record. Look at last year's research assessment exercise (RAE) ratings: both our universities moved well up the ladder, with very significant levels of world-class research. Both are well within the top 50, out of the 189 universities in the United Kingdom. In those circumstances, having invested so much revenue and capital, there is little value, from the point of view of quality and fairness, in squandering that.

If this is the sort of template within which the discussion is going to take place, I am more than happy, because those are two key areas. I add a third area: the relevance of the universities to the economy. Those are the areas where we have to have this debate. We do not have all the facts at our disposal. I want to thank the team in my Department, which started to prepare some of this information at 7.30 am. Debate on this in the House will have to be informed by those three things: fairness, quality and the relevance of what we do in higher education to economic development.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I take it from what he says that he is in favour of lifting the cap on tuition fees and putting people who want third-level education deeper into debt. The Minister has referred to Joanne Stuart's report, and I know that he is going to publish it today. What recommendations did it make as regards the cap on tuition fees? Did the report recommend lifting it? How will he explain to the many students and graduates, as

well as their families, that they will be picking up a huge bill of debt for the next 30 years if the Browne report is implemented here in the North of Ireland?

**The Minister for Employment and Learning:**

First, the Member is correct to say that universities are about more than fees. I personally take what may be an old-fashioned view of universities in that I do not see them as degree factories; I see them as places of learning, where people get together to have their learning experience and capabilities expanded. Universities widen horizons.

Nevertheless, universities are very expensive places. In broad terms, and to put it in context, we spend over £500 million a year on our universities in Northern Ireland. The bulk of that — £288 million — goes on student support. Therefore, more goes on student support than in block grants to universities. It is important that Members understand that. Having said that, however, it was obvious that, in the context of the ongoing review, we would not be able to ignore an area with such expenditure. I have had two conversations over the past couple of months with the Finance Minister, including one the week before last, where these issues have been discussed. There were no circumstances in which higher education would get a complete bye ball in the spending review.

As I said in my answer to the previous question, we have things that we have to protect. Members will see later today that the thrust of Joanne Stuart's report is that the present level of fees should, by and large, remain as they are, with some caveats. However, as Mr Bell indicated, that report was largely compiled last year, and, of course, circumstances have changed. The Government have changed, as has the whole public finance situation. Joanne Stuart anticipated that, as Members will see when they have a chance to study her report. She clearly states that she will want to look at her recommendations in the light of what Browne comes up with. However, even Browne's report was amended; I believe that he was given further instructions over the summer to include other issues.

There is a significant difference in approach between Joanne Stuart's report and the Browne report, and it will be for Members to compare and contrast them. However, Joanne Stuart anticipated that, and she will update Members

and the report in the coming weeks in light of what has happened. I presume that we will also have the benefit, whether that is good, bad or indifferent, of knowing what financial effects will flow from the Barnett consequentials of the matter.

**Mr McClarty:** I thank the Minister and congratulate him on his statement. Does he agree that it is not a sustainable way forward for higher education in Northern Ireland to pretend that changes in funding to universities in England have no implications for this part of the United Kingdom?

**The Minister for Employment and Learning:** The Member catches the point entirely. This is Browne's report, but do not forget that it is nothing more than a report at the moment. We will have some indications about the matter later today when Ministers in London give their initial reactions to it. What will those reactions be? We should not forget that the report would have to be translated into decisions by Parliament. Therefore, there is a political aspect to the issue to be considered. As we know, the Opposition in London are now in favour of a graduate tax, even though it was the Opposition party that introduced fees in the first place. Indeed, I would point out that it did so against the wishes of every party in this House.

The fact remains that two things mean that we cannot and will not be allowed to ignore the implications of what happens in London. First, as I said yesterday, in answer to a question from, I think, Mr McCrea, Revenue and Customs is not prepared to introduce a system in Northern Ireland for collecting student loans that is separate to that which applies elsewhere.

I wrote to Revenue and Customs to ask whether we could raise our threshold for repayments, but that was ruled out simply because Revenue and Customs was not prepared to have a two-tier system. I think that we would all be pleased if the threshold for loan repayments were raised. Indeed, a number of Members wrote to me about that issue over the past year. Therefore, I fully appreciate that a raising of the threshold is something with which Members would be content. However, if there is significant change to the block grant as a result of the report's proposals and decisions that Ministers may take, the Executive will not be able to ignore all that but will have to consider it. Ultimately, the House will have to vote on a Budget, assuming

that one comes forward, that will determine the priorities that we place on all those matters. We cannot take any one of them in isolation.

In the next few months, the House will have some very difficult decisions to make. As I said previously, I hope that we are able to rise above party politics, because we are taking about the future of another generation of young people. They are the seedcorn of our future economic prosperity. We have to see things in that context.

**Mr Lyttle:** I thank the Minister for his statement. I am glad that the House recognised that higher education changes lives and life chances and that it is a key economic driver for us as we try to get out of recession. Will the Minister give his initial reflections on the reaction that he has received from some of the key stakeholders, such as the vice chancellors and student representatives?

**The Minister for Employment and Learning:** The vice chancellors and students are obviously concerned. To put it in context, I liken the report and its potential consequences for higher education to what the Education Act (Northern Ireland) 1947 did for basic education. This is major stuff; it is probably the biggest proposed change for universities since the nineteenth century. The implications are that the block grant system, which provides around 40%, 41% or 42% of university funding in Northern Ireland, will be replaced by a system in which the money follows the student. In other words, universities will have to compete to get students through the door, because that is from where their main source of revenue will come.

We pay roughly £210 million in various grants to our universities. That would be replaced by fees. Therefore, the Government would step back and would lose its influence and ability to shape policy. That would allow for a free market to operate in higher education. That is a very different proposition to the system to which we are accustomed.

Think of the implications: the universities' main source of revenue will become their students. Universities would, of course, continue to receive money from third parties, the private sector and philanthropic bodies, but the Government's role would be to step back and allow, effectively, a free market in higher education. That is a very different proposition. It would work if the universities were to succeed and do well, but what would happen if one

of them were to falter? Those are the sort of issues that we will have to address.

This is very big stuff. It is hard, in the very short time that we have had, to absorb some of the information, but it is very significant. The report indicates that we will raise the threshold, that any balance after 30 years of fees — it is currently 25 years — will be written off and that repayments will stop if earnings dip below £21,000.

We know that protections are built in. Indeed, an increase in students is recommended, although that is in England; we have already reached those targets. However, I say to the Member that this is big stuff, and it would be wrong of us to rush to any quick decisions. Students who have been studying the review are concerned that its recommendations may become a barrier to widening participation by saddling people with debts of at least £20,000 in fees alone, excluding living costs.

Another interesting aspect of the review is that there would be one point of application. Currently, people apply to UCAS for a university place and apply separately to a different location for their finance. The proposal is to bring that process together in one place. The proposed changes are radical, and we will have to take time to consider them.

#### 11.00 am

**Mr S Anderson:** I, too, thank the Minister for his statement. Given that Northern Ireland has achieved 50% of 18- to 25-year-olds attending university, will the Minister assure the House that we will continue to lead other parts of the United Kingdom in offering more places to socially disadvantaged students?

**The Minister for Employment and Learning:** I will repeat to the Member for Upper Bann what I said in response to a previous question: it would be a terrible shame to lose the gains and the ground that we have made through the investment of public money and the tremendous effort of our universities and students. The Department for Employment and Learning has put an additional 21% of revenue into universities in the past five years. Universities have been permitted to keep all the fee income that they received, which runs to around £80 million a year. Universities have also increased their income from third-party sources, such as the private sector and philanthropic bodies. That

is why they are performing so well, moving up the league tables and attracting more students.

As a net exporter of students, Northern Ireland is a unique region, a matter raised by Member after Member right around the House for years. At any time, at least a quarter of our students are at universities elsewhere; most in Great Britain, some in the Republic. Is the Member asking me what the implication is if, suddenly, people must acquire debts running into £25,000, £28,000 or £30,000 that they will have to start repaying? That is equivalent to mortgages that many of us would have taken out earlier in our life, and it is a huge undertaking. I think that the Member is raising the question of whether that will be a tipping point for students who might say that they cannot afford to take such a risk. Those are arguments that we must have. Because university funding is very expensive, there are no easy options. As I said, it accounts for 55% to 60% of my Department's budget, which amounts to more than £500 million a year. It is big stuff, and do not forget that many students are beginning to study for their degree at our further education colleges as well. That is a very positive growth area that we are encouraging.

The Member has asked the two key questions that the House will have to address in the coming months. I hope that the answer to those questions will be that, no matter what our differences may be on other political issues, we are not prepared to sacrifice the gains that we have made and that we will work our way round that. However, that is something that the House, as a whole, will have to decide.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I join other Members in commending the Minister for his statement. It would be useful to get a further update as quickly as possible on the issues raised in Joanne Stuart's report. I, like the Minister, commend our further and higher education institutions. This debate is not about the positive work that they do; it is about further education being available to and accessed by those who have and, indeed, those who have not. I remind the Minister about social inclusion.

**Mr Speaker:** I encourage the Member to come to her question.

**Ms S Ramsey:** Social inclusion is a key theme in the Programme for Government. How much of the fees currently paid by students goes directly on the wages of lecturers and senior staff in our

education institutions? Furthermore — it may be a radical thought — have the universities or, indeed, the Department proposed capping salary increases for senior management in those institutions?

**The Minister for Employment and Learning:**

With respect to the Member's last point, earlier this year I wrote to the universities to draw their attention to public anxiety about salary increases, and I received positive responses from both vice chancellors. Therefore, the senate at Queen's and the council in the University of Ulster are aware of my views and the views of the House on the matter, and they responded positively to my letters.

Of course social inclusion is at the core of the Programme for Government. Even the most hostile observer would have to agree that we have put our money where our mouth is with respect to higher education. The facts and figures prove that there are people in higher education who would not be there other than for the fact that we had a policy to get them there. As I said to other Members, whatever we do, we must ensure that we do not jeopardise those gains. However, we also have to be realistic about what we can do, because, although the matter is devolved, we are not completely isolated. At the end of the day, finance is the factor that tips the balance and makes the difference. If we get the money that we currently receive, we will have options. However, if things change and resources are reduced due to Barnett consequentials, the whole Executive will have to take a view on the matter, because the problem will be on such a scale that my Department will not be able to deal with it on its own. The matter will have to go to the Executive, and, ultimately, the Assembly will have to vote on a Budget, which is why the Committee's role will be very important. That is where detailed scrutiny will take place and that is where Members will be able to judge whether the balance is right. However, we do not have all the information.

I believe that I am right in saying that fees go in total to the universities, which are charged with dispensing them. We have not interfered in that flow of money. I repeat: in the past five years, we have increased by 21% our portion of the block grant and various other funding streams that we pass to the universities. On top of that, they receive the entirety of the fee income, which amounts to about £80 million a year. No

one can say that we have not treated higher education generously.

**Mr Ross:** I thank the Minister for his statement.

He correctly highlighted the huge changes that could come about as a result of the proposals. Of course, advocates of the proposals argue that people do not have a right to go to university. However, as the Minister rightly said, in Northern Ireland, we can be proud of the fact that so many young people from lower-income families have been able to go to university. Many of them go to university across the water. Does the Minister share my concern and, indeed, the concern of many families this morning that the proposals may lead to young people from lower-income families having their opportunities limited due to the fact that they will simply not be able to afford to attend certain courses and institutions?

**The Minister for Employment and Learning:**

I have to agree with the Member that that is one of the risks. There is no doubt that it is. However, it is also fair to say and the report makes it clear that there will be no upfront costs. Even though the total bill at the end of one's course might be bigger, there will be no upfront cost for doing the course. That, in itself, does not mean that there is a cash barrier. However, I believe that there is a significant psychological barrier, which says to people that the debt that they will accrue is going to double or more.

Although it is fair to say that the statistics support the proposition that the introduction of fees had an initial negative effect, it was preceded by a surge of people going to university before fees were introduced, followed by a dip. However, the numbers have come back up, and we have had a 12% increase in applications in the current year. If I were to be asked whether we would have had a 12% increase in applications had our fees been more than twice what they currently are, I would have to say that, somewhere along the graph, the point would be reached at which people would say that the fees are too much.

Let me make myself clear: we are not pushing now to increase the proportion of people who go to university. That is because we believe that we have probably reached the right level. University is not for everybody. We need apprentices and people in the labour market who have different skills. We must remember that the Department

has to deal with a wide range of people, including those who have no skills whatsoever and need essential reading and writing skills. I have made it absolutely clear to the Department that, in any spending cuts that we may have to make, it is not allowed to touch money that I have ring-fenced for essential skills. If people cannot read or write when they leave school, what chance in life do they have? That is a fundamental issue. As I said yesterday, it is a disgrace that so many people are coming out of school without those basic skills. We are ring-fencing money for that, and I have made it clear to the Department that that is where we are coming from.

I will say this to the Member: we need to look at precisely where the balance is and at which point someone will make a decision not to go to university because of cost. We need to research that, to talk to students and potential students and to shape the debate about the priority that the Assembly is going to give to higher education. However, that must not be to the exclusion of other areas of departmental work. We need a varied range of skills in our workforce.

University is not for everybody. I have long held the belief that there is a certain inverted snobbery in our society that someone who has a professional, technical or vocational qualification is not held in the same esteem, perhaps, as someone who has an academic qualification. That is wrong, and it is a mistake. Other countries in Europe that are successfully powering ahead, such as Germany, value people with professional, technical or vocational qualifications far more than we do. It is a question of balance. From what I have heard in the Chamber today, I am very happy that the debate that will ensue in the coming months will take account of that balance, and that Members will be acutely aware of the risks that we run with what may be a radically different financial regime from that which we have been used to.

**Mr McCallister:** I welcome the Minister's statement. Given all the comments that have been made, Northern Ireland's reputation for learning and excellence, the importance of education to our economy and, as other Members have said, to social inclusion, and the Minister's commitment to keeping the gains that we have made, does he agree that this has been a useful start to the debate? There is a huge responsibility on the Department, the

Assembly and the Committee for Employment and Learning to lead the debate and to come up with a sensible and balanced way ahead.

**The Minister for Employment and Learning:** I am encouraged by the tone of the debate. It is already clear that Members see the significance of the review. I felt that it was important to come to the Assembly at the earliest opportunity, even though I readily admit that, between 7.30 am and now, we have not been given an opportunity to carry out an in-depth analysis. Nevertheless, I thought that it was important at least to start things off so that we can try to shape the debate in our community. At the end of the day, decisions that we will make in here will determine the outcome. If you believe in devolution, as I do, that is the name of the game. However, we cannot be isolated from external factors, of which finance is, of course, a critical one. Even though someone of the Member's wealth may not have problems, everybody else has to cut their coat according to their cloth. We are no exception.

#### 11.15 am

We want to protect the most vulnerable in our community and encourage people into university education, as it can be a life-changing experience that can open doors. All the evidence suggests that university graduates earn more. However, as I said, they are not the only people in the community whom we must consider; there are others. I have pointed out to the Member that among those are people who are less fortunate do not even have the basic skills to read, write and count properly. Until the Assembly cures that problem to its satisfaction, a balance must be struck. People in our community have so many varied levels of ability and skill. That does not mean that they do not have potential; however, we are not doing things 100% right because we still need to resolve those problems. I am confident that the Assembly will have a mature debate on the issue in which I look forward to participating. I am sure that the Committee will want to make its own decisions and decide on its work programme. Over the next few months, we will be very busy on this subject.

**Mr P Ramsey:** I thank the Minister for coming along this morning. The SDLP is disappointed that, although the Minister has conceded that Northern Ireland is in a unique situation with special circumstances, Joanne Stuart's

report has lain on someone's desk for six months, during which time we could have had a mature, responsive and informed debate to lead up to now. Joanne Stuart's report will now be absolutely overshadowed by Browne's report. Given the high levels of poverty and disadvantage in Northern Ireland — much greater than those in Britain — does the Minister not believe that the Browne report will cause further hardship, distress, disadvantage and poverty across Northern Ireland?

**The Minister for Employment and Learning:**

There are two arguments to take place. We knew, as did Joanne, from the beginning that the Browne report was coming. We were the first in the UK, I think, to kick off the process, but we recognised and she made it clear that her report could not be read in isolation from the Browne report. The Higher Education Funding Council for England (HEFCE) does a great deal of work for us. We are not isolated; we are in the UCAS system and are part of the UK higher education system. Therefore, although we could have produced the report earlier, Joanne Stuart took the view — rightly, as it turns out — that she may have to look again at some of her recommendations in light of the Browne report. That is exactly what happened. When I spoke to her yesterday, she was willing to conduct an update of her report in light of those recommendations.

The financial arrangements that we are likely to face today are a world away from those that obtained in February or March when I got Joanne's report. The Member should not despair: although the report issues huge challenges, until we see the financial implications — we will get some flavour of those next week — it is too early for the Member to make a rash judgement that, somehow or other, our achievements in higher education will take a nosedive. I have not come to that conclusion. The Member's contribution was unique: it is the first time that he did not get his oar in about a university in Londonderry.

**Ms Lo:** Lots of comments have been made about barriers to people from socially disadvantaged communities embarking on future degrees. From what I read, the report proposes doing away with bursaries in universities. That would be another barrier on top of the doubling of the fees. Will the Minister, at least, consider encouraging universities to maintain bursaries that often help young people

from lower-income families, particularly for degrees such as medicine and architecture, for which students have to buy a lot of material and expensive books?

**The Minister for Employment and Learning:**

The Member is correct to point out the issue of bursaries. Members will be aware that both universities have been making bursaries available. Indeed, the year before last, Queen's introduced a higher level of bursary to encourage students to go into STEM areas. However, the report, as I understand it, anticipates a higher level of support for students as some way of offsetting the bursary issues. The Member will also be aware that a higher level of maintenance grant support is provided to students in Northern Ireland than in the rest of the United Kingdom. Therefore, to some extent, we already have the best of both worlds, because we have bursaries and higher levels of student support. However, that detail, significant though it might be, can only be read in the context of whether there will be Barnett consequentials. Until we see what those consequentials will be, it will be hard to be definitive. I am trying to be careful not to hang us on hooks that we cannot get off, because we do not have all of the information.

The report talks about greater support for part-time students. We should remember that they, to some extent, have been forgotten about in this matter. We have been talking primarily about full-time students, but there is a large number of part-time students. There is huge potential to grow the number of part-time students, and that will allow people, even during their career, to change and to increase their learning. Indeed, the Department has been thinking of looking at the bursary model to steer or encourage students in particular directions.

The Member mentioned medical students. My colleague the Minister of Health, Social Services and Public Safety will have to decide how many students he will support for medical purposes. The ripples of the report and the spending review will spread far and wide, and it is too early to tell what the full implications will be for bursaries until we see the financial package and the number of medical students that my colleague will be able to support. Any change in that will have a huge financial impact on the university.

**Mr K Robinson:** I thank the Minister for his response. It reminds me somewhat of the lyrics

of a song from 'Paint Your Wagon': "Where are we off to? I don't know. How are we going to get there? I haven't got a clue". To some degree, we are operating in a vacuum. Will the Minister assure the House that the consultation process that he is about to launch will cover all Lord Browne's recommendations rather than being perhaps narrowly preoccupied with one or two? Will he bear in mind the important role that further education plays already and can continue to play in the future? The Minister already gave an indication of that.

**The Minister for Employment and Learning:**

Our whole approach has to be integrated. I will not rise to the Member's 'Paint Your Wagon' analogy, but the consultation will not simply be on the Browne report. We will also have the Stuart report, and we will have to have our own priorities. These are reports, and it is up to the Assembly and to the elected Members to take the decisions, not Lord Browne or anyone else who writes a report. Ministers commissioned those reports to advise the Government, and we commissioned Joanne Stuart to advise the Government here. We must shape the debate in the light of our circumstances.

The Member is quite right: he knows that I have done everything in my power to protect the further education sector from the financial difficulties that are being experienced. In fact, when cuts were made at Easter and subsequently, I did not take any money off further education, simply because I believe that it is at the cutting edge of our economic development policy. Therefore, the consultation and the debates that we must have must be shaped not only by the Browne report and the Stuart report but by our priorities. That is what we are here for. We are not here simply to rubber-stamp the reports that we ask for. Reports are there to help and inform us, to enable us to have an informed debate, to provide factual information and to shine a light on a particular issue from a point of view that may not otherwise have been considered. At the end of the day, Members must go through the Lobbies and make a decision. It is, therefore, up to us to make the decisions, and we should not hide behind reports. Reports are there for our benefit and to inform us, but, ultimately, it is we who must vote in the House to decide what we are going to do.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his

statement. I wish to ask him about two elements. First, I listened to the views of Members around the Chamber on the need to ensure that access to higher education prevails for people from less well-off and lower-income backgrounds and that, in future, people from all backgrounds have access to higher education so that they can advance themselves and contribute to society. Secondly, has the Minister given any thought to any of the themes that have emerged from the Browne report? For example, has he given any thought to how students who currently attend universities in England and Wales can be retained in the North and attend local universities? Do local universities have the capacity to accommodate those students?

**The Minister for Employment and Learning:**

The Member raised a range of issues, including access, about which most Members asked. As I said, there is a widening access section in the Department that is led by a senior official. I am briefed regularly by that person, and, 10 or so days ago, I went to see him specifically to go through some of the issues. He is at the point of providing his first draft on the next stage in the widening access strategy. In other words, he has identified, through statistical evidence and research, pockets in which a reasonable proportion of people is still not accessing higher education. Therefore, as I said, although we have good statistics to show that progress has been made, we have still not completed the journey. It is fair to say that, depending on how this turns out, we may take a wrong turn, and, depending on how the finances work out, we may be forced into taking wrong turns. The Member knows that my Department and I are committed to this. We put our money where our mouth is.

I mentioned the Step-Up campaign, which many people and many schools want to join. People are coming to me and saying that they want to see the areas extended. I have given money to ensure that the programme is guaranteed until 2014, which is about as far ahead as I can look. Schools are knocking down the door to get into the programme, and that is positive. However, we will have to remain vigilant as we move forward.

The Member asked whether the students whom we export can be retained. The underprovision of places at Northern Ireland's universities impacts on students because it tends to raise the bar for entry qualifications. Consequently, a

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number of them leave. However, at the moment, we have a group of people — I did research on this at an early stage — whom we call “determined leavers”.

### **11.30 am**

One of the first things that I did when I became Minister in 2007 was to ask Professor Bob Osborne to carry out research into why those people were leaving. The response was that certain courses were not available and that people think that certain universities, such as Oxbridge, the University of London, etc, have a prestige attached to them. In one sense, it is good for people to have a different vision and a different perspective. Many people, certainly in the Belfast doughnut, argue that if they go to Queen's or the University of Ulster, they are not going away to university.

However, the whole economic picture has changed since then. If we were to look at fees around the levels that people are talking about, it would completely change the formula that we have been working on. It would have a profound impact on people's decisions. I do not know whether capacity exists in the universities, but capacity can be created. We control the number of full-time students by the use of the maximum student number (MaSN) cap, which is a cap on student numbers purely as a financial control mechanism. If the report were read in a certain way, one could take the view that the MaSN cap is no longer required, because the MaSN cap is there to control our spending. There is no need for an MaSN cap if the income comes from the student and not from the Government. That completely changes the dynamics of the whole thing.

I suspect that, at the end of the day, the coalition will have to come to a compromise. It will be hard to envisage some Members in London voting through the Lobbies in view of the pledges that they made in other places to implement, effectively, a free market in universities. Therefore, a balance may be achieved. I have no doubt that capacity can be created, and there is certainly huge potential: there is no MaSN cap as far as part-time students are concerned. However, I have no doubt that it is there purely to control government spending where there is a balance between that and the supply. In other words, we could say that we will give the universities £x million to spend however they like but that they

will not get any more: if they get more students, that is up to them. Lord Mandelson did that last year as a control mechanism. He said that he was raising the MaSN cap but that he was not increasing their money. It was the usual smoke and mirrors that one comes to expect from certain politicians. Those questions will have to be asked and discussed as we move forward.

## Executive Committee Business

### **Draft Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2010**

**The Minister for Employment and Learning (Sir Reg Empey):** I beg to move

*That the draft Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2010 be affirmed.*

I am seeking the Assembly's approval for the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2010. I know that people have been studying the regulations from 7.30 am, in between reading Lord Browne's report, so I am sure that Members are familiar with them.

The regulations are subject to the draft affirmative procedure as laid down in the parent legislation, the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981. The regulations were laid before the Assembly in draft on 17 September and it is intended that they will come into operation on 1 December.

The regulations amend the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005. The regulations are intended to protect the interests of those who use the services of employment agencies and employment businesses — for instance, work-seekers and hirers — and put in place the minimum standards that work-seekers and hirers can expect, such as the provision of terms and conditions, restrictions on charging fees to work-seekers, and proper handling of clients' money. The regulations also remove a number of regulatory requirements on agencies that have been deemed burdensome and unnecessary. Those are undoubted benefits, both for employers and for workers who avail themselves of the services provided by the private recruitment sector.

Employers benefit from the flexibility that agency workers bring to their businesses, particularly during seasonal fluctuations or peaks and troughs in demand. Agency work also allows companies to increase production on a temporary basis, before committing

permanently to expansion, which is particularly important during a period of economic renewal. For work-seekers, agency work can be used as a stepping stone to a permanent job, as a way of entering or re-entering the job market, or simply as a way of working more flexibly to help to balance domestic responsibilities.

The increasing use of the Internet has resulted in work-seekers making greater use of electronic job boards or e-recruitment. It is important that the law in relation to the private recruitment sector is fit for purpose and does not restrict access to job opportunities online. The flexibility and capacity for innovation that the e-recruitment sector provides as a whole will be vital to Northern Ireland's economic recovery.

The vast majority of employment agencies and businesses are reputable companies that treat work-seekers fairly, and the private recruitment sector has, on the whole, made a significant and positive contribution to the Northern Ireland economy. Recent research by my Department indicated that in 2009 approximately 270 recruitment companies were operating in Northern Ireland. The research concluded that the majority of temporary agency workers were satisfied with their employment agency, had never experienced any problems with payments and were placed in temporary employment within a few weeks of registering with an agency. I welcome those findings, but I am aware that some rogue agencies, which attempt to exploit work-seekers to gain a competitive advantage, continue to operate.

The purpose of the statutory rule is twofold. It includes deregulatory measures aimed at reducing administrative burdens on employment agencies, a move that also reflects the need to keep pace with new technology and changing business practices. The legislation also seeks to increase protection for work-seekers in the modelling and entertainment sectors, in which there is the greatest potential for exploitation. Those are the main reasons for the amending regulations that I bring before the House today.

The amending regulations will remove the requirement on employment agencies that supply work-seekers to permanent employment to carry out certain suitability checks. That change applies only to permanent workers, and it will not reduce the obligations on employment businesses that place people on temporary assignments. Currently, all employment

agencies and businesses must undertake checks on the suitability of work-seekers who are supplied for permanent and temporary recruitment. Those checks include checks on identity, experience, training, qualifications and any authorisations that the hirer requires or are required by law. However, certain checks that are required to be carried out by an employment agency are also required by law to be carried out by the hirer, resulting in an obvious duplication of effort. The regulations will remove the requirement for employment agencies to carry out suitability checks when supplying permanent work-seekers to hirers. That deregulatory measure is intended to reduce the administrative burden on such agencies, to simplify matters for work-seekers and to remove unnecessary duplication. However, statutory suitability checks will continue to be carried out by hirers.

As I mentioned earlier, the amendment will also assist electronic job boards that recruit exclusively online. In their simplest form, those job boards allow the swapping of lists of vacancies and CVs. Such agencies do not meet their clients and, therefore, do not carry out checks. Currently, the business model for those businesses makes it difficult for them to comply with the requirements. The online recruitment industry is one of the most dynamic and innovative sectors in Northern Ireland, and it is clearly not in our interest to threaten that important route to employment.

There is one important exception to the removal of suitability checks. The regulations make it clear that, in the case of an agency that intends to place workers in jobs in which they work with vulnerable people, there will be a requirement to continue to carry out those checks.

Removing all of the checks would leave gaps, potentially, in that people who work with the vulnerable in their own homes may not be covered by any checking regime. Clearly, that would be unacceptable. Protection of the vulnerable should remain paramount, although it will mean that some checks will continue to be carried out by both agency and hirer.

A further reduction of administrative burdens is the removal of the requirement for employment agencies to agree terms with work-seekers before finding them work and to do the same with hirers before agreeing to place workers with them. Those provisions add little or no value, and some respondents to the consultation felt

that the checks were significant and costly. For the work-seeker who is seeking permanent placement, agreement of terms should be with the hirer. Agreement of terms between an agency and a hirer should be purely a contractual matter.

In addition, the regulations will be amended so that job advertisements simply state whether the vacancy is temporary or permanent. That move recognises the fact that the terms “employment agency” and “employment business” can be confusing to the wider public. I am sure that Members will agree that the simpler definitions are more likely to be understood by work-seekers and hirers. I trust that Members will also agree that the regulations strike a sensible balance between the removal of unnecessary requirements and the retention of important ones.

I will now move to the additional protections that the regulations put in place for work-seekers. The regulations will provide for upfront fees to be banned altogether for photographic and fashion models. The cooling-off period of seven days will be extended to 30 days for those who are seeking work as actors, extras, singers, dancers and other performers.

In 2008, I brought a statutory rule before the Assembly that amended the conduct regulations to introduce the seven-day cooling off period for agencies charging upfront fees. That cooling-off period allowed a work-seeker to cancel or withdraw from, without detriment or penalty, any contract that sought to include their details in a publication. That was to address concerns at the time that some unscrupulous agencies were engaging in hard-sell tactics to persuade vulnerable would-be entertainers or models to pay high fees for inclusion in a publication with unrealistic promises of work. It gave the individuals seven days away from the pressure of the photographic session or studio to think about whether or not he or she wanted to proceed with the terms laid out by the agency.

In Great Britain, the Employment Agency Standards Inspectorate continues to receive a steady stream of complaints about abuse of upfront fees. Problems seem to be most prevalent in the modelling and entertainment sectors. It seems clear that the seven-day cooling off period does not provide adequate protection for those who seek work in certain sectors of the entertainment industry.

Fortunately, we, in Northern Ireland, have not seen the extent of abuses that have been experienced in Great Britain, but the potential exists. It is sensible for Northern Ireland to replicate changes in legislation in Great Britain. That will prevent any rogue agencies' attempts to move their operations to Northern Ireland, if they can no longer operate so freely in Great Britain, and ensure that people who seek work in those sectors here have the same rights and protections as people in the rest of the United Kingdom.

The ban on charging upfront fees to work-seekers will apply to those who are seeking employment as photographic or fashion models; the majority of scams are targeted at such individuals. However, it will not have a major effect on reputable agencies; they will still be able to charge commission on actual work found. The increase in the cooling-off period from seven days to 30 days will apply for work-seekers who want employment as actors, background artists, extras, musicians, singers, dancers or other performers. The regulations will also be tightened to ensure that agencies inform clients about their right to cancel; give them a draft of the information to be provided about them in a publication; and include provision for a refund if no publication is produced or circulated within 60 days.

#### 11.45 am

The seven-day cooling-off period will remain in place for occupations relating to behind-the-scenes work, such as production staff and camera operators, as there is no evidence of abuse in those occupations. The regulations also contain anti-avoidance measures to allow entertainers a 30-day cooling-off period for additional services, including photos and audiovisual services. That is to ensure that no loopholes remain to exploit vulnerable work-seekers by providing them with expensive but worthless portfolios.

I am grateful to the Committee for Employment and Learning for its detailed scrutiny of the policy proposals and regulations. At its meeting on 29 September, the Committee recommended that they be approved by the Assembly.

**The Chairperson of the Committee for Employment and Learning (Mrs D Kelly):** I thank the Minister for bringing forward the motion to affirm the Draft Conduct of Employment Agencies

and Employment Businesses (Amendment) Regulations (Northern Ireland) 2010.

The Committee considered the SL1 background note to the statutory rule at its meeting on 8 September and raised no issues. At its meeting on 29 September, the Committee considered the statutory rule, which, by that stage, had been laid in draft, and members offered no objections to it. The Committee has been supportive of the Minister's efforts to ensure that employment agencies and businesses are run fairly and according to the law.

The Committee supports legislation that creates fair, effective and efficient administration of those organisations and provides a system of inspection that will protect groups that could be vulnerable to exploitation. Accordingly, the Committee supports the motion. I commend the Minister for bringing it to the House.

**Mr Bell:** I join the Chairperson in giving full and wholehearted endorsement to a very valuable set of regulations. As I looked around the Chamber, I could not help but think that very few of us would have to pay upfront fees for modelling. As the saying goes, politics is show business for ugly people. Is the Minister fully satisfied that the protections in respect of employment agencies are as effective as they can be and that there are sufficient safeguards in the system for vulnerable people?

#### **The Minister for Employment and Learning:**

The same thought was going through my mind as I was making the statement, but I decided not to make comment on it. Nevertheless, with regard to the Member's fundamental point, I am sure that he and others have been lobbied by organisations. Let us be clear: this is not a serious problem here. It is a serious problem in Great Britain. I believe that we have a balance, wanting to remove as much regulation as we can, consistent with the protections that we believe people are entitled to receive. I am sure that Members can imagine circumstances in which a young person sees a potential for a career and goes to somebody who tells them that they will prepare a fancy portfolio, that their name and photograph will appear in a publication, and that that will be their stairway to stardom. You can see how somebody could easily be taken to the cleaners in those circumstances.

We have tried to ensure that people are protected, but we do not want to strangle

the opportunity for business to thrive. Any regulations that we impose on businesses have a negative aspect to them. It costs money to implement regulations, it takes time, and many of the businesses are small and are run by one person or a small number of people. Therefore, we do not want to intervene more than necessary, but we have a duty. The same applies to the Trading Standards Service. The principles are well-established. If people sell shoddy goods, there are rights and obligations that have to be followed. That is the nearest parallel to what we are trying to do here. It is trying to have as light a touch as possible, consistent with ensuring that people, particularly vulnerable elements, are not exploited by unscrupulous people.

We know that those people are out there. Certainly, reports from Great Britain are clear on that. The fact that that issue is not a big problem in Northern Ireland does not mean that it cannot become a problem. If somebody sees that a loophole exists here, they could be encouraged to come here to exploit it.

I am sure that Members have seen on television during the past few days that a company had offered to paint people's houses with a 15-year protection guarantee. All of a sudden, after a few months, people discovered that the paint was starting to flake off their houses. That is a classic example of the type of case for which trading standards law was introduced, that is, to ensure that there was some honesty in the system. The case of the agencies in question is similar. Quite frankly, I believe that the vast majority of agencies make a positive contribution to the Northern Ireland economy, even in that particular sector.

In response to Mr Bell, I say that the Department has struck the right balance. I appreciate the Committee's support for the implementation of those regulations.

*Question put and agreed to.*

*Resolved:*

*That the draft Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2010 be approved.*

## Addendum to the Programme for Government

**Mr Speaker:** The next item of business is a motion from the Minister of Justice. It deals with Department of Justice matters that are to be added to the Programme for Government. I advise Members that remarks about other elements of the Programme for Government will be outside the scope of the debate. I warn Members who might be tempted to go beyond the scope of the debate that I will ask them to take their seats and I will move on to the next Member to speak. Members on all sides have been well warned.

The Business Committee has agreed to allow up to two hours for the debate. The Minister will have 10 minutes in which to propose the motion and 15 minutes in which to make his winding-up speech. All other Members who wish to speak will have five minutes.

**The Minister of Justice (Mr Ford):** I beg to move

*That the addendum to the Programme for Government for the Department of Justice, as agreed by the Executive, be approved.*

It gives me great pleasure to move the motion, which stands in my name, on behalf of the Executive. Although the devolution of policing and justice powers was an important step forward in the peace process and the political process, I believe that we will be judged by how this Assembly and Executive carry out their responsibilities for the benefit of all the people of Northern Ireland.

Unfortunately, events of recent weeks are a harsh reminder that there are people in the community who do not want to see devolution working. However, that cannot distract us. Therefore, I am pleased to bring the addendum to the Assembly to demonstrate formally that devolution is making a difference. I am also pleased to launch a consultation on new sentencing guidelines mechanisms, which is one of the priority actions in the addendum. However, I will return to that in a few moments.

The addendum, which has been circulated to Members, sets out the Department of Justice's priorities. In line with the remaining period of the Programme for Government, it focuses on the current financial year and sets out the foundation for an agenda for change that will impact in the longer term. I am grateful to

colleagues on the Committee for Justice and in the Executive for their helpful comments and contributions.

The Hillsborough Castle Agreement required the Minister of Justice to draft an addendum to the Programme for Government for the Department of Justice. The agreement states that the addendum should be a:

*“seamless fit into the current PfG”*

that would be developed collaboratively with officials from other relevant departments. It continued:

*“Confidence, avoidable delay, rehabilitation, recidivism and the interests of victims and witnesses”*

should be “key elements” of the addendum, as well as policies that support effective policing.

Building safer communities requires joined-up working across government. Therefore, the views of other Departments have been incorporated in the addendum.

The Hillsborough Castle Agreement also indicated actions that the Department's agreed policies could usefully include. A number of topics were listed, including a code of practice for victims; tribunal reform; public legal services; a sentencing guidelines council; a review of prisons; and a strategy for the management of offenders. I am pleased to confirm that all those actions have been reflected in the addendum.

The current Executive set themselves an overarching aim to build a peaceful, fair and prosperous society in Northern Ireland, where there is respect for the rule of law and where everyone can enjoy a better quality of life now and in the years to come.

The justice priorities outlined in the addendum very much reinforce that overall strategic aim. Although actions have been identified for the lifetime of the current Programme for Government, the underlying themes will help set a justice agenda for the future.

Members will appreciate that it is not possible to incorporate all the Department's activities into 15 key goals, but, in broad terms, they underpin a strategic framework for reforming and reshaping the justice system in Northern Ireland. The goals have been brigaded under five broad themes: reducing offending and

dealing with its consequences; building safer communities; increasing access to justice; supporting justice in a shared future; and resourcing and supporting delivery across the justice system.

I want to say just a few words about those goals, as time does not permit me to speak about them in detail. As the actions need to be achieved by March next year, work has already commenced on a number of fronts; indeed, it is well under way on a number of fronts. For example, one of the key goals is to develop new legislation, and I intend to introduce a justice Bill to the Assembly next week. The content of the draft Bill has already been shared with the Justice Committee. It will improve community safety, enhance our services to victims and witnesses, and improve the efficiency and effectiveness of the justice system.

On 13 September, I announced a fundamental review of public legal services, which is another key goal. That review will address from first principles the question of how best to help people secure access to justice and will focus particularly on whether there are better ways of resolving disputes, including approaches that do not require court action.

Work is also well advanced on developing a new code of practice for victims, and I hope to launch a consultation document soon. The intention is to improve services to those directly affected by crime, and that is in addition to the guides that I published shortly after I was appointed Minister.

To reduce offending and deal with its consequences, work has already commenced on developing a strategy for reducing offending. That approach will link in other Departments to ensure a co-ordinated response and to deliver the added value from joined-up working.

A fundamental and thorough review of prisons is already under way to review the conditions of detention, management and oversight of prisons. That review, led by Dame Anne Owers, will inform and provide the impetus for a strategic efficiency and effectiveness programme to design a new model to transform the delivery of prison services.

Devolution also provides the freedom and opportunity to set new long-term policing objectives for Northern Ireland. Retaining the current long-term objectives, as determined by a

previous direct rule Secretary of State, would be a wasted opportunity.

However, I am not only focused on the here and now. We need to address the longer-term, more strategic context in which we are operating, so new long-term policing objectives will be agreed by next March.

Finally, the Hillsborough agreement specifically proposed that the establishment of a sentencing guidelines council would be considered for Northern Ireland. Therefore, I am pleased to announce to the House that I am meeting that commitment by publishing a consultation paper on a sentencing guidelines mechanism. The consultation document presents three options: the establishment of an independent sentencing guidelines council; an independent sentencing advisory panel; and a mechanism for sentencing guidelines based on measures already being taken by the Lord Chief Justice to enhance the guidelines currently available to sentencers.

Members will be aware of the work being done by the Lord Chief Justice, which he set out in his speech at the start of the legal term. His speech identified possible priority areas and invited public comment. It is clear that sentencing in any individual case is and must remain a matter for the judiciary, but sometimes public expectations exceed what may be appropriate in an individual case. I believe that public confidence in sentencing is fundamental to an effective criminal justice system, so the consultation seeks views on the role that a guidelines mechanism might play in enhancing public confidence, transparency, consistency and community engagement in sentencing.

Appended to the addendum, for convenience, is the Department of Justice's contributions to public service agreements (PSAs), which will be integrated with existing PSAs for the current Programme for Government. They cover a number of areas, including tackling organised crime; increasing public confidence and victim and witness satisfaction in the justice system; making arrangements to transfer tribunals to the Department of Justice; and ensuring that the necessary forensic science capacity is in place to support an effective justice system.

Underpinning all the work of the Department will be a focus on building a shared future. The justice system can play a positive part in helping to build that shared future, working in

co-operation with others, and the Department of Justice will develop policies and strategies to support the Executive's wider strategy.

My Department is working with other Departments already, and, in particular, I value the engagement between the Department of Justice, the Police Service and the Department for Social Development in working on how we tackle problems in some particularly disadvantaged areas.

## **12.00 noon**

Although the addendum sets out priorities for action in the short term, it also provides a framework for a longer-term agenda for change. Progress has been made on a number of key goals already, and I will be making more announcements on new policies and initiatives over the next few weeks and months. Those will include details of the youth justice review; publication of a strategy for the management of women offenders; and changes to the mental health legislation, with a wider review also taking place. The final initiative flows from the Bamford report, which is led by DHSSPS, but Department of Justice officials are working with health colleagues on ensuring that that comes into play.

Although the justice system will need to live within its available resources, important work on delivering speedier justice and providing support for victims will continue. I believe that we have a challenging agenda, but the addendum provides an important framework for a justice system that meets the needs of the people of Northern Ireland in the immediate future of this programme and as we seek to build for the future. The consultation on the sentencing guidelines mechanism that is commencing today is a further practical example of how the goals outlined in the addendum become a reality and deliver the benefits of devolution for all our community.

The addendum is the result of widespread collaboration and co-operation. It is based on input, not only from the Department of Justice but from other Departments and from the Justice Committee. It builds on the Hillsborough agreement, and it builds further on proposals that my party put forward and discussed with others around the time of those Hillsborough meetings. I have great pleasure in commending it to the House.

**The Chairperson of the Committee for Justice**

**(Lord Morrow):** The Committee for Justice has considered the Department of Justice addendum to the Programme for Government on several occasions over the past number of months, and, at our meeting on 9 September, we agreed that we broadly support it. However, the Committee has expressed disappointment that some of the targets do not appear to be particularly stretching. I will return to that point shortly.

The Justice Committee first considered the Department of Justice draft addendum to the Programme for Government at meetings on 24 June and 1 July. At those meetings, the Committee identified issues with the draft addendum with which it was not content and which, it believed, needed to be addressed before the addendum would be fit for purpose.

Among the issues raised by the Committee was a concern that some of key goals were not strategic enough. The use of percentages and the absence of baseline information in relation to setting key goals made it extremely difficult to assess what the goals represented in delivery terms and whether they were realistic, too ambitious or not sufficiently stretching. The Committee was also concerned that at least one of the goals had already been achieved. There was also an absence of information on how the goals were to be achieved. The Minister of Justice accepted the points raised by the Committee, and further work was carried out by the Department during the summer to revise and improve the draft addendum to ensure that it better reflected the key strategic aims and goals to improve the justice system.

A revised addendum to the Programme for Government, which the Minister of Justice has presented for approval by the Assembly today, was presented to the Justice Committee on 9 September. Following further consideration and discussion, the Committee has agreed to broadly support it, as I indicated earlier, and the key strategic aims of building safer communities in Northern Ireland, delivering greater access to the justice system and reducing offending and dealing with its consequences. However, the Committee is disappointed that some of the targets, particularly those in relation to key goal 11 — to reduce the number of non-domestic violence with injury crimes — and key goal 12 — to reduce the number of recorded antisocial behaviour incidents — are not more ambitious. The Committee also noted that at least one of

the targets set by the Department is dependent on the level of reporting of crime by the public and raised concerns regarding whether that method of setting targets would provide a true reflection of what was being achieved, given that the level of reporting crime could fluctuate widely. The setting of targets and the measurement of their achievement is likely to be an area that the Committee for Justice will wish to keep under review and return to in due course.

The Committee considered the content of the Department of Justice's addendum to the Programme for Government in detail and is now broadly content with the document presented to the Assembly. It represents an ambitious programme of work that will be difficult to deliver within the set timescales. The Justice Bill is a large piece of legislation to bring through the Assembly within a tight timescale. The Committee for Justice intends not only to scrutinise the individual policies in the addendum to the Programme for Government but to monitor closely the Department's progress in delivering the overall programme and its goals and targets.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabh mo leithscéal as a bheith mall. Tá mé sásta go bhfuil an addendum seo os ár gcomhair inniu. Mr Speaker, I apologise to you and the Minister for being late. I am sure that I did not miss anything of which we had prior notice.

We welcome the addendum to the Programme for Government. It is appropriate and timely. The Chairperson outlined a number of the concerns that were raised in Committee, so I will not itemise them.

The addendum to the Programme for Government will provide an opportunity for us to improve the way in which the justice system works. It will give accountability to the wider public, and it should provide a sense of ownership to people so that solutions that the Department of Justice comes up with will be relevant to those who live in the North. In all such situations, opportunity is one thing, but delivery is the main issue, which is what people will focus on. What we and the addendum to the Programme for Government are trying to do is good and well researched, but we must now ensure that it is delivered. We must ensure that the system and process of verifying that is not simply down to the Department or the

scrutiny Committee but stretches across everyone involved in the criminal justice system, including victims and many other people. When we do that, we will be able to ascertain whether opportunities have been realised. We have to learn, and the process should not remain fixed.

The Chairperson outlined a number of targets. I am not going to detail the targets, but, where evidence is produced that shows that the targets are not ambitious enough, the Department should take steps to ensure that any targets that it sets in the future will be realised and verifiable.

The addendum to the Programme for Government will allow confidence to be built up in every aspect of policing and justice. If what is being promised is delivered, it should speed up justice and access to justice. The Criminal Justice Inspection's report 'Avoidable Delay' is also timely. The Committee heard evidence about better co-operation between the many agencies involved in bringing about prosecutions, and, if some of the recommendations made by the Criminal Justice Inspection are delivered, we should see better results on avoidable delay in the future.

The issue concerns better access to justice. Access to justice has been criticised in times past, and the programme, as outlined by the Minister, will allow better access. His addendum details innovative improvements, and, if they are delivered, most people will welcome them. The Committee discussed the provision of legal aid and the impact that that will have on representation. Having listened to many of the evidence sessions, I think that there is a focus on ensuring that people have good representation so that access is not denied according to a person's ability to be granted or not granted legal aid.

There are two things that I would like to cover. The Hillsborough agreement promised a review of prison management and detention and the steps to establish a review team. Sinn Féin met the members of the review team. I have no doubt that they realise the challenge that they face but are going about it in a professional and objective way. However, the important things for us are opportunity and delivery, and the challenge begins when the review group makes its recommendations. Too often, we have had reports on various aspects of the justice

system, but the challenge of delivery was not taken up as much as it should have been.

The other aspect to welcome is the Justice Bill. The Minister is ready to present that to the Committee, and the Committee will go through the various stages. Many aspects of the Bill will tease out our ability, which goes back to the opportunities that the addendum provides. The Justice Bill will be one of those testing grounds.

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

**Mr McCartney:** The party welcomes the addendum and looks forward to the challenges that we face.

**Mr Elliott:** I am pleased to have the opportunity to speak on the addendum to the Programme for Government and to raise matters that go to the very core of the community. We are all aware that much reform is needed across the criminal justice system, and even the Minister accepts some of that. The addendum will be a start to that reform process.

I am pleased to see that the Justice Minister is giving due prominence to the role of victims and witnesses. The least that we can do for those involved in legal processes through no fault of their own is to ease their passage through the system. I am aware of the impact that giving evidence can have on victims and witnesses, including secondary trauma. I welcome all moves to make their well-being central to the justice process. That is particularly important for children and vulnerable and intimidated adult victims and witnesses. Aside from our responsibility for their welfare, it is important to recognise that those who offer testimony are vital to the justice process. If they are discouraged from participating, our ability to deal with offenders and criminality is severely diminished. Organisations such as Victim Support provide a valuable support to victims throughout the criminal justice process, and I pay tribute to their work in safeguarding the rights and needs of victims.

I am disappointed by a lack of specific targets to reduce the time taken to progress cases. Unfortunately, avoidable delay is a distinct feature of the criminal justice system in Northern Ireland. Not only does that impact on public perception and confidence, it is also incredibly wasteful. Alleged offenders spend longer than they should in prison on remand

waiting for their trial, with a resultant cost to the public purse. The criminal justice inspectorate published a report into avoidable delays some time ago. To my knowledge, little has improved, and all the time the impact on the public purse is growing unsustainably. That needs to be addressed with an increased appetite by the Justice Minister to improve efficiency and increase overall confidence in the system.

I will be interested to see how the Department of Justice will interact with the shared future agenda, particularly in light of the much-publicised inadequacies of the CSI strategy. The only way forward on equality is to create a genuinely pluralist and integrationist society built on respect for all our traditions. The Ulster Unionist Party reiterates our need to create a genuine CSI strategy for Northern Ireland.

I welcome the key goal to build a safer community by reducing the number of non-domestic violence-with-injury crimes by 5%. The chief aim of any criminal justice system is to make communities safer. However, I am concerned that there are no targets relating to domestic violence. The PSNI responds to a domestic abuse call-out every 23 minutes, yet targeting domestic violence is not specified as a key goal. My colleague Michael McGimpsey has spearheaded specific reform through the Tackling Violence at Home strategy, and we need to take corporate action against the prevalence of domestic violence in Northern Ireland. I look forward to hearing the Minister's reassurance that he will not allow domestic violence to slip down his justice agenda.

It is regrettable that it will be difficult to meet the targets in such a short period, but the Ulster Unionist Party will continue to engage positively with the criminal justice agenda in order to best serve all the people of Northern Ireland.

### 12.15 pm

**Mr A Maginness:** I support the motion. As far as the SDLP is concerned, the addendum is welcome. There is little in it with which one can disagree. It is like motherhood and apple pie: one always approves of such things. The addendum may be rich in aspiration and poor in application, but I hope it is not. It remains to be seen whether this part of the Programme for Government will be fully and properly implemented.

I have listened to Lord Morrow and other colleagues who mentioned targets. Their criticism is that the targets are not good enough et cetera. My view is that it is difficult to set targets in this area of government. If I am affected by crime, even as a single victim, I am nevertheless deeply affected by it. I do not think that we can measure the effectiveness of the system through targets. One can do so in other areas of government; for example, capital expenditure. However, it is difficult to do so in this area. I say that by way of observation.

We have a continuing and increasing threat from paramilitaries, and I hope that that will not undermine the tremendous work that has been done in policing in Northern Ireland. It is a threat to the security of us all, but I hope it does not undermine the great progress that we have made in policing, the establishment of community policing, the reforms of the Police Service and other progress made in that respect.

The programme rightly emphasises young people at risk, and the SDLP is very supportive of measures that can increase protection for such young people.

We also want to see full implementation of the prison reform programme. I am aware of the work of the Minister's review team, and I am impressed by those who are conducting the review. It is a central issue, and we need to see real reform of the Prison Service, including improved opportunities for the rehabilitation of prisoners and addressing their skills and educational deficits. That makes sense. If we rehabilitate prisoners, we reduce reoffending and enrich people's lives. That is good for society. We must also address prisoners' mental health problems and take that issue very seriously. There are many people in prison who are suffering from mental health problems and personality disorders. We have to bring resources to bear on those problems.

It is right and proper that we have a strategy for women offenders to address offending behaviour, and we should seriously examine and advance the case for a new women's facility. That is an important aim. We must also seek alternatives to prison and deal with the ridiculous situation whereby fine defaulters are imprisoned. We must find alternatives to that. We must deal with delay, because delays in our judicial system increase the number of

prisoners on remand, which puts greater stress on the management of our prison estate.

I am disappointed that there is not a greater emphasis on North/South co-operation in the addendum.

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

**Mr A Maginness:** It is essential, given the common threats and problems in relation to crime, that we have —

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

**Mr A Maginness:** We must have a deeper North/South dimension to justice.

**Dr Farry:** I welcome the debate and, hopefully, the eventual passage of this addendum to the Programme for Government. The Alliance Party has always maintained that the devolution of policing and justice was more than just a simple act that occurred in April. It was part of a process, and, in many respects, the real work has now begun. What happened before was high politics; it is now about demonstrating to the people of Northern Ireland how putting accountability and decision-making in local hands can really make a difference to people's lives. In many respects, the real prize of devolution is the ability to have joined-up government with other Departments and agencies. This Programme for Government addendum will begin that process, which we will hopefully see deepened in the months and years to come.

The requirement for an addendum to the Programme for Government may have been referred to and required by the Hillsborough agreement, but the Alliance Party has always viewed it as being central to the devolution of policing and justice, certainly since well before the time of the agreement. Even though we are now only months away from a new, all-embracing Programme for Government, this debate is far from an academic exercise. It is a useful stocktake of where we are and where we are going. It is also an opportunity for a wider debate on justice issues. This is about much more than motherhood and apple pie; it is a real, solid piece of work that addresses the real issues facing the people of Northern Ireland.

Criminal justice issues are not just for the Department of Justice; they are genuinely cross-cutting issues. A lot can be done through the Department of Justice, but real outcomes,

particularly in managing offenders and reducing offending, will require inputs from a range of agencies and Departments, whether that is the Department of Education, the Department for Employment and Learning, the Department of Health, Social Services and Public Safety or, if the outcome relates to housing, the Department for Social Development.

It is important that we understand how to measure the success of an effective criminal justice system. For me, success is not about how many people are in prison or how many we convict through the court system, important though efficiency in the courts is. The real standard that we have to judge by is how people in the community feel. Do they feel safe? Do they think that crime is falling? Do they feel secure in their home and on the streets? When we know that, we will know whether we are making a real difference to people's lives.

As a liberal, I think it is important that we focus on the individual; that is the victim, the witness and, at times, the perpetrator. It is also important that we tackle any sense of impunity in our system, whether that comes from expediency on the part of certain actors in the system or the threats and current reality of paramilitarism and organised crime in our society and its impact on people's lives.

It is important that we do not see the criminal justice system in narrow terms or as individual agencies doing their bit in silos. We have to view the criminal justice system as being joined up, a single entity. It must be more than simply a spectrum with a crime at one end and someone going to prison at the other. We have to view the criminal justice system as a circle — hopefully, a virtuous circle. What happens in prison can have a bigger impact on community safety than many other interventions. That relates to what we do to rehabilitate offenders and ensure that, when they leave prison, they can return to a normal life and not become repeat offenders.

I will highlight a number of the key areas in the addendum. The issue of a shared future is central to everything that we do in this society. I emphasise that justice is a key actor in that respect. The key contribution that can be made is moving on the debate in this society. In the past, people almost had a sense of security through separation, which has had so many social and economic consequences. We need to reframe that debate and to help people to

have a sense of security through sharing. It is important that we look at how we can use the justice system to support other efforts, such as bringing down peace walls and tackling interfaces. Other areas are also important, such as tackling avoidable delay, the integrity of sentencing in respect of public confidence and the support that we give to victims and witnesses. Hopefully, we can return to those issues in future months.

**Mr Givan:** I support the motion. It is significant that we are bringing forward an addendum to the Programme for Government and that we have a local Minister who is responsible and whom we can hold to account to take it forward. Do I have absolute confidence in David Ford? No, I do not. Do I have confidence that he will do a better job than a direct rule Minister? Absolutely.

The Chairman referred to the targets in the addendum to the Programme for Government. The Committee for Justice has discussed those. We do not find everything in the addendum to be particularly stretching, but we are prepared to give the Minister a fair wind. There is a role to be played in identifying real targets that are stretching and challenging. I think that the Minister will agree that the target of 38% confidence in the effectiveness of the justice system is not one that the public will find particularly stretching. I recognise that we are coming from a low baseline, but the Assembly and the Executive need to vastly increase public confidence in the effectiveness of our justice system in Northern Ireland.

I am pleased that a key goal relates to victims. The victims of crime and how they are dealt with, handled, communicated with and informed should be to the centre of any justice system. I welcome that inclusion.

The addendum also touches on the offender management scheme. Let me be clear: if there are prisoners who can be reformed so that they do not commit crimes once they are released from prison, I am all up for their rehabilitation and ensuring that they go back out into the community and do not re-enter prison. We have a system in which repeat offenders are constantly churned round. If we can address that and reform those individuals, I am up for that. However, when people go to prison, they are not there for any good that they have done. The public expect prisoners to be punished. Some prisoners are beyond rehabilitation and

cannot be reformed. We must have an effective prison management system that implements a system of punishment for those prisoners. Not everyone can be reformed. I am all up for the reformation of prisoners, but let us remember why they are there in the first place. They are there to be punished. We should not lose sight of that.

**Mr Campbell:** I thank the Member for giving way. I am glad that he is elaborating in the way in which he is. It is not a case of either/or; there are those who, all the circumstances and information indicate, are beyond the pale, and they must be punished. However, there are prisoners who can be rehabilitated and are not a threat to society, and that should be pursued as well. It is not a case of either/or, and he is quite rightly pointing that out. Does he agree that we need to see that development? There needs to be punishment on one hand and rehabilitation on the other so that prisoners get the message that, if they are rehabilitated, there is a future for them.

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

**Mr Givan:** Thank you, Mr Speaker. The Member makes exactly that point very well. I was in Maghaberry prison last week — as a visitor, I hasten to add — and saw at first hand prison officers working with prisoners. They help to identify prisoners as people who can be reformed, and they work with them to give them skills. They do an excellent job. That type of work needs to be taken forward, but the Member makes an important point: there are prisoners who need to be punished. Let us remember why they are in prison.

**Dr Farry:** Will the Member give way?

**Mr Givan:** No. I want to continue, if you do not mind. I am sorry, Mr Farry.

Mention was made of fine defaulters. The point has been made to me that there are people who go to prison for failing to pay their TV licence. What is the first thing that they get when they go to prison? A TV. Therefore, some prisoner categories are nonsense, and the policy of jailing fine defaulters must be looked at in order to take individuals who should not be in the prison system out of the system. I actually think that imprisonment lets them off the hook too easily. However, other prisoners should be detained for longer. We need to get the balance right.

Stephen Farry said that we got to this point as part of the process of high politics, and that is correct. Up to this point, high politics was at stake, and my party worked hard to ensure that the conditions for the devolution of policing and justice were got right. We ensured that it never reached the point where individuals and a party that we would never support got the justice post, and the Alliance Party got that post. We undid some of the damage. I welcome the Ulster Unionist Party's commitment now to positively engage with the criminal justice system. That party did damage in 2005 by allowing the possible passage towards that post of an individual and a party that we could not have supported. However, we have got the conditions right. We are now working on the detail. We need to put in place a system in which the public will have confidence. We will play our role in trying to help to build that confidence.

**Mr Speaker:** The Business Committee has arranged to meet immediately upon lunchtime suspension. I, therefore, propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Carál Ní Chuilín.

*The sitting was suspended at 12.31pm*

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

**2.00 pm**

**Ms Ní Chuilín:** Go raibh maith agat, a LeasCheann Comhairle. It is opportune that the Minister brought to my attention the fact that Raymond McCartney was late to the Chamber. Before the Minister pre-empts me, I put on record that Raymond McCartney was at another meeting on, by the way, justice-related matters. Therefore, rather than allow him to be scalded, I apologise on his behalf.

So far, the debate has been fairly rounded, particularly given that so many challenging work-related issues were raised in the Committee for Justice. Given the backdrop to the addendum at Hillsborough, bedding it down during scrutiny will be a challenge for us all. Some themes and areas of concern have been covered, but, when we have the opportunity to subject the addendum to proper scrutiny, there should be less politicking and more detail should be forthcoming. Nevertheless, we welcome the addendum to the Programme for Government and the opportunity to debate it.

I want to cover a couple of issues. I put on record some of what was said in Committee. Like other Members, although possibly in respect of different PSA targets, I believe that some targets are under-ambitious rather than overambitious. Pardon the pun, but we do not want to play safe; we want to get it right for everybody. On the other hand, we do not want to set unrealistic targets. Without fear of contradiction, I want to get that clear.

Raymond mentioned the review that is under way in the jails. I do not wish to pre-empt the outcome of the review, but it is important to put on record that there is already a need for statutory powers for the Prisoner Ombudsman. The Committee has already fed into the review and made representation to that team. In the addendum, under the heading "Reducing offending and dealing with the consequences", I was glad to see a role for restorative justice, because if the issue is reducing offending and the prevention of crime — Alban Maginness mentioned young people at risk — early intervention and some sort of agreement about restorative justice will help to keep many people, particularly young people, out of the criminal justice system.

I want to touch on the perceptions associated with safer communities. The amalgamation of district policing partnerships and community safety partnerships is one way in which better integration could be envisaged. The Bamford review was mentioned earlier in relation to the mental health of prisoners, and the opportunity that integration could offer in the area of community safety must not be missed. That would encompass the community, statutory involvement and the whole criminal justice family.

Three work areas are important: real partnerships; proper engagement in which people feel that there has been real participation; and, above all else, delivery, which is the area about which we received most complaints when we conducted inter-agency meetings in north Belfast. It is not good enough for politicians and statutory bodies to turn up at meetings and call that participation. What happens at such meetings is all about outcomes and delivery, and there is still a lot of work for us to do.

My party supports the independence of the judiciary and the courts. However, that does not mean that they cannot be removed or excluded from accountability. When people talk about perceptions of safety, they mention topics such as repeat offenders getting bail. However, we will touch on that when we scrutinise the addendum in Committee. Nevertheless, there are real issues that people want us to debate in the Assembly.

I support the motion, welcome the opportunity for debate and look forward to hearing the rest of the contributions.

**Mr Spratt:** I thank the Minister for his statement. I welcome the fact that one of the first issues to be addressed in the addendum is the recognition that the first duty of any Government is to provide for the safety of their citizens. It is now incumbent on the Executive, given the serious dissident threat not only in Northern Ireland but in the rest of the United Kingdom, to make every effort to ensure that the budgets for the PSNI and for security are maintained and that police numbers are maintained. That needs to be foremost on the Executive's agenda and on that of the national Government.

I want to make a couple of points about community confidence and community policing. I welcome the fact that the addendum has recognised the great efforts that have been

made to increase community policing in Northern Ireland. That is an important bulwark and framework for the future of the Province, and it is important not to set it back in any way. I welcome the fact that the Chief Constable intends to release more police officers from desk duties to front line duties and, in turn, to community policing.

It is incumbent on the Department of Justice and on the Executive to ensure that policing bureaucracy be reduced. The Government should look at that at a national level to ensure that the police have less need to provide what has in the past, perhaps, been seen as unnecessary statistical information just for the purpose of keeping certain departments, policing boards and other bodies in existence. Such work uses up resources and is manpower-intensive — and woman-power intensive, to be totally inclusive — and I welcome the fact that those issues have been recognised. I hope that the Department will work with the Police Service and others in that regard.

The addendum recognises that legislation is to be introduced to deal with district policing partnerships and community safety partnerships. The Department needs to look seriously at the existing process of establishing district policing partnerships. I know that it has been important to have had that process in place, but although district policing partnerships now cost in excess of £3.5 million a year, that is only part of the bill. District councils throughout Northern Ireland pay the other 25%. The figure is, perhaps, closer to £5 million a year rather than £3.5 million. Some of that money could be better spent on front line policing. There are opportunities now to deal with some of those issues.

It is also critical that the Department look at the role of the Policing Board, which costs some £10 million a year. We must ensure that the Department properly polices the Policing Board. The amount of money spent needs to be policed, given our economic situation.

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

**Mr Spratt:** I hope that all the issues that I have mentioned will be looked at in the round. I welcome the addendum and support what the Department of Justice will do in the future.

**Mr Kennedy:** I thank the Minister of Justice for bringing the proposals to the House today. He

will be aware of the Justice Committee's long-standing concerns about the content of his Department's addition to the Programme for Government. A number of the addendum's key goals have specific and binding targets, and I hope that the Department can meet, or come close to meeting, them before March 2011.

I am pleased that one of the objectives contained in the addendum is to support efforts to reduce organised crime. Two weeks ago, the Ulster Unionist Party proposed a motion in the House that called on everyone to make Northern Ireland a hostile place for human traffickers. We, as a party, want to ensure that human trafficking remains high on the Justice Minister's agenda. I am slightly disappointed, therefore, that there is only passing mention of a wish to increase the recovery of proceeds of crime in Northern Ireland, but no details of a specific target. It is vital that, as we make Northern Ireland a hostile place for human traffickers, we pursue their criminal assets. Asset recovery is an important means by which we can punish the perpetrators of those despicable crimes and hit them where it will hurt, namely through their finances. Without profit, the incentive to use Northern Ireland as a trafficking marketplace will reduce significantly.

I am also pleased that the addendum mentions a consultation paper on sentencing guidelines. I am aware that, last week, the Office of the Lord Chief Justice published a provisional list of areas to consider, including domestic violence, people trafficking and attacks on workers and more vulnerable people. Sentencing must act as a deterrent and should express societal condemnation of offensive and destructive acts, and I am pleased that our judiciary is responsive to genuine public concerns and is open to listening to them. I continue to recognise the integrity of judicial independence, and I look forward to seeing what emerges from the consultation.

Each year, about 80,000 people receive legal aid in Northern Ireland, and, as of last year, the total bill was approximately £103 million. The Minister is seeking to drive that cost down. In Northern Ireland, there will continue to be challenges ahead for those who wish to access publicly funded legal aid services. However, we must examine whether a more efficient and targeted legal aid service could provide new opportunities to deliver for those most in need.

I particularly note the review of prisons that is mentioned in the addendum. I am aware that, in light of the two prisoners' recent escape from custody, the Prison Service is undertaking an additional review. Perhaps the Justice Minister could, during his closing address, provide an update on where that matter rests and assure the House that he will put robust measures in place immediately, even prior to the completion of the review later this month.

The addendum will supplement the current Programme for Government. If we look at the Executive's main Programme for Government, which was published with a great fanfare in 2008, we quickly realise that the Executive are not on track to meet a significant number of their core targets. In light of the changed circumstances that face Northern Ireland, my party has consistently called for the Programme for Government to be revised and to be made fit for purpose. We consistently highlighted the weaknesses of the current programme, and the Minister proved today that it is possible to reform the Programme for Government. It is a great shame that certain parties in the Executive have refused to countenance responsive government in Northern Ireland.

## 2.15 pm

**Mr McDevitt:** My friend and colleague Alban Maginness concluded his remarks by expressing regret that there was not a single mention of North/South co-operation in the addendum to the Programme for Government. That is a good place for me to start. We know that the Minister has busied himself building cross-border relationships. We support him fully in those actions, and we welcome his determination to ensure that working relationships on this island and, indeed, across these islands, are strong and solid.

However, we need to go a step further. We must understand, as unionist Prime Minister Brian Faulkner understood many years ago, that there may be a case for an all-island intelligence service. Those are not my words, but his. Those conversations should be happening today. As colleagues in the House know, it is a matter of record that the SDLP does not believe that the current arrangements for intelligence in this region are acceptable. The lack of capacity for those arrangements to be accountable to the Minister of Justice is a major omission, not only from the settlement on policing and justice but

from the Programme for Government. Therefore, I call on us all to reflect on Mr Faulkner's words and ambitions.

I agree with Mr Spratt we all face a significant threat, whether we are British Irish, Irish Irish, Ulster Irish or Northern Irish, from a tiny minority of our countrymen and countrywomen who seem determined to drag us back to the past. We share the ambition to meet that threat, so perhaps we should be thinking when we write the next —

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

**Mr McDevitt:** Yes, of course.

**Mr Spratt:** Does the honourable Member agree that there has always been cross-border co-operation on policing, intelligence and other areas throughout the ages, prior to, and during the days of, the RUC? That continues to this day, and, in fact, North/South and east-west relationships are mentioned in the final paragraph of the document.

**Mr McDevitt:** I do not disagree with Mr Spratt. However, it is time to make that co-operation accountable. Although the policing aspects of it are accountable, the security aspects are not. As we have said previously in other contexts in the Chamber, that is a matter of regret for the SDLP.

The opportunity exists to expand the scope of the prison review to make it a fundamental review of prisons. In the past couple of weeks, the Minister, through no fault of his own, has been in the unfortunate situation of having to come to the Chamber with serious news about the ability of prisons to meet the needs of society in 2010. Again, I do not detect any great disagreement across the House on the need to review fundamentally how prisons are run, the prison culture, the terms and conditions under which prison employees are expected to work and the services that we expect them to provide. I ask the Minister to reflect on the terms of reference that he provided to Dame Anne Owers and, perhaps, to give her the opportunity to do what many of us believe that she must be able to do, which is to review fundamentally the role and nature of the Prison Service in this region.

The Minister talked about a shared society, and, only two weeks ago, I was pleased to be able to join him, colleagues from his party and colleagues from the Ulster Unionist Party in the

Lobbies in expressing opposition to the cohesion, sharing and integration (CSI) strategy in its current form. I also acknowledge Mr Elliott's remarks in that regard earlier in the debate.

It is important that, in the Minister's summation, we hear a clear determination to set a much higher goal than that set by the CSI strategy for a shared society and that, as the Alliance Party's representative in the Executive, we hear of his determination to continue to put true reconciliation at the heart of everything that we do. Those who are most marginalised in society are most likely to come into frequent contact with the criminal justice system, not necessarily because of what they have done but because of the circumstances into which they were born. It is important that we hear the Minister acknowledge the connection, as I think he will concede exists, between those individuals and poverty.

There is also a connection between those individuals and the most segregated communities in our region. A failure to recognise those connections and that segregation can be, and has been, a contributory factor to social exclusion. We must understand that failure so that we can tackle criminal justice challenges in the generations ahead and build a better future for our young people.

In the brief time that is available to me, I will conclude by talking about young people. It is wrong that we imprison minors in this part of Ireland; it is not right. No other place that we respect does that. I hope that the Minister will clearly indicate his determination to ensure that that practice ceases.

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

**Mr McDevitt:** We are happy, as are most of our colleagues, to support the addendum.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The addendum to the Programme for Government states:

*"Critical to all the reform of policing and justice in recent years has been a focus on building community confidence."*

That is key and central to our approach to the addendum, to the justice procedure, to the policing procedure and, indeed, to the entire Executive.

For too long and for too many years, the only experience that many people in the nationalist and republican communities had of the justice system was that it was a tool of repression and oppression. We must never allow ourselves to slip back into those times. As we start this journey of dealing directly with justice issues on a daily basis, which is a new experience for many, if not all, in the Chamber, we must focus on the fact that we need to create a system that everyone feels comfortable with and can buy in to and that is accountable and independent. We require the justice system to be independent from political interference but, alas, not from political accountability. That is because, at the end of the day, we are politicians and we are the people in this legislature who make the laws that govern society.

This point has been touched on previously, but if we are to move forward, we need to recognise that, although devolution in itself was an event, the devolution of justice is not. We are involved in a building process. The first few months since the devolution of policing and justice have been tentative, but I think that we have got off to a good start. Fresh ideas are coming from the Justice Minister and the Justice Department. Just as important, the Justice Committee, which meets weekly, is doing a good job. In fact, I must declare an interest as a member of that Committee. As a collective body, the Justice Committee has hit the ground running. It has scrutinised, in detail, the Justice Department's work and has assisted the Department in developing a programme of work.

Each of the political parties in the Chamber may have different views on what should be in the addendum to the Programme for Government. The document is simply a starting point for rebuilding, reshaping and modernising a justice system that, for far too long, had no accountability whatsoever. A number of areas in the addendum require immediate and effective proposals to be made. We have heard discussions about the prison system and the reasons why people end up in jails and in custody. I concur with Mr McDevitt's comments about young people: minors should not be in jail. We should not have such scenarios. However, we are not only locking up minors but we are leaving them in jail with no proper care or treatment. At times, we are leaving them in jail with staff who are not properly trained to deal with minors. All those areas need immediate attention.

If I may touch on the broader prison population, the percentage of that population suffering from mental health problems is alarming. Although those people may have committed crimes against society and against individuals and have gone through the judicial process, we, as a caring society, have to ask ourselves why they have ended up in the criminal system. If, as has happened in many of those cases, we, as a society, have let down those people at an earlier stage in their lives and have not put in place proper procedures to deal with the many conflicts that are going on in young people's lives, we are in one sense guilty of a crime ourselves.

Justice cannot sit at the Executive table as an individual Ministry, and I know that the Justice Minister is not advocating that. If we are to have a successful justice system, we need the Justice Minister to sit at an Executive table, where all the Departments around that table have a collective view on the way forward, not only on how we deal with offenders —

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

**Mr O'Dowd:** — because people who have committed crimes against society or individuals need to be dealt with, but how we ensure that we reduce our prison population, given the fact that we have reduced crime.

**Mr Deputy Speaker:** As Question Time begins at 2.30 pm, the House will take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Tom Buchanan.

*The debate stood suspended.*

2.30 pm

## Oral Answers to Questions

### Culture, Arts and Leisure

**Mr Deputy Speaker:** Question 1 has been withdrawn.

#### Tourism: Hurling

2. **Mr McKay** asked the Minister of Culture, Arts and Leisure whether his Department has had any contact with the Department of Enterprise, Trade and Investment and the Northern Ireland Tourist Board in relation to the promotion of hurling and hurling matches as part of the wider tourism package for the North Antrim area. (AQO 269/11)

**The Minister of Culture, Arts and Leisure (Mr McCausland):** Responsibility for the development of a wider tourism package for the north Antrim area is a matter, in the first instance, for the Department of Enterprise, Trade and Investment, the Northern Ireland Tourist Board and the relevant district councils. Responsibility for the promotion of hurling and hurling matches as part of that package rests with the governing body of Gaelic games, the Gaelic Athletic Association. I can confirm that none of those bodies has contacted my Department on that matter. However, the Department of Culture, Arts and Leisure consulted DETI on the development of its recently published Sport Matters strategy. That strategy recognises the potential contribution that sport can make to tourism and the local economy, and it contains a number of targets and actions that are designed to promote Northern Ireland to tourists as a world-class venue for a range of sports and sports events.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. The GAA in Ulster commands a membership of over 250,000, has over 100,000 active players and is a key economic driver. Sports that are played in other countries, such as baseball, basketball, Australian Rules and pelota, which is played in parts of Spain, are marketed at tourists, so I believe that DETI has responsibility for promoting hurling here. Does the Minister agree that hurling is a unique and indigenous

sport and that we should be signposting tourists to it and, in particular, games such as the recent Loughgiel v Cushendall match? That would help to generate revenue for not only that part of the sports industry but the wider economy.

**The Minister of Culture, Arts and Leisure:** We have a very wide range of sports in Northern Ireland. I am sure that we would agree that all those sports have a role to play in our tourism product.

**Mr O'Loan:** I acknowledge what the Minister said about the contribution that all sports make to tourism, and, in putting the remainder of my question, I do not minimise the contribution that other sports make. Does the Minister agree that the GAA offers particular sporting, cultural and educational benefits to the community, and, recognising that, what co-operation and assistance does he feel that he can offer to the GAA?

**The Minister of Culture, Arts and Leisure:** The responsibility for the promotion of hurling lies, in the first instance, with the governing body of the sport, the GAA. However, Sport Northern Ireland is responsible for the development of sport in Northern Ireland, including the distribution of funding. I will take the example of north Antrim; Sport Northern Ireland has provided £556,293 to hurling clubs in the north Antrim area, namely Glen Rovers GAC in Armoy, St Mary's GAC in Ahoghill and Dunloy GAC.

**Miss McIlveen:** Although the benefits of sporting events can and should be of immense value to our tourism market, does the Minister share my grave concern that unionists are, by the constitution of the GAA and the rules therein, excluded and prohibited from membership of that sporting organisation? Will the Minister call for those unacceptable rules to be amended by that organisation as a matter of urgency to reflect the shared and better future that we should all be striving for in today's Northern Ireland?

**The Minister of Culture, Arts and Leisure:** The Member raises a very important point. There is a general commitment and recognition in society now that a shared and better future is the best way forward in Northern Ireland. In the past, I have commended the professionalism and efficiency of the GAA in how it manages its organisation and activities. I recognise the importance that many in the community attach to the GAA and the value that they place on

the sports that it runs. However, I agree with the Member that there is a difficulty, and I have raised it with the GAA and Sport NI in the past; it is not something that I raise today for the first time. As the Member made her point, I noticed that some Members on the other side of the Chamber seemed to be in a state of deep denial. However, rule 1.2 sets out the basic aim of the GAA very clearly:

*"The Association is a National Organisation which has as its basic aim the strengthening of the National Identity in a 32 County Ireland through the preservation and promotion of Gaelic Games and pastimes."*

In other words, it places the games as a means to an end. That also needs to be taken in the context of rule 2.1 on membership, which states:

*"Membership of the Association shall be granted only by a Club, to persons who subscribe to and undertake to further the aims and objects of the Gaelic Athletic Association, as stated in the Official Guide."*

That quote comes from the current rules, which I think were approved in July. In other words, it states that, to play the games, whether Gaelic football or hurling, and be a member of a club, people have to subscribe to the basic aim, among the other aims, that has the aspiration of a united Ireland. Therefore, people who are from a unionist tradition and do not subscribe to that particular political aspiration find themselves excluded from participation in those games. [Interruption.]

**Mr Deputy Speaker:** Order.

**The Minister of Culture, Arts and Leisure:** The GAA needs to address that issue if it is to contribute, as it could, to a shared and better future. It would be better if some Members faced up to that with a little bit of honesty and humility rather than engaging in the practice of denial. We must look at how we can address the issue and move forward for the benefit of not just the GAA but all society in Northern Ireland. It is possible to be a Protestant and play Gaelic games. However, according to the rules, it is not possible to be a unionist and play Gaelic games.

**Mr K Robinson:** I listened carefully to the very long reply that the Minister has just given. To lift the discussion above the parochial, does he agree that tourism should be customer-focused? With that in mind, what mainstream international sports with large international

followings does his Department promote as the basis for sports tourism in Northern Ireland?

**The Minister of Culture, Arts and Leisure:** In all these matters, there is a crossover between DETI and DCAL. DETI's role is to promote Northern Ireland as a tourist destination through events and other means and, to some extent, product development. DCAL's role is to develop sports. One of the benefits that flows from that is, of course, that sports are a tourist attraction. The Member spoke of sports that have an international attraction. One of the most popular sports internationally is, of course, football. This is an opportunity to wish our team well this afternoon —

**Mr Kennedy:** The national team.

**The Minister of Culture, Arts and Leisure:** I am glad that the Member emphasised that point; he saved me the need to do so. Our national football team is in the Faroe Islands, and we all wish them well. I am sure that everyone in the Chamber would want to wish that national football team well.

We need to develop the locations for sport. We need to get the stadium development right, an issue on which we are working. We also need to increase the professionalism of our sporting organisations, and there is work to be done on not just one but a number of organisations. If we can get those things right, it will be an area in which there is potential for growth. We will not see the heavy industries of the past in Northern Ireland again in the foreseeable future. Therefore, we need to look at areas such as the creative industries and cultural tourism as the way forward economically.

## DCAL: Budget

3. **Mr Gallagher** asked the Minister of Culture, Arts and Leisure for his assessment of the potential job losses within his Department as a result of the anticipated budget cuts. (AQO 270/11)

6. **Rev Dr Robert Coulter** asked the Minister of Culture, Arts and Leisure if he has taken any steps to protect employment through the reprioritisation of his budget. (AQO 273/11)

**The Minister of Culture, Arts and Leisure:** With your permission, Mr Deputy Speaker, I will take questions 3 and 6 together.

As a planning exercise, DFP has asked the Department to present proposals for cumulative savings of between 4% and 5% to current budget for each year of the four-year period 2011-12 to 2014-15. That represents a first step in a process that must take account of the Treasury announcement on 20 October, which will determine the level of savings against the NICS block as a whole and a number of Executive decisions, primarily on how those savings will be allocated across Departments in Northern Ireland. Only when that point is reached will we have clarity on the implications for jobs in DCAL and its arm's-length bodies.

At this stage of the Budget 2010 process, no steps have been taken to protect employment through the reprioritisation of DCAL's budget. However, the Department recognises the direct impact that job losses would have on the economy. The Department is working through scenarios that would deliver the savings proposed by DFP in its planning exercise and will consider their effects on employment in the context of the wider economy. The challenge for my Department and its arm's-length bodies will be to try to reduce the impact of any budget cuts on jobs, by working together in a more collaborative way, sharing services and assets and generating additional income when possible.

**Mr Gallagher:** Does the Minister agree that a good place to begin making savings is to cut bonus payments to members of quangos that are under his Department, or does he feel that he can continue to justify the payment of bonuses of the order of £15,000 to some quango members?

**The Minister of Culture, Arts and Leisure:** The Member referred to quango members. I assume that he means members of boards, because that is what that term applies to. I am not aware of any board members who get £50,000 bonuses. Most members of boards —

**Mr Gallagher:** £15,000.

**The Minister of Culture, Arts and Leisure:** I am not aware of that figure in respect of a bonus. If the Member can provide me with some information on that, I will come back to him, but I am not aware of a figure of £15,000.

**Rev Dr Robert Coulter:** In view of the proposed cuts, does the Minister have any plans to liaise with local councils? Many of their workers will be made redundant if the cuts go through.

**The Minister of Culture, Arts and Leisure:** My responsibility must be for the Department, for the arm's-length bodies associated with the Department and for the organisations funded through some of those arm's-length bodies. Our responsibility in that regard is sufficiently wide to take up all our attention. Therefore, I suggest that issues of employment in local authorities may be directed towards another Department.

## Windsor Park Football Stadium

4. **Mr B Wilson** asked the Minister of Culture, Arts and Leisure for an update on the upgrade of Windsor Park and any discussions he has had with the Irish Football Association regarding the upgrade. (AQO 271/11)

**The Minister of Culture, Arts and Leisure:** Through Sport NI, my Department appointed consultants to undertake the outline business case for stadium development. Having assessed the proposals, together with other options, it was concluded that the most economically advantageous option for regional stadium development for football is to redevelop Windsor Park stadium to increase its capacity of 13,500 to accommodate 18,000 spectators. That would involve significant refurbishment of the north and west stands and redevelopment of the east and south stands. The option would also include the provision of premium seating, big screens and improved access to the new stadium via the Boucher Road.

Throughout the process, there have been ongoing discussions with the Irish Football Association and other governing bodies regarding future stadium development. That includes a meeting that I held with all the governing bodies together at the outset of the process. Members may wish to note that, in the interim, my Department, through Sport NI, has funded safety measures at Windsor Park, so that international football can continue to be played there this autumn. I had an opportunity to see that work at first hand when I attended the 2012 European Championship qualifier match on Friday night. It was a great match, and I was delighted that Northern Ireland held its own against Italy to gain a valuable point. I am sure that we will want to take the opportunity to wish the Northern Ireland team — our national team — well again.

**Mr Kennedy:** It says that in the notes.

**The Minister of Culture, Arts and Leisure:** It does not actually.

The match was played in front of 15,150 fans, with reports of some fans being unable to get tickets for the match. That demonstrates the potential market for international football in Northern Ireland, which relates to a supplementary question that was asked previously, and it shows the potential and the demonstrable need to increase the capacity of our national football stadium. Nevertheless, I am conscious of the impending outcome of the comprehensive spending review. As for any of my Department's activities, funding will be subject to the normal budgetary and approval procedures. Although I will continue to fight for funding for stadium development, it will be an Executive decision whether the required funding will be found. I do not underestimate the difficult decisions that the Executive will need to take on future funding across all areas of public expenditure.

**2.45 pm**

**Mr B Wilson:** I have been a regular spectator at Windsor Park for more than 50 years. I was at the previous match between Northern Ireland and Italy in 1958, when we beat them 2-1. I am delighted with the team's recent success.

My problem is the IFA. I am continually embarrassed by its antics. Can the Minister assure the House that no money will go towards the redevelopment of Windsor Park until there are fundamental changes in the IFA?

**The Minister of Culture, Arts and Leisure:** I have said quite a bit about the IFA in the past number of months, and I have made the position clear. I am sure that the IFA is a concern to many people. The IFA needs to regain the confidence of the wider football community, the Government and the public. It cannot be overemphasised that the IFA needs to have a full, rigorous and independent review of its structures and governance arrangements. It is only on the basis of such a review that new fit-for-purpose governance arrangements can be designed and implemented. I hope that that message is taken on board.

**Mr Deputy Speaker:** There is constant interference with the sound system. I ask those of you who have your phone switched on in the Chamber to switch it off immediately.

**Mr Leonard:** Go raibh maith agat, a LeasCheann Comhairle. Mr Wilson referred to the IFA's "antics". Will the Minister assure the House that, if those antics preclude the association from delivering on its stadium plan and if money is available, they will not hold back the plans of the two other codes — the GAA and rugby — to proceed with their stadium proposals?

**The Minister of Culture, Arts and Leisure:** My Department has been working, with Executive agreement, on regional stadium development as a three-sport package. That is how it should continue. When the necessary approvals have been received and the funding allocated by the Executive, the readiness of all three sports to proceed will be assessed. By that time, I would expect the IFA to have taken the necessary steps to strengthen its governance arrangements. If that is not the case, the way forward will be reviewed and taken to the Executive for consideration. I am committed to providing all three sports with fit-for-purpose stadiums that will enable them to move with confidence into the future and to enhance and develop sports across a range of levels.

**Mr Hilditch:** I note the Minister's previous answers, and I thank him for those. Will funding be available to take forward the stadium options at the level proposed in the outline business case?

**The Minister of Culture, Arts and Leisure:** The consultants' examination of the various stadium options was predicated on an indicative £110 million being available to government as its contribution to the overall capital costs. That was the expenditure figure that the Executive noted on 1 June 2009 as being the funding required to progress the process on which we are currently embarked. Members will, of course, be conscious of the impending outcome of the comprehensive spending review. Funding will be subject to the normal budgetary and approval procedures, as is the case for any of the Department's activities. It will be an Executive decision whether the required funding can be found to enable the long-standing and much-debated issue of stadium provision to be resolved satisfactorily.

**Mr Gardiner:** I declare an interest as a former chairperson, director and shareholder of Glenavon Football Club. How does the Minister respond to the concerns among the club's supporters that his provision of £30 million

investment for Windsor Park and an annual payment of £220,000 for IFA usage make it impossible for it and other local clubs to have a level playing field when, compared with Linfield Football Club, they are being disadvantaged?

**The Minister of Culture, Arts and Leisure:** That is primarily a matter for the IFA and Linfield Football Club to determine. Nevertheless, it is crucial to the development of a regional stadium for football in Northern Ireland. The IFA and Linfield have been in discussion about the agreement and have reached broad consensus on the way forward, although that has still to be formally submitted to my Department. It is important that a fair compromise be reached. Linfield Football Club, as owner of the ground, is entitled to a fair and reasonable return for allowing its ground to be used, but any deal has also to be fair to the wider football community.

### Special Olympics Ulster

5. **Mr W Clarke** asked the Minister of Culture, Arts and Leisure what steps he is taking to help to address the current funding deficit of Special Olympics Ulster. (AQO 272/11)

**The Minister of Culture, Arts and Leisure:** In September 2008 my predecessor, Gregory Campbell, and ministerial colleagues from the Department of Education, the Department of Health and the Department for Social Development were invited by the junior Ministers at the Office of the First Minister and deputy First Minister to attend a presentation by Special Olympics Ireland on the Special Olympics Ulster operational plan for 2008-2011. After the presentation, it was unanimously agreed that further consideration would be given to supporting Special Olympics Ulster's proposals and to which Department of those that will benefit from its activities should take the lead.

The Ministers and junior Ministers involved agreed that DCAL would assume the lead role for the commissioning and development of a business case on behalf of all the Departments. The business case would examine the case for the funding of Special Olympics Ulster and how it contributed to the objectives of each Department. That business case has been completed and assessed by my Department's economists as meeting the technical requirements of appraisal. However, approval of the business case requires the question of affordability to be dealt with. The sum of

government funding identified in the business case as being required to fund Special Olympics Ulster in the counties of Northern Ireland over four years is significant. Consideration will also have to be given to how funding will be utilised and whether it is entirely necessary in the context of the organisation's activities and other sources of funding.

I have forwarded the business case to relevant ministerial colleagues suggesting that, together with DCAL, the Departments make equal contribution towards the cost of funding Special Olympics Ulster over four years. The affordability of the business case can be fully assessed only when all ministerial colleagues have responded.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. Given the work that Special Olympics Ulster does — it is recognised throughout the Chamber — is there not an onus on the Minister, as Minister of the lead Department, to call a cross-departmental meeting of all the other Ministers?

**The Minister of Culture, Arts and Leisure:** As I said, I have written to all the Ministers asking them to set out their position and put it on record so that we know where we stand. I am awaiting some replies; I have not got all of them back yet. It is important that we get them back, as we will know where we stand with each Department and will be in a position to move forward. I hope that that will elicit responses from all Ministers very soon.

**Mr P Ramsey:** I welcome the Minister's statement. In recognising the contribution that Special Olympics Ulster makes to Northern Ireland, is the Minister disappointed by the Health Minister's reluctance to come on board in supporting this project? Could he outline what meetings he has had with other colleagues? Has he written to the Health Minister expressing concern at his refusal to fund the project?

**The Minister of Culture, Arts and Leisure:** The position is this: when the Ministers and junior Ministers agreed to examine the funding request from Special Olympics Ulster, they were generally supportive in principle of the establishment of a central fund that the Department could draw on to support Special Olympics Ulster. Following my letter to the relevant Ministers and junior Ministers, which was sent on 31 August, I have so far received responses from the Minister for Social Development and the Minister of Education.

The Minister for Social Development has agreed to provide funding this year and has agreed in principle to provide funding for the subsequent three years, depending on the outcome of the current Budget process. The Minister of Education has agreed that her Department is ready to play its role in contributing to Special Olympics Ulster in conjunction with other Departments. I await responses from the Health Minister and the junior Ministers of the Office of the First Minister and deputy First Minister.

**Mr Bresland:** To date, how has Special Olympics Ulster managed financially? Is its request for funding purely a replacement for current funds?

**The Minister of Culture, Arts and Leisure:** Historically, Special Olympics Ulster has been funded through Special Olympics Ireland fund-raising activities and through moneys received from the Irish Sports Council. The business case shows that the total funding received by Special Olympics Ulster to cover the nine counties of Ulster in 2009-2010 was £996,000. That is approximately £4 million over a four-year period. The business case states that funding from the Irish Sports Council is susceptible to public sector budgetary cuts in the Republic of Ireland and the level of income required through fund-raising can no longer be maintained. Without the historical levels of fund-raising and the allocated funding from the Irish Sports Council, Special Olympics Ulster will not be financially sustainable.

The recommended option in the business case is that the Northern Ireland Government provide Special Olympics Ulster with a secure funding stream to allow it to take forward its programme of activities for a four-year period. That would involve providing £2.66 million of government funding over that period to supplement a projected fund-raising income of £1.36 million. That would be a total of £4 million over four years for the six counties of Northern Ireland. That apparent rise in funding levels will need to be further discussed with Special Olympics Ulster.

**Mr McCarthy:** Does the Minister agree that it would be an absolute disaster if, for the sake of a very small amount of money and the determination of some Departments, Special Olympics Ulster was not able to provide for the disabled athletes of Northern Ireland? I am glad to hear that DSD has put its hand in its pocket, but other Departments need to act similarly so that Special Olympics Ulster can maintain its

good work and provide those athletes with an opportunity to go to the Olympics in the future.

**Mr Deputy Speaker:** Thank you for your brevity, Mr McCarthy.

**The Minister of Culture, Arts and Leisure:** Kieran McCarthy must be a very wealthy man if £2.66 million is a small amount of money for him. I agree with the Member that it would be disappointing if some people did not honour their obligations in that regard. All the relevant Departments need to take that forward together.

## 2012 Paralympic Games

7. **Mr Savage** asked the Minister of Culture, Arts and Leisure what steps he has taken to build a pool of talent for the 2012 London Paralympics. (AQO 274/11)

**The Minister of Culture, Arts and Leisure:** Responsibility for building a pool of sporting talent in Northern Ireland in preparation for the 2012 London Paralympic Games rests, in the first instance, with the governing bodies of the sports eligible to compete in the games. I have, however, recently published a new 10-year sports strategy for Northern Ireland entitled 'Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation, 2009-2019'. Sport Matters contains targets that are designed to support the identification and development of a Northern Ireland pool of talented athletes for the 2012 London Paralympic Games and future games.

As part of the delivery of Sport Matters, Sport Northern Ireland, which is responsible for the development of sport, including the distribution of funding, recently opened a new athlete investment programme. That programme, which was previously called the athlete support programme, is designed to assist sports governing bodies in supporting their most talented athletes. Such athletes can include those hoping to compete at the 2012 London Paralympic Games. In addition, Sport Northern Ireland, with the support and assistance of partners and stakeholders, has helped to establish a network of strategically located and specialised support services and facilities throughout Northern Ireland. Such services and facilities include the Sports Institute for Northern Ireland at the University of Ulster at Jordanstown and three local performer development centres in Belfast, Lisburn and

Cookstown. All are capable of supporting talented athletes who are eligible to take part in the Olympic and Paralympic competitions.

**Mr Savage:** I thank the Minister for his detailed answer. There are 20 Paralympic sports. In how many of those will Northern Ireland compete? What size does the Minister estimate the Northern Ireland contingent will be at the 2012 Olympics?

**The Minister of Culture, Arts and Leisure:**

Over the past two years, we have had, I think, 13 Paralympic athletes who would be eligible to compete in the London 2012 Paralympic Games. They have received support from Sport NI. Five of those athletes compete in swimming, one in rowing, three in gymnastics, two in basketball and two in athletics.

3.00 pm

## Health, Social Services and Public Safety

### Older People: Residential and Domiciliary Care

1. **Mr Bresland** asked the Minister of Health, Social Services and Public Safety for his assessment of the effectiveness of the provision of residential care and domiciliary care for the elderly. (AQO 283/11)

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** With the fastest growing elderly population in the UK, residential care, domiciliary care and nursing home care for the elderly are pivotal health and social care services. I have increased my investment in those key services by £58 million overall in the current CSR period, and in the 'Survey of Home Care Service Users Northern Ireland 2009', which was published in August 2010, almost nine out of 10 respondents rated the service that they received as being either good or very good. It should also be noted, however, that the latest indications are that trusts are now experiencing difficulty in maintaining services within budget. That underlines the importance of maintaining levels of funding for health and social care to meet the ongoing needs of an increasingly elderly population.

**Mr Bresland:** Does the Minister agree with me and with Age Northern Ireland that we need a review of how care is paid for and delivered?

### **The Minister of Health, Social Services and Public Safety:**

Care is delivered and paid for through the health and social care budget. We are paying substantial amounts of money for domiciliary care, nursing home care and residential care as part of our elderly care budget, which, after hospital services, is the second largest area of spend. Members will also be aware that I launched regional access criteria for domiciliary care in 2008 to formalise the process of assessing care and care needs. That is the way in which we have gone forward. The will of the House is required to provide adequate funds for the need. That is an area of huge concern for me.

**Mrs M Bradley:** Does the Minister agree with me that 17 weeks is too long a time for a patient to have to remain in hospital because no domiciliary care arrangements have been put in place? I do not believe that that represents a good saving for hospitals. The patient's doctor in the hospital said that he was not fit to go home until he received a care package, yet that package could not be provided for 17 weeks. Does the Minister agree that a review of domiciliary care is needed?

### **The Minister of Health, Social Services and Public Safety:**

I certainly agree that 17 weeks is far too long. I am not aware of the particular case to which the Member refers, but if she would care to write to me, I will get an answer for her as quickly as possible.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister believe that the Commissioner for Older People will play a key role in ensuring that some of the scandalous treatment, particularly neglect, that takes place in a minority of care homes is tackled effectively and reduced significantly? Perhaps he will outline how he foresees his Department relating to the Commissioner for Older People.

### **The Minister of Health, Social Services and Public Safety:**

I am not au fait with the specific cases about which the Member is talking. I have an organisation called the Regulation and Quality Improvement Authority (RQIA), which carries out inspections throughout the entire system. Of course, in situations in which we have vulnerable adults, particularly the frail and the elderly, it is important that they receive the appropriate standard of care, and that that care is provided with dignity and respect. I take the issue very seriously. As a result, a series of

unannounced inspections takes place, and we look to monitor the entire estate as best we can. Members will be aware that nursing homes are provided by private concerns and not directly by the health and social care system, but we do play an active role in policing the entire constituency.

**Mr McCallister:** Does the Minister share my view that the Public Health Agency has a vital role to play in promoting better health right throughout life, particularly in our elderly population, and that that could be vital in improving health and in helping people in their latter years to live independently for as long as possible?

**The Minister of Health, Social Services and Public Safety:** Mr McCallister will be aware that I set up the Public Health Agency specifically to address health inequalities and the effects of a person's postcode on determining life expectancy. The agency is also responsible for other areas.

The elderly are the largest growing section of our population. It is the fastest growing population in the UK. It is a fact that the elderly require more support from the Health Service than any other section of the population. If one looks for a benchmark of how well the Health Service is working, one sees that life expectancy in Northern Ireland is extending all the time, and thank God for it. However, that means that we have an increasingly elderly population that requires support, and that support has a revenue consequence. Investment is required to provide that support. I do not believe that any of us would want to walk away from that. I increased the budget in that area to deal with the demographic increase over the past three years. However, the current prospect of the future that I am looking at is a dire one.

## DHSSPS: Budget

2. **Mr B Wilson** asked the Minister of Health, Social Services and Public Safety how the increase in the health budget over the last three years compares with that in England. (AQO 284/11)

**The Minister of Health, Social Services and Public Safety:** Looking at my revenue budget, I see that, over the past three years, my Department got less than 1% above inflation per annum, compared with 3.4% in England. That is equivalent

to £640 million over the CSR period or £300 million per annum. According to Treasury public expenditure statistical analyses (PESA) data, the English capital budget grew by 43% over three years to 2009-2010, while growth in Northern Ireland was only 12%. Scotland and Wales grew by 36%. Those figures should not surprise anyone in the Assembly: despite my best effort, that was what was voted for.

If historic underfunding is not tackled now, the gap between what is available here and in the rest of the UK can only widen, leaving Northern Ireland with a second-rate service. No Health Minister could accept that, and I have argued and will continue to argue for additional funding from the Executive.

**Mr B Wilson:** I thank the Minister for his response. The response highlights a concern that I initially raised in my speech on the Budget. Will the Minister agree that that previous underfunding supports the case for ring-fencing the Department's budget for the next year?

**The Minister of Health, Social Services and Public Safety:** I completely agree with Mr Wilson. We have historic underfunding. We also have cost pressures looking forward. Let us remember that the CSR period is for four years and project where we will be four years from now, particularly with our growing elderly population. The population is also growing due to our high birth rate. So, demand is rising all the time, and it is not a demand that we can walk away from.

We have a social contract with the people here to provide health and social care free at the point of delivery, and we have to have the support to do that. Activity is dependent on the revenue provided to fund it. Without that funding, that activity will fall, because we have a monopoly on health provision as far as the state is concerned. There is nowhere else to go, and that means pain and distress for our population, and a worse situation.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to the historic underfunding in the Health Service, which we all accept. He also referred to the current pressure on the health budget. However, will he not agree that his Department's continuing to pay large consultants' bonuses is putting further pressure on the health budget?

**The Minister of Health, Social Services and Public Safety:** First, we do not pay consultant bonuses. I assume that the Member is referring to the Clinical Excellence Awards. That is a UK-wide scheme to which we contribute, and that is an historic situation. The three devolved Administrations wished to review the scheme some time ago, but the Health Secretary in London did not want to go forward with that. Since the change of Government, we have agreement to review the scheme.

That is about supporting clinical excellence and innovative approaches to healthcare. As far as the underlying situation is concerned, there is simply not enough money in the health budget to fund the Health Service that we require. The gap between us and England is about £600 million and will continue to grow. A projection of the situation in four years' time shows a considerable deficit, and we will be unable to fund health and social care to the standard that our population requires. It is not just me who says so. The medical profession, nursing profession, unions, clinicians, GPs and doctors will all tell you exactly the same thing.

**Mr Gardiner:** Will the Minister reflect on the levels of need in Northern Ireland compared with those in England and Wales? How will our approach to the comprehensive spending review impact on that situation?

**The Minister of Health, Social Services and Public Safety:** Historically, health has been underfunded. The Appleby review, which was carried out some five years ago, found that our need for healthcare was 10% greater than that in England and that our need for social services was 35% greater. The review recommended that we take a number of steps. The Department of Health, Social Services and Public Safety took all the recommended steps, a number of which were to increase efficiency. The review also recommended that an increase of 4.3% in revenue in real terms per annum was necessary to close the gap. That recommendation was directed to the Department of Finance and Personnel, but it was not taken forward.

This year, in real terms, the increase in the funding of the Department, which funds the Health Service, is 0.01%. Given that the demand for hospital services rose by 12% last year and by 9% the year before, everyone can see the stress.

**Mr O'Loan:** The Minister, in that answer and frequently in the past, has commented on the greater level of need here. Over the past three and a half years, what progress has been made on reducing that need? Can he cite any objective measures that provide evidence of improvement?

**The Minister of Health, Social Services and Public Safety:** Let me give an example: we have a 25% pro rata smaller spend on mental health than in England, but a 25% greater need. From my implementation of the Bamford review's recommendations, the Member will be aware of the emphasis that I place on mental health and learning disability. That is how we sought to satisfy need. However, the fact is that we need much more revenue and investment, not only to deal with the historical underfunding but to be able to tread water and keep ourselves on a level playing field.

I also set up the Public Health Agency. It takes a hard look at health inequalities and presses down on the issues that create them. Not least among those issues is the incidence of alcohol, tobacco and drug addiction. The Member will be aware of other strategies that I put in place, such as the New Strategic Direction for Drugs and Alcohol 2006-2011 and the Addressing Young People's Drinking in Northern Ireland action plan. Those are measures that I have taken on some issues; there are others.

**Mr Deputy Speaker:** Question 3 has been withdrawn.

## **Carrickfergus: Health Facilities**

4. **Mr Hilditch** asked the Minister of Health, Social Services and Public Safety if he can confirm that negotiations are ongoing between the various agencies on the provision of improved health facilities in Carrickfergus. (AQO 286/11)

**The Minister of Health, Social Services and Public Safety:** As part of the business case process, a number of discussions have taken place between the Department, the trust and various agencies. As the Member is aware, my Department faces huge financial pressures on its capital and revenue budgets. When the position becomes clearer, I will have to look closely at my entire capital budget, before deciding which projects will be delivered and the time frame for completing those schemes. Such

projects include the development of any new health and care facilities in Carrickfergus,

**Mr Hilditch:** I declare an interest as a councillor and chairman of Carrickfergus Borough Council estates management committee. There is a fear locally that things have gone quiet. However, the Minister is aware of the enthusiasm and desire of local government to participate as landowners and potential partners in any future scheme. Will the Minister ensure that the lines of communication are improved and maintained to the highest level during future negotiations?

**The Minister of Health, Social Services and Public Safety:** I am happy to give that assurance to Mr Hilditch. I am aware of his interest, and he of mine, in the project because of the partnership element with local government in taking forward primary care. A health and care centre is one of the important tools for making progress in primary care. I am happy to keep the Member up to date.

It was my intention to go forward with that project, as it was with others. However, everything is now on hold pending the capital allocation that we receive, and we have heard different reports about major cuts to the capital allocation. Members will also be aware that the Department of Health, Social Services and Public Safety (DHSSPS) did comparatively badly on capital for the first three years of the investment strategy for Northern Ireland but gained somewhat in the following three years. I am looking closely at that to ensure that DHSSPS makes gains, but we have to await the outcome of the CSR.

3.15 pm

## Suicide

5. **Mr Adams** asked the Minister of Health, Social Services and Public Safety for his assessment of any significant difference in the rates of suicide across constituencies over the last three years and whether he is going to ring-fence funding for suicide prevention and awareness in the 2011-12 financial year. (AQO 287/11)

**The Minister of Health, Social Services and Public Safety:** Over the past three years, the rate of suicide in the constituencies of North Belfast and West Belfast has been 64% higher than the Northern Ireland average. Social disadvantage is linked to a higher risk of

suicide, and those constituencies contain some of the most deprived wards in Northern Ireland. Addressing social disadvantage requires co-ordinated action by all Departments that have a role in tackling health inequalities. Although the health and social care budget for the new CSR period 2011-15 has not been finalised, I intend to ring-fence funding for suicide prevention for 2011-12.

**Mr Adams:** Go raibh maith agat, a Leas Cheann Comhairle. I thank the Minister for that very clear answer. Is he aware of reports that up to a dozen young people have taken their own lives in the past months, including in recent days? Does he know that there are 30,000 citizens in the Colin area, 52% of whom are under 18, and only one family support worker is available for one day a week? Does he agree that that is totally inadequate to deal with a crisis? Will he commit to rectifying that?

**The Minister of Health, Social Services and Public Safety:** I am well aware of Mr Adams' points about the challenge that we all face in dealing with the issue. Members will be aware that my Department has a Protect Life strategy and fund. One key area that we fund is the community and voluntary sector and the work that it does on the ground. I will look at the Colin Glen area to see what facilities are available through the community and voluntary sector.

A number of measures are in place, not least Lifeline, and I have made several points on the issue before, including the need for all-Ireland action. I have said on many occasions that if there were a better way to proceed, or a cleverer or more promising innovation to take forward, I would be happy to do so. The board that implements the Protect Life strategy, which addresses these issues in particular areas, is thoroughly representative of the constituency, but I share the Member's concerns.

**Mr I McCrea:** I thank the Minister for his answers and the commitment that he has shown to the matter. The Níamh Louise Foundation is based in my constituency. It works closely with children and people who have attempted suicide, and with those families that have had to suffer the outcomes of losing a family member who has committed suicide. Does the Minister agree that an important role can be played in our education system where organisations such as the Níamh Louise Foundation and others can go into schools

and speak openly with pupils? Will he commit to raising the matter with the Minister of Education?

**The Minister of Health, Social Services and Public Safety:** The Minister of Education is a member of the inter-departmental group that works on suicide prevention. Therefore, my Department and the Department of Education have routine conversations on the issue. I agree that education has an important role to play. I believe that the Minister of Education understands and accepts that, and seeks to take that issue forward. However, I am happy to raise the issue again through the Department, particularly through our Protect Life strategy.

**Mr Kennedy:** I am grateful to the Minister for his replies on this important issue. Will he comment on the number of people who have accessed the Lifeline suicide helpline since its creation in 2008?

**The Minister of Health, Social Services and Public Safety:** Lifeline is 24/7. We took the view that one of the most important issues for people who are in pain or distress and at risk of suicide or self-harm is to be able to talk to somebody. To date, there have been over 200,000 calls, so there has been a huge response to Lifeline and its availability at nights and weekends, and particularly over holiday periods, which is when people are liable to feel most down. The ability to refer individual callers to services is also important, and several thousand referrals have been made through Lifeline. It has been a valuable resource and has helped the situation enormously, but it is clear that we all have much more to do in that regard.

**Mr Dallat:** The Minister referred to the all-Ireland dimension to mental health. Does he agree that there are significant financial and other benefits to such an approach?

**The Minister of Health, Social Services and Public Safety:** My emphasis is on what the Member referred to as “other benefits”, which is about being able to support people who are at risk of suicide or self-harm. That is particularly apparent among our young people, as is evidenced by the sorts of incidents to which Mr Adams referred and the close correlation between disadvantage and this tragedy.

Through our all-island action plan, we agreed a number of measures, such as the deliberate

self-harm registry pilots and all-island action on information and media and Internet monitoring. There are a number of issues on which working together is good for the population on both sides of the border. That is the key issue. For me, it has never been simply about money; it has always been about how we help those people, particularly those young people, who see no other way out.

### Domiciliary Care

**6. Ms M Anderson** asked the Minister of Health, Social Services and Public Safety how many patients in each health and social care trust area are currently still in hospital, after their expected discharge dates, because suitable domiciliary care packages are not available. (AQO 288/11)

**The Minister of Health, Social Services and Public Safety:** As at 31 August 2010, 11 patients across Northern Ireland remained in hospital after their discharge date because of the absence of a suitable domiciliary care package. That figure is made up of three patients in the Belfast Trust, four patients in the Northern Trust and three patients in the Western Trust. The remaining patient cannot be made identifiable because of confidentiality reasons.

**Ms M Anderson:** I thank the Minister for that answer. My family benefits from a domiciliary care package, so we absolutely appreciate the packages that have been put in place. I would contest the figures that have just been given to the Chamber. In the Western Trust area, my office in the city of Derry is inundated with families who cannot get their family members out of hospital because they cannot get a care package put in place. When the Minister talks about budgets and the pressure on them, does he not think that it is a waste of public resources having patients being kept in hospital unnecessarily instead of putting domiciliary care packages in place?

**The Minister of Health, Social Services and Public Safety:** I am happy to look into that issue in the Western Trust area because Mrs Bradley and Ms Anderson's remarks concern me.

The target for complex discharges is 90% within 48 hours. We sit at 87%. I accept the fact that some folks have fallen through the net. I will look hard to see how we can address that. I have provided a budget for care packages for

domiciliary care, nursing home care, residential care and other types of care, but we are seriously challenged in some areas to find the funds to provide for the need that is apparent to us. That is one of the issues. The trusts must manage within their budgets, and they have to prioritise those who are at greatest risk. Those are two of the criteria that they need to address.

As I said to Mrs Bradley, I am happy to look at the issue of specific patients for the Member.

**Mr Deputy Speaker:** I ask Members which part of “switch off your mobile phones” is causing confusion, because the interference in the audio system is constant. Members, please switch off your mobile phones.

**Mr Bell:** Minister, in respect of the Ulster Hospital in my constituency, is it just a perception that a lack of available domiciliary care packages is causing bed blocking? Are you satisfied that domiciliary care providers are responding adequately to stop bed blocking and to prevent other issues arising, including hospital-acquired infections?

**The Minister of Health, Social Services and Public Safety:** I have the breakdown of expenditure, which has risen, and I have the breakdown of the numbers of people in the South Eastern Health and Social Care Trust area who receive domiciliary care, and those numbers have also risen.

The key question is, of course, one of addressing need and demand. Those issues must be prioritised and managed within budget. The Member will be aware that my Department’s budget faced a major cut as a result of a recent Budget that went through the House. We also had a cut as a result of swine flu — I asked for £42 million and got £5 million. We then had a further cut this year of £16 million as a result of swine flu, and that was followed by a further cut of £113 million as a result of the emergency Budget. All those cuts have to be managed in-house. If I have to, I can plan for the future, but finding emergency moneys quickly is very difficult. Nevertheless, the figures show that more people are in receipt of domiciliary care in the South Eastern Health and Social Care Trust area than was the case last year. The numbers have gone up marginally, and the money has also gone up. The same applies to other areas of care.

**Mr K Robinson:** The Minister is well aware that Members find this a very complex matter of great concern. Will he confirm that the average number of domiciliary care contract hours provided to each client each week in Northern Ireland has crept up?

**The Minister of Health, Social Services and Public Safety:** As I said in my answer to Mr Bresland, we set in place the regional access criteria for domiciliary care in 2008. That was the framework to get a more consistent approach to eligibility, and it is the framework within which we work. For example, although not all patient discharges are complex, for complex discharges, I have set a target of 90% within 48 hours. At 87%, we are marginally below target. On that level, trusts are just about managing to get through on the moneys available. I fear for the future, and I understand that there are individuals who do not get the package that they believe they are entitled to. That is an issue, but it is a matter for trusts to administer according to the criteria laid down.

## Dentistry

7. **Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety for an outline of progress on a new contract for dentists. (AQO 289/11)

**The Minister of Health, Social Services and Public Safety:** Negotiations are at an advanced stage, and we plan to pilot the new dental contract. The Health and Social Care Board is required to consult before running pilot contracts, and that consultation has now commenced. Pilots will be run in three areas — oral surgery, orthodontics and general dental services — and they will commence after the consultation exercise has been completed and evaluated.

**Mr P Ramsey:** I thank the Minister for the detail and clarity on the time frame. Will he confirm that he has a financial package in place to cover that contract completely?

**The Minister of Health, Social Services and Public Safety:** First, this is a new, stand-alone contract for Northern Ireland. The contract’s priority remains, as it was when I awarded a tender to Oasis Dental Care, to make NHS dentistry accessible to the whole population. Those are the stated objectives. We are moving

forward on that, and we will run pilots. We must prove the contract through those three pilot areas.

The Member will be aware that the dental contract in England got into serious difficulties. We want to see a contract that will work. I believe that this offers us a very good way forward — a new contract on the principle of a global sum basis, with reasonable commissioning through the board. That is the way forward.

As far as the moneys required being available in the future is concerned, I will bid for what I believe are the amounts required to deal with demand. It is a matter for the Executive and the House to decide whether they wish to follow.

**3.30 pm**

## Assembly Commission

### Stormont Demesne

**1. Mr Kennedy** asked the Assembly Commission which areas of the Stormont demesne are controlled by the Commission and if there are any ongoing discussions to extend these areas. (AQO 297/11)

**Mr Neeson:** The Assembly Commission controls only the area around Parliament Buildings, which is delineated by steel railings to the front and a chain-link fence to the rear and sides of the building. All the land beyond that boundary is owned and controlled by the Department of Finance and Personnel (DFP).

**Mr Kennedy:** I am grateful to Mr Neeson for his answer on behalf of the Assembly Commission. Does the Commission accept that a range of issues, including additional car parking and accommodation, are dependent on the Assembly's owning a greater proportion of the demesne? Could the template for transferring land that operated for former Army bases be utilised?

**Mr Neeson:** With respect to the Member's latter point, the subject is much more complex than Mr Kennedy suggests. I will be coming to the car parking issue later on; there are two questions relating to that. Consideration has been given to approaching DFP with a view to taking over the lower east car park and including it within the Assembly's boundaries. Those negotiations are ongoing. I shall deal with the whole car parking issue shortly.

### Parliament Buildings: Energy Use

**2. Mr B Wilson** asked the Assembly Commission what measures it has introduced to reduce energy use in each of the last three years and how effective these measures have been. (AQO 298/11)

**Mr Neeson:** In 2009, a detailed review of energy consumption over the past four years, covering 2006-07, 2007-08, 2008-09 and 2009-2010, was undertaken in order to establish the total energy consumption, energy costs and CO<sub>2</sub> emissions of Parliament Buildings. The data was then used to help to identify measures to reduce energy consumption, such as increasing awareness of energy conservation among staff and Members, the replacement of inefficient equipment and fittings, and the completion of specialised energy surveys to identify further opportunities to reduce energy consumption.

Since the introduction of energy conservation measures, namely the energy awareness campaign in 2009-2010, total energy consumption decreased by 3.5%, energy costs by 31% and CO<sub>2</sub> emissions by 4% compared to 2008-09 baseline levels. The reductions in energy costs are predominantly due to reductions in wholesale energy prices. The installation of an effective monitoring and targeting system to reduce unnecessary consumption, the replacement of inefficient equipment, and structured, formal staff awareness campaigns are expected to reduce energy consumption by a further 5% to 10% over the next three years.

**Mr B Wilson:** I thank Mr Neeson for his response. In 2008, we discussed the possibility of achieving carbon neutrality in the Assembly, and, during the debate, a target to make the Stormont estate carbon neutral by 2015 was referred to. Are we going to reach that target?

**Mr Neeson:** I thank Mr Wilson for his question. I agree that it is important that we meet major targets on carbon emissions.

However, I remind the Member that the Stormont estate is largely controlled by the Department of Finance and Personnel. The Assembly Commission recognises its responsibility to reduce carbon emissions in Parliament Buildings as far as is possible and will continue to improve as time progresses.

## Parliament Buildings: Car Parking

3. **Mr O'Loan** asked the Assembly Commission what action it is taking to improve car parking facilities at Parliament Buildings. (AQO 299/11)

9. **Mr Gardiner** asked the Assembly Commission when action will be taken to improve car parking facilities at Parliament Buildings for Members and staff, particularly on sitting days. (AQO 305/11)

**Mr Neeson:** With your permission, Mr Deputy Speaker, I will answer questions 3 and 9 together.

Car parking at Parliament Buildings is a major issue that continually raises its head. The Assembly Commission fully acknowledges the problems and difficulties that people experience with parking, particularly on sitting days. All car parks on the Stormont estate except the upper east and upper west car parks are owned and managed by DFP. Although access to the upper car parks at Parliament Buildings is restricted to Assembly use only, the Assembly does not have exclusive use of the lower east car park, and, therefore, cannot develop that car park or impose any conditions or restrictions on parking in it.

In recognition of the ongoing pressures, the Assembly secretariat has already engaged with DFP to establish whether any other measures can be taken to help resolve the problem. Negotiations are well under way, and DFP has been requested to update the Assembly as soon as possible.

**Mr O'Loan:** I thank Mr Neeson for his answer. There is considerable pressure on staff and visitors, as he is aware. Given the location of Parliament Buildings, that pressure will continue for some foreseeable time, and, therefore, I welcome what the Assembly Commission is attempting to do. Does he agree that pursuing enhanced car parking arrangements and improved public transport are not incompatible, and that those aims must be pursued in tandem, to use another form of transport?  
[Laughter.]

**Mr Neeson:** Clearly, car parking is a big issue. However, there is also the question of public transport to consider, as well as the need to encourage people, including Members, to use public transport. We can also, like Conall McDevitt, encourage people to get on their bike.

It is a big issue, and the secretariat will continue to negotiate with DFP on it. A number of options are being examined at the moment, such as how the lower east car park might be improved. The big problem arises on sitting days, and the fact that the lower east car park is used widely by Northern Ireland Civil Service staff has an impact on the problem.

**Mr Gardiner:** I thank the commissioner for answering my question along with Mr O'Loan's. How many additional car parks are being planned for the area?

**Mr Neeson:** The upper car parks currently provide 119 spaces, four of which are reserved for persons with disabilities. The lower east car park provides parking for some 312 cars. At present, there are no plans to develop or expand those car parks, as to do so could be problematic and would require statutory approval, as well as significant works and finance. However, there are other options. We believe that an extra 35 or 40 spaces could be provided in the lower east car park, and we are in negotiations with the Department of Finance and Personnel about that.

We are looking at the possibility of creating car parking on the roadways below Parliament Buildings. That is part of our negotiations with DFP at the moment, and there could be security implications. However, it is a major issue and one that is continually raised at meetings of the Commission. As I said, negotiations are ongoing between the secretariat and DFP.

**Mr McFarland:** Car parking is but one of the continuing reductions in Members' privileges that have taken place since the Assembly was established. How many Assembly staff and party staff have parking rights on the Parliament Buildings level?

**Mr Neeson:** I cannot give Mr McFarland an exact number. However, the car parking provision immediately adjacent to the Building is reserved for senior members of staff, staff who have medical problems, and, as I said, there are four car parking spaces for those who have disabilities. I will find out the exact numbers and write to him.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I follow in the vein of the Member beside me by asking about the use of the car parks. Has the Commission looked at who exactly uses the car parks? Is there a possibility

that many of those who live within a reasonable distance of here, including MLAs, could at least share cars to and from work? It would be easy to deface the pristine landscape of the site by creating further car parks either at the lower or the upper end just to accommodate more vehicles. Therefore, people should look at the options that I mentioned rather than go for the bulldozers again.

**Mr Neeson:** I agree, largely, with Mr McHugh. One issue is that there is no car sharing at all among Members. It is important to decide whether to develop car sharing among Members and for staff. However, we are looking at that issue continually. We realise that there is a problem and we are trying to deal with it. However, there are sufficient car parking spaces for all elected Members in the east and west car parks. We will consider the other issues of car parking. There are, clearly, options, and we are trying to sort out the issue with DFP. We will, hopefully, be able to make further progress sooner rather than later.

### Assembly: European Institutions

4. **Mr K Robinson** asked the Assembly Commission for an update on the Assembly's strategy for engaging with the European institutions. (AQO 300/11)

**Mr Weir:** In January 2010, the Assembly approved the report of the Committee for the Office of the First Minister and deputy First Minister on its inquiry into consideration of European issues. That report contained 17 recommendations, six of which fell within the direct remit of the Assembly Commission to implement. In particular, part of recommendation 3 of the Committee's report requires the Assembly Commission to develop a European engagement strategy to enhance its engagement with the European institutions in a way that supplements and is complementary to the Northern Ireland Executive's own strategy on Europe. Having visited Brussels on a fact-finding mission in June 2010 in conjunction with the Committee for the Office of the First Minister and deputy First Minister, the Assembly Commission, following consultation with a range of stakeholders, expects to consider a draft of the Assembly's proposed strategy for engagement with the European institutions in November 2010.

### 3.45 pm

**Mr K Robinson:** I thank Mr Weir for his response on behalf of the Commission. Mr Weir, like me, is one of the original Members, so he will know that the original Assembly took a great interest in European matters. There appears to be an opinion in the House that perhaps that interest has slipped, now that the Assembly is into its third mandate. Have there been any examples of good practice in European parliamentary institutions that have formed part of our planning and development processes here?

**Mr Weir:** We are always in a degree of learning experience. As the Member indicated, he and I are drawn from the first Assembly, when we had the advantage of the European Union funding virtually every Member to go across to Europe. I am not sure that, either through the Assembly or, indeed, through Europe, something of that nature would be plausible again. It is important that, where possible, the Assembly learns best practice on its engagement.

In particular, we are trying to draw not only from the European Union but from a range of stakeholders to try to inform the best way forward. When people see the report in November, they will see that we have cast the net widely in the number of bodies with which we have consulted. We have been in contact with the MEPs, people such as Jane Morrice, officials in the Office of the Northern Ireland Executive in Brussels and a range of other institutions and bodies. We have consulted with just about everyone except for, perhaps, Gamu from 'The X Factor', although we may yet include her. If there are examples of best practice and, indeed, lessons to be learned, the Assembly Commission and the Assembly as a whole should be open-minded enough to take those good examples on board and always strive to use the best of international practice.

**Ms M Anderson:** Go raibh mile maith agat, a LeasCheann Comhairle. When looking at areas of best practice, has the Assembly Commission considered talking to people such as Laura Leonard from Belfast City Council's European unit? I am a member of the Committee for the Office of the First Minister and deputy First Minister, and we spoke to a number of stakeholders and were very impressed with the work of Belfast City Council's dedicated EU unit. She is another person whom one should go to in order to avail oneself of the kind of

information and opportunities from which Belfast City Council has been able to draw down in the region of £12.5 million because of its having that dedicated unit.

**Mr Weir:** I am not aware of whether we have spoken directly to Laura Leonard. I am aware that, from the perspective of Belfast City Council, and local government through the Northern Ireland Local Government Association (NILGA), constructive work has been done through the Committee of the Regions. Therefore, lessons are to be learned. The Commission has consulted with a wide range of stakeholders, and that list is not exhaustive. As members of the Commission, we are not closing our minds to any information, and the Member's suggestion is helpful. We are open to suggestions from any Member so that we can get the best route forward.

We will have to bear in mind the lines of demarcation between what the Assembly does and what the Executive's strategy does. We should be striving for a sense of complementarity and additionality so that the Assembly, particularly in these tough financial times, does not duplicate what the Executive are doing and that both sides of the equation are implementing best practice.

### **Assembly: Equality and Good Relations**

5. **Mr McKay** asked the Assembly Commission what action it is taking to promote equality of opportunity and good relations in its work and to ensure that the Assembly is a welcoming place for all communities. (AQO 301/11)

**Mr P Ramsey:** I thank the Member for North Antrim for the question. The Assembly Commission is designated as a public authority under section 75 of the Northern Ireland Act 1998, and its equality scheme was approved by the Northern Ireland Equality Commission on 27 February 2008. Under the same legislation, the Commission also has a statutory duty to have regard to the desirability of promoting good relations between persons of different religious beliefs and political opinions and between racial groups.

The Assembly Commission continues to progress the equality agenda through all areas of business and, in the next few weeks, will submit an annual progress report to the Equality Commission for the period 2009-2010. That report will detail the progress that has been

achieved against each of the targets that are set out in our equality scheme and disability action plan, and it also identifies the proposed initiatives that are planned for the coming year to ensure that we improve the outcomes of equality of opportunity and good relations for individuals from the nine categories that are covered under section 75.

I am sure that the Member appreciates that I do not have the time today to go through that plan in detail. However, once it is approved, I will be happy to furnish Mr McKay with a copy. I will, however, draw some of the more salient points to his attention.

One important aspect in this area of work is the continued implementation of the engagement strategy. I am sure that the House will agree that those measures have been extremely helpful in enhancing awareness of the Assembly and in creating opportunities for engagement with the wider public. As well as making Parliament Buildings welcoming, we must, more importantly, make it accessible to everyone, and the Commission approved a range of physical changes throughout the Building to facilitate that.

As regards the specific issue of good relations, the Assembly Commission is committed to promoting good relations between persons of different religious beliefs, political opinion and racial groups and to challenging sectarianism and racism. We approved a good relations action plan on 21 January 2010, and that plan contributes to the corporate objective of promoting good relations, which is stated in the revised 2009 version of 'The Northern Ireland Assembly Secretariat Corporate Plan 2008/2011'. A good relations consultation document was prepared and made available for distribution to the public on Monday 29 March 2010. In total, 10 consultation responses were received by the Commission Support and Compliance Unit. The Commission is currently considering the results of those consultation exercises.

We are also in the process of conducting an internal good relations audit among secretariat staff and propose to conduct an external good relations audit to identify the barriers or perceived barriers encountered when accessing services provided by the Assembly Commission. It is also our intention to hold a good relations conference with key stakeholders in 2011 to create opportunities for learning and to identify

any methods that minimise or remove barriers to the services provided by the Commission.

In conclusion, a great deal of work has already been undertaken, and further commitments will be met to ensure that the Assembly is a welcoming place for all who choose to walk through its doors.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for that extremely comprehensive answer. As regards the consultation with the wider public, thousands of people come through the doors of the Assembly every year for visits and tours; I am thinking particularly of local community groups and schoolchildren. What efforts have been made to seek their views? Have any surveys been carried out about them? Is ongoing work being done about the people who come into the Building?

**Mr P Ramsey:** The Member makes a good point. We are always amazed when we go out to the Great Hall and see so many schoolchildren and groups of older people using the Building. I am not precisely clear about what kind of consultation takes places with those groups. I will, however, come back to the Member with a written response about that at a later stage.

**Mr McCarthy:** I thought that only Ministers made long-winded speeches, but the Member has broken that rule. There was obviously a reason for that question being tabled. Is the Member or the Commission, therefore, aware of any communities not being welcomed into this place?

**Mr P Ramsey:** I am not aware of that happening. We have a duty of care to everyone who uses this facility, including Northern Ireland minority groups. The Commission is no different from any Department and must, therefore, strictly adhere to equality legislation. However, it is challenging work, and we try, all the time, to improve the quality of the information and the message coming from Parliament Buildings. I made this point to the Member for North Antrim: we continue to work on the engagement strategy and are trying, in a meaningful way, to ensure that everybody feels welcome and feels the warmth of Parliament Buildings when they attend.

**Mr Deputy Speaker:** Mr McDevitt is not in his place for question 6, and Mrs Dolores Kelly is not in her place for question 7.

**Mr Cree:** I am in my place. *[Laughter.]*

## Parliament Buildings: Roof Refurbishment

8. **Mr Cree** asked the Assembly Commission to outline the roof refurbishments planned for Parliament Buildings. (AQO 304/11)

**Mr Neeson:** I did not think that we would get to question 8, but we are prepared.

There have been ongoing problems with water ingress through the flat roofs of Parliament Buildings for many years, and extensive repairs have already been carried out. A lasting solution to the problem will most likely entail the replacement of the entire roof covering or the addition of a secondary layer to cover the existing roofs. Facilities Directorate has been granted Commission approval to develop an outline scheme proposal that will address the ongoing roof problems, while also providing limited additional accommodation at fourth-floor level.

Ongoing alterations and improvements to the accommodation in Parliament Buildings following the recommendations of the strategic review of accommodation have reduced the requirement for additional accommodation, and priority will be given to resolving the ongoing water ingress problems. There is, however, an opportunity to resolve both of those ongoing problems by incorporating a limited amount of additional accommodation in the refurbishment proposals. Revised and reduced scheme proposals are due to be considered by the Commission towards the end of the year.

**Mr Cree:** I thank Mr Neeson for his reply. Will he flesh that out a bit more? For example, is it envisaged that the refurbishment and repairs will be flat, similar to the existing roof, and will not have a tilt? If the Commission is planning any public spaces on the roof, as opposed to office space, will he ensure that the architectural integrity of the Building is maintained?

**Mr Neeson:** There are plans for possible accommodation to be provided on the roof. As far as the existing proposals are concerned, it will remain a flat roof. Carrying out those repairs to the roof and constructing the additional accommodation will be somewhere in the region of £4.5 million to £6 million. However, I agree entirely with the Member that the integrity of the Building must be preserved.

I remind the Member that single-storey accommodation was provided on the roof during the 1940s, possibly in the form of what we call Portakabins. They were removed when the major refurbishment of the Building took place in the 1990s. Certainly, the Member makes a valid point about the integrity of the Building.

**Mr Deputy Speaker:** Question 9 was grouped with question 3.

## Assembly Library

10. **Mr Dallat** asked the Assembly Commission to outline the total cost of purchasing books, newspapers and magazines for the Assembly Library over the last three years and the level of borrowing in the same period. (AQO 306/11)

**Mr Weir:** The Assembly does not have a library function as understood in the conventional sense. The Assembly does have a Research and Library Service to support the work of Assembly Members and Committees by providing access to a wide range of information and research services, and to deliver those services using the professional skills of a team of qualified librarians and researchers.

Consequently, although the Assembly Library does have a stock of books, the lending of books to Members is not a core service. Rather, books and other electronic resources are purchased as potential future sources of information, which are utilised in responding to approximately 5,500 requests for information per annum. The total cost of purchasing books, newspapers, periodicals and magazines for the Assembly Library over the last three years is £110,297.38 per annum, as detailed in a table which will be supplied to the Member.

The use of magazines and newspapers is not recorded, as they are not for loan. Customers come into the library and refer to them without notifying staff.

**Mr Dallat:** Given the enormous amount of money that is spent, does Mr Weir agree that there is every reason why all Members should be well informed and well read?

**Mr Weir:** I agree that Members should be well informed and well read. I leave it to Members' judgement as to whether that is always the case.

4.00 pm

## Executive Committee Business

### Addendum to the Programme for Government

*Debate resumed on motion:*

*That the addendum to the Programme for Government for the Department of Justice, as agreed by the Executive, be approved — [The Minister of Justice (Mr Ford).]*

**Mr Buchanan:** Many views have been expressed, both inside and outside the Chamber, as to the merits or otherwise of devolving policing and justice powers. However, we have now moved on, and I broadly welcome the addendum to the Programme for Government for the Department of Justice.

Earlier this year, we agreed to take responsibility for those key portfolios. I think that it is safe to say that we all agree on one thing: we have taken on an extremely challenging responsibility. That is putting it mildly. We are reaping the harvest of years of direct rule, underfunding, neglect and prevarication on a range of policing and justice issues that are long overdue for reassessment and action. I do not envy the size of the task that confronts the Minister of Justice. However, I have to say that, to date, he has done a relatively good job overall. In some ways, it pains me to say that, but it has to be said.

Already there is evidence that devolution is making a difference and that it is delivering results on the ground. However, we have just started on what will be a long and potentially difficult road, and we could obviously be pushed off track by many things, including a rise in terrorist activity by so-called dissident republicans or a shortage of crucial funding at this time of cuts. Where those areas are concerned, we must be careful that we continue to pursue these devolution issues.

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

Whatever lies ahead, I look forward to playing my part as a member of the Committee for Justice. I assure the Minister that any criticisms that I may have will be constructive, because policing and justice issues are too important for cheap political point-scoring.

Although I support the addendum and the associated goals and public service agreements (PSA), I have one or two points that I want to raise. The addendum quite rightly emphasises the importance of building public confidence in the policing and justice system. In a divided society, that will mean different things to different people, but there are common concerns and worries about the way in which our society is going. I know from regular contact with people in my constituency that many feel vulnerable in their own homes. That applies especially to those who live in remote rural areas, those who are elderly and those who live on their own. They do not feel safe from burglaries or criminal activity, and that feeling will only increase as the winter nights come upon us. Sadly, those people do not have any real confidence that the police will be able to protect them in their own homes or that they will be successful in pursuing those criminals.

The level of antisocial behaviour in towns and villages across my constituency is also on the increase. Shared public spaces are often out of bounds to law-abiding people who are fearful for their safety. The addendum states:

*"Although, in general, most crime-types have reduced significantly, not everyone feels safe."*

I find it hard to believe that there has been a general reduction in crime, and to say that not everyone feels safe in their own home is something of an understatement. If confidence is to be secured, we really need to see urgent and radical improvements. Policing must be effective, and justice must be done and be seen to be done. We can bring all the proposals that we wish through the House today and on other occasions, but if justice is not done, our words will be in vain. At the end of the day, actions speak louder than words, and it is actions that the people on the ground really want to see.

Perhaps I am missing something or have misunderstood the data, but it seems that some of the targets in the PSA section of the addendum are quite conservative and unchallenging. They will not give a great amount of confidence to the general public. For example, one of the targets is to increase public confidence in the effectiveness of criminal justice from a baseline of 35.6% to 37.8% by March next year. Given that that is just 2.2% of an improvement, I do not think that that will build much confidence in the community.

Another PSA target is to increase victim and witness satisfaction of the criminal justice system —

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

**Mr Buchanan:** The target is to increase satisfaction from 65.3% to 69.5% by March 2011.

**Mr Deputy Speaker:** Your time is up.

**Mr Buchanan:** Again, that is not a very dramatic increase over the next six months. That is something that we will have to continue to —

**Mr Deputy Speaker:** I call Mr Jonathan Bell.

**Mr Bell:** The addendum to the Programme for Government raises a number of questions; I will comment on four specifically. I value what the Secretary of State said about tackling terrorism at last night's launch of the book 'Policing the Narrow Ground'. He made a commitment to stand by Northern Ireland and said that the Government of the United Kingdom will "bear down" on any group that is prepared to overthrow a democracy or attempt to overthrow a democracy.

To the credit of our Police Service, more arrests and charges have been made already. Let me make it very clear: no one wishes to see arrests and charges. However, the small minority who are organising themselves have an agenda of death and destruction. Death and destruction is all that they can offer to society. They attempt to inflict death and destruction on a democratic society that has chosen life and a different way forward in the hope that it will engender some fear and some support for their agenda; that support cannot be got. The priority to tackle terrorism must be as strong now as it has ever been.

**Mr McCarthy:** The Member commended our local Police Service for the work that it has done. Will he join me in congratulating the authorities across the border, where Mr Ford's equivalent, Dermot Ahern, was able to scoop up a number of these people yesterday? We should be very grateful for that.

**Mr Bell:** My colleague the Member for Strangford makes a valuable point. Over the weekend, I commended publicly the finding of weapons, bomb component parts and ammunition in Wexford. At the last Policing Board meeting, too, I commended the Deputy Chief Constable's

excellent co-operative work with the Garda Síochána. Whether it is the terrorists of al-Qaeda, the terrorists of the Real IRA, the dissident IRA blowing up children in Lurgan or the murder of Bobby Moffett on the streets of Belfast, all forms of terrorism are wrong and need to be tackled with an international dimension. All police forces should co-operate.

My point is one that the Prime Minister of the United Kingdom made in his first conference speech. He said that he will pursue those responsible by all the means that are at the disposal of the United Kingdom Government. In the past two years, our police force has seized drugs with a street value of £23 million. Last year, it seized drugs with a street value of £10 million. The reason for the reduction is that it had smashed some of the organised crime gangs that produce cannabis internationally.

The Minister mentions fear of crime in his document. I bring to the House's attention again the concerns of many people in Comber and Donaghadee that their local police stations are to close. We have raised those concerns directly with the police personnel concerned. I am especially concerned about Comber, where the police presence could be whittled down to only five neighbourhood officers working out of a station. Having whittled the force down, the next move is to ask what good having a building is. A Comber population of 9,000 plus clearly want a local police station. It helps them to combat the fear of crime, and it is something that they are due. We need to think very carefully before we close those stations.

We welcome wholeheartedly the strategy's inclusion of victims. We need to listen clearly to what victims are telling us.

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

**Mr Bell:** Few people will realise the truth that was brought home to the Policing Board's human rights and professional standards committee when it met in Londonderry on Friday. It found out that the police are called out every 21 minutes of every day in Northern Ireland to deal with incidents of domestic violence or abuse. The policing of those incidents costs £180 million. Although I appreciate the expertise that the police have shown through the work of their domestic violence liaison officers and their outreach programmes, it is important that we factor in the effect of that.

In conclusion, we have to ensure that there is speedy and direct access to justice, particularly in the area of youth offending.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. I welcome the opportunity to comment on the Department of Justice's addendum to the Programme for Government. In my remarks, I will concentrate on the aspects of the programme that relate specifically to policing.

I welcome the commitment given in the addendum to provide adequate funding for policing. No one believes any longer that there can be a blank cheque for the resourcing of policing, as there was in the past. The Policing Board and the Police Service of Northern Ireland realise that. The board is seeking to ensure that the resources that the police have at their disposal are being used in the most effective and efficient way possible and that improvement is part of the culture of the Police Service.

The SDLP agreed with the ring-fencing of funding for policing and justice for one year after devolution, that is, until April 2011. In light of the current threat, we support the protection of the budget line for front line police officers. At the weekend, the police, for whatever reason, were unable to respond to a very serious incident in my constituency in which a woman was tied up, held at gunpoint in her home and robbed. That lady and her family contacted the police, but the police were not in a position to come to her home. In fact, in the end, she had to go to a prearranged location somewhere between her home and the police station to give a statement to a detective.

If those are the types of pressures that front line policing is facing at the moment, we can ill afford to reduce the resources available in that budget line. That does not mean that there are not opportunities to be more efficient, especially in back-office services in the PSNI; for example, in human resources, the finance department and the press and public relations department. Perhaps those areas can be examined in greater detail. However, we are strongly opposed to any reduction in numbers of front line Police Service members.

We agree with the Chief Constable's policy of moving police officers from desk jobs to community and neighbourhood policing. I believe that around 400 officers have already been moved from desk jobs to front line policing. We

very much welcome that; it is a trend that we would like to see continuing.

#### 4.15 pm

I will now speak about local partnerships on policing and community safety. The SDLP is anxious about any reconfiguration of the Patten arrangements. The arrangements have been one of the anchors of political development and the peace process here. Even when the Assembly was suspended and not all political parties were on board with policing, the Patten arrangements stood us in good stead. They are an extremely important part of the entire policing project and an aspect of policing in which the public have great faith. The arrangements have stability and accountability. It would be neither helpful nor healthy to tinker with them in any way.

If the role of the Policing Board or that of the DPPs was diminished —

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

**Mr D Bradley:** — there would be a danger that those who wish to exploit —

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

**Mr D Bradley:** There would be a danger that those who wish to exploit those particular changes — the people who advocate violence — would take solace from that.

**Lord Browne:** I welcome the addendum to the Programme for Government. As a recent addition to the Committee for Justice, I have learnt quickly the valuable contribution that devolution of justice powers has brought to Northern Ireland. The addendum sets out a wide agenda for change that should allow the Assembly to make the justice system more responsive to people's needs. It addresses areas that are of most concern to people in their daily lives, particularly antisocial behaviour. Public confidence in the system is also a theme throughout the addendum.

It does not, however, shy away from addressing larger issues, such as reform of the courts and the Prison Services and improving how organised crime is fought. I am pleased to see that a clear process has been laid out for achieving those goals, because, far too often, those kinds of proposals for reform are sprawling, undirected and open-ended. In this case, the addendum lays down a plan and a

clear timetable and, indeed, has targets for the areas that it addresses. I am hopeful that, in this case, even though I am aware that there are concerns with some of the targets that have been set, those targets and programmes will be followed through on in coming months.

Although many issues in the justice system are, by their nature, best addressed nationally, the addendum does a good job of identifying those in which a local approach can ensure a better outcome for people in Northern Ireland. I, therefore, support the motion.

**Ms Lo:** I support the motion. It is good to see the devolution of justice powers working. Now, the Assembly can take local action to address local issues. I commend the Minister for producing his proposed addendum to the Programme for Government.

I welcome his focus on building community confidence in the fairness and effectiveness of the criminal justice system. It is fair to say that public confidence in the system has been low. In particular, owing to their perception that the police do not always respond in time to their calls for help, many people in ethnic minority communities tend not to report crime. The low rate of prosecutions for racist crimes does not give them much faith in the system. I hope that the proposed measures will help to build confidence in all sections of the community.

I welcome the addendum's goal to establish an interdepartmental approach to reduce offending and to bring an offender-management strategic framework to the Committee for Justice by January 2011. In fact, the crime rate here is much lower than that in many other parts of the world. For a place to enjoy a low crime rate, it needs an inclusive, fair and stable society. To achieve that society, we need a holistic approach involving other Departments.

We have 45,000 young people — about 19% of our 18- to 24-year-olds — who are not in education, employment or training. They are bored and have limited income and are, therefore, at higher risk of getting involved in criminal activity, such as antisocial behaviour or so-called recreational rioting. The Department of Justice should be working with other Departments, such as the Department of Education and the Department for Employment and Learning, to help young people to become employable and to make them feel that they have a positive contribution to make for society.

Westminster is proposing sweeping welfare reforms. Disadvantaged people already on the margins are going to be pushed even further. When people feel that they have nothing to lose, it is so easy for them to step over the line into crime. The Department for Social Development and the Department of Justice need to be considering support in deprived communities to prevent people falling prey to criminality.

Many people in prisons have low literacy and numeracy skills, mental health problems or personality disorders. I welcome the management framework, particularly for providing opportunities for rehabilitation and for addressing education and skills development and recommendations from the Bamford review.

I am encouraged by the Minister's commitment to ensure a new strategy to improve community safety and to reduce antisocial behaviour and, thus, the fear of crime. In particular, I welcome the strategy's support for the PSNI in respect of neighbourhood policing. With the large number of students coming back into south Belfast in September, we have seen an increased number of burglaries in recent weeks. It is important that students are given guidance and support in protecting their properties, and residents would be very pleased to see more police on the ground dealing with community safety issues. However, the action plan from the Holylands stakeholder forum has urged for more police powers to issue on-the-spot fixed penalty notices regarding alcohol abuse and antisocial behaviour, as well as powers to seize alcohol and to designate an alcohol disorder zone in the Holylands. Perhaps the Minister will consider those actions in future, under the community safety strand of the addendum.

**Mr McFarland:** I welcome the justice addendum to the Programme for Government. Having served for five years on bodies such as the Policing Board, the Committee on the Preparation for Government and the Assembly and Executive Review Committee, I know that we have been at this for a very long time. It is gratifying today to have a local Justice Minister bringing forward a programme that reflects local justice concerns. I have, however, a comment or two and some queries.

I welcome the plan to improve the treatment of victims. There is anecdotal evidence that some of our police officers need improved training. We have some evidence from Bangor where,

at night-time particularly, it has become clear that some officers are attending incidents but their training in dealing with victims of rape and violence is, perhaps, not at the level that it should be. There is a need to refresh the training of officers who deal with such incidents and to improve their skills.

I note the intention to deal with antisocial behaviour, which I am quite sure is a concern in every constituency and for all Members here. I hope that the addendum will allow the police to reclaim the streets. There should be an emphasis on getting back the streets, and that requires proactive activity. I am encouraged in some areas where the police have taken steps to identify who is causing the trouble and to divert them. When I was on the Policing Board, we saw an example of the mobile video cameras that the police use. They are mounted in about two minutes and can sit around a corner, monitoring and capturing evidence to put people into court. I hope that that sort of proactive idea will be part of the Minister's plans.

I welcome the co-ordination of the Departments. I hope that that means that we will not have situations such as those in Bangor and, I am sure, lots of other areas, in which the Planning Service agrees to the building of estates in areas that do not have a single amenity for young people that is within walking distance. The result is that those young people end up in the town centre with nothing to do and causing trouble. Hopefully, we will see ideas in which the Department for Regional Development, the Department of the Environment and the Planning Service get together with the Department of Justice to plan our towns and villages better.

The plan to merge district policing partnerships and community safety partnerships has been on the go since I got involved in justice. This is an opportunity to sort out the confusion and to revisit the theory of the district policing partnerships, for example. They were supposed to be stand-alone entities under their own managers. In many cases, they have ended up as a council subcommittee. That is a problem. Community safety partnerships were the child of the Northern Ireland Office and were used as a method to channel funds to paramilitaries. There was a time when it might have been a good idea to encourage paramilitaries into the justice system through restorative justice. However, I think that as things have matured somewhat, the time has come to re-examine

that area and produce a single body that is fit for purpose and does what both those organisations were intended to do.

I am encouraged by the plans for neighbourhood policing. I have a worry, however, because, again, there is anecdotal evidence from a number of constituencies that, due to shortages, the PSNI command is moving neighbourhood officers into normal policing. It would be an awful pity to lose that ability, where local police officers contact local people. I worry that, in the great demand and reality of day-to-day policing, we are, perhaps, in danger of losing some of those.

The Assets Recovery Agency was very effective here with regard to organised crime. Local people saw it; it was very successful. The result was that it was subsumed into the Organised Crime Task Force. Will the Minister tell us whether the Organised Crime Task Force has been as successful in dealing with assets and criminals as the Assets Recovery Agency, and whether that is, perhaps, the way ahead?

Finally, I have concerns over the resourcing of the criminal justice system. First, I would like confirmation from the Minister as to what is likely to happen with the police college. Secondly, I have concerns, and colleagues who have been on committees with me will be bored to death by them, that —

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

**Mr McFarland:** — we end up with 22 MLAs involved in policing.

**Mr Deputy Speaker:** Your time is up.

**Mr McFarland:** Surely that will not be sustainable if the number of Members is reduced.

**Mr B McCrea:** I declare an interest as a member of the Policing Board of Northern Ireland. When I look at the statistics for policing in Northern Ireland, I am minded that we have half the rate of crime per capita than other parts of the United Kingdom, and the statistics are on a downward trend. One might, therefore, wonder why people are fearful of crime and are demanding more resources. It is one of the issues that I hope the Minister will address. We need to find a way of explaining to people that justice depends not only on the policing system, but on the whole of the criminal justice system. Speedier justice is required.

The Policing Board had the privilege of talking to Keir Starmer. He has managed to bring in some remarkable changes in England and Wales. I hope that the Minister of Justice will take on board some of the initiatives that Mr Starmer has introduced, because that is the issue. The public are not satisfied. They hear about bad things going on in their neighbourhoods, or, even worse, bad things happen to them, but it seems to take a long time for people to be brought to justice or to be convicted.

Building an economy that will sustain us all was at the heart of the Programme for Government, and it is the overarching aim of the Executive and the Assembly. However it is impossible to do that unless we get peace and stability.

That is the cornerstone of everything else that we need to do, so we must put the appropriate investment into those areas.

#### 4.30 pm

There is an issue for all of us here, as politicians who occasionally find ourselves on ‘The Stephen Nolan Show’ and elsewhere. We need to understand that we have to win a battle for hearts and minds and to explain to all the people of Northern Ireland that policing is working for them and that it is fair, impartial and is actually doing the job. I stress to the Minister the need not just to do a good job but to explain to people what is being done so that they have confidence in the forces of law and order.

I will outline some of the areas about which members of the Policing Board have a little bit of concern. There seems to be some discussion about the effectiveness of the PPS. It is not for me to say whether it is effective or not, only that it seems something of an interface area. I know that Minister Goggins tried to bring together all elements of the criminal justice system, which seemed something of a challenge. I hope that the Minister will be able to make his best efforts to make sure that all the agencies involved in the criminal justice system work together for the betterment of all.

I am mindful of some of the issues within the Policing Board’s remit that do not appear to work as well as they might. It is important that we refocus our activities to make sure not just that the Policing Board takes responsibility for holding the PSNI to account, which it is bound to do under statute, but that it plays its role in

convincing the people of Northern Ireland that the police are effective.

I have recently heard some discussion about the DPPs. To my mind, they are an invaluable tool in reaching out to the community, but they are effective to a greater or lesser extent depending on the geographical area involved. It is really important that the link between the DPPs and the Policing Board is maintained and strengthened. I should also add that the Policing Board has a valuable role to play alongside other agencies, particularly when considering prisons, Opportunity Youth and reoffending rates. In all of those issues, the views of people who have experience of policing and a political background could be taken into account.

I will finish by saying — this was mentioned by Jonathan Bell, who is no longer here; sorry, he is; he has just moved position — that domestic violence is a particularly important issue that accounts for almost half our murders. We need virtual courts and specialist courts that understand the issues associated with rape and other matters. The Minister of Justice might address those issues, and he might also deal with the way in which we look after the 15- to 17-year-olds in our society who currently have nowhere to go. Moving them on is just not sufficient.

**The Minister of Justice (Mr Ford):** I thank colleagues who contributed to the debate, particularly those who chose to make positive comments. Agreeing the addendum is a very important milestone in the concept of the devolution of justice powers. I could probably do with about an hour to respond to all the points that were raised, especially by some who spoke towards the end, who managed to get in a number of substantive points. I will do my best in the few minutes that I have.

The launch of a consultation document on sentencing guidelines is just one example that shows the practical, realistic progress that is being made in implementing the addendum. It is not a matter of a debate today; it is a matter of recognition of the work that is going on. The addendum is informed by a wide range of views and comments in the Assembly and beyond, and I am grateful for all of those. The Department will be fully engaged in the development of the next Executive Programme for Government, and justice priorities will be fully integrated into that.

In my introductory remarks, I said that progress had been made already on a number of the

key goals outlined in the addendum. However, as highlighted by Lord Morrow, it is still an ambitious programme of activity, and a lot is expected to be achieved in the lifetime of this Assembly. I know that, with the support of the Executive, the Justice Committee and Members of the Assembly generally, those targets are achievable, although they are demanding.

To turn briefly to Members' comments, I hope that I can reflect how the debate went. It was fortunate that the first two Members to speak, Lord Morrow and Raymond McCartney, were the Chairperson and the Deputy Chairperson of the Committee for Justice. Although neither is in the Chamber at the moment, I want to place on record the Committee's assistance, formal and informal, in working on the addendum and on the Bill that I propose to introduce next week. That was an example of how Committees should operate. I welcome its support and its challenges equally. I particularly welcome the comments made about the Justice Bill. The Committee has already spent a great deal of time on it, and that time will no doubt increase over the next few weeks. I look forward to working on the Bill with Lord Morrow and his colleagues.

It was acknowledged that we have a challenging agenda for the remainder of the Programme for Government period. At the same time, some Members, starting with Lord Morrow, suggested that there were not challenging targets. I accept that there are issues, because the targets are to some extent derived from an existing position. We have to recognise that on issues such as community confidence we start from a low base, and, to use the old analogy, Rome was not built in a day. However, I am committed to setting stretching objectives for the system, and we will engage with the Committee to that end as we contribute to the next Programme for Government.

I was going to twit Raymond McCartney for not being in the Chamber for the first part of my contribution, but it is not everybody who can get the Chief Whip to apologise on their behalf, so I will leave that out. He, too, made extremely positive comments about the work of the Department and the Committee to ensure that change happens for the benefit of all the people of Northern Ireland. He highlighted the prisons review as one of our most important targets, and I welcome his comments about the professionalism and objectivity of Anne

Owers and her team. In all areas, however, the challenge is to deliver, not just to strategise, and we will continue to work on those reforms as the review team proceeds with its work.

Tom Elliott rightly highlighted the importance of how we approach and support victims. That point was made by other Members, including, notably, Jonathan Bell. I hope shortly to launch a consultation on a code of practice to victims, which addresses the requirement in the Hillsborough agreement and highlights the personal commitment that I have from my own professional background.

Tackling delay, which was highlighted by a number of Members, is also one of my key priorities. A major new programme of work was put in place over the past few months. At one of my first meetings after taking office I met the Criminal Justice Board about speeding up justice. That issue will certainly not be forgotten by the Department. It is vital that justice not only be done but be seen to be done on a reasonable timescale. The recent Criminal Justice Inspection report highlighted useful recommendations on the delay issue. Again, we need to underpin those recommendations with specific targets. However, the targets that I inherited on devolution are simply not fit for purpose, and we are developing fresh objectives that will reflect the totality of victims' experiences.

When talking about victims, Mr Elliott highlighted the victims of domestic violence, as did other Members. I will continue to work with Michael McGimpsey to address and reduce domestic violence. Mr Elliott and others can be assured that the Department of Justice will not let that matter slip down the agenda, even though some priority lies with the Department of Health.

With regard to dealing with dissidents, I assure Alban Maginness that it is critical not just to me but to the Chief Constable and the Policing Board to ensure that the good work of personal policing is not undermined by paramilitary and terrorist activity. Policing with the community remains the fundamental principle on which all policing in this society has to be based. I am determined to do all that I can to ensure that the police have the necessary resources to deal with the threat posed by terrorists. However, it is not simply a policing problem: we all share the responsibility on that.

Alban also highlighted North/South co-operation. The addendum does not try to list all my engagements with Dermot Ahern and the agencies across the border, although my latest meeting with him was just last week. That followed a tripartite meeting the previous week with him and Kenny MacAskill, the Scottish Justice Minister. Members can rest assured that I recognise the need for cross-jurisdictional co-operation, not merely cross-border co-operation.

Stephen Farry, as I would have expected, highlighted the importance of working towards a shared future and the role of the Justice Department and its agencies in that. Many of the actions highlighted in the addendum reflect that commitment, particularly on community safety strategy, young people at risk and tackling hate crime. As Stephen Farry recognised, they are not issues for the Department of Justice to tackle on its own. My Department is, however, committed to playing its part in working collaboratively with all other Departments.

Paul Givan highlighted the challenges of working towards increased public confidence in the criminal justice system, and that point was made by other Members as well. A key part of his contribution was his reference to prisons, and he stressed the need to reduce reoffending. The review team, led by Dame Anne Owers, will inform and provide the impetus for further developments in that regard. That is just part of a wider focus on reducing reoffending. It tackles some of the root causes of offending through early intervention and is one of the key goals in the addendum. However, I must say to Mr Givan that people are sent to prison as punishment not for punishment. The duty of prisons is to rehabilitate people when they are there as their punishment. We make society safer by ensuring that they do not reoffend when they come out.

**Mr Poots:** I thank the Minister for giving way and for raising that valid point. Does he agree that prisons have insufficient reform measures, such as training and preparing prisoners for returning to society? Does he agree that a drugs culture should not be tolerated in prison? Those who enter prison without a drugs habit leave with one; that is unacceptable.

**The Minister of Justice:** I agree with the Member about the need to provide the maximum possible opportunities for rehabilitation. We ensure that all prison staff engage in that process. That is why I was

delighted last week to provide 17 certificates for work on restorative justice to Prison Service staff, ranging from headquarters to basic grade prison officers, and to hear about the work put into practical application as a part of rehabilitation.

Carál Ní Chuilín commented on the integration of community safety partnerships and district policing partnerships, which I welcome. Integration will have real benefits. Other Members expressed concerns; however, we are doing this in a way that will ensure that the role of DPPs as outlined in the Patten proposals and highlighted by Dominic Bradley, in particular, will continue to be a part of the review.

The addendum commits us to reviewing the power of the Prisoner Ombudsman in the light of experience elsewhere. I wrote to the First Minister and the deputy First Minister seeking their views on whether a wider examination of ombudsman services might affect that work so that I can make an informed decision on the way forward for the Prisoner Ombudsman.

Jimmy Spratt highlighted resource issues and made reference to bringing more officers to the front line, a point made by other Members. The Department must do all it can to support the Chief Constable's operational proposals for that, but I must underline my commitment to the tripartite governance arrangements. It is not for me to interfere with the operational decisions of the Chief Constable.

I welcome the comments of Danny Kennedy in support of work on organised crime, and I reassure him and Alan McFarland that that remains a priority for the Department. The addendum to the PSA includes targets on using the proceeds of crime and raising public awareness of the harm caused by organised crime. That would bring to attention human trafficking, an issue that has been well aired in the Chamber in recent weeks. I welcome also his positive comments on the review of prison governance.

I have to make it clear, particularly to Conall McDevitt, that Dame Anne Owers and her team are engaged in a fundamental review. They can make wide-ranging recommendations about the future shape and operation of the Prison Service. When making a simple comparison with the Patten reforms of policing, we must bear it in mind that there is no open-ended budget to carry through the reforms needed in the Prison Service. Nonetheless, the team has been

asked to produce fundamental proposals, not simply to tinker around. We have to recognise the financial environment, but we must also recognise the need for reform.

In answer to the question that I was asked — I cannot now remember by whom — on the two recent prisoner releases made in error, I can confirm that a comprehensive inquiry is under way. As I told the House, I will report to the Assembly when that inquiry is completed.

#### 4.45pm

**Mr Givan:** Will the Minister give way?

**The Minister of Justice:** Yes, briefly.

**Mr Givan:** Without prejudging the outcome of the fundamental review of the Prison Service that is taking place, can the Minister guarantee that he would reject any recommendation from that review that might propose 50:50 recruitment in the Prison Service?

**The Minister of Justice:** Having commissioned a review, I would be foolish to say whether I would agree with everything that it says or would disagree or take any position in between. All the recommendations will be examined in detail.

Conall McDevitt mentioned Brian Faulkner's all-Ireland intelligence service. Without going any further on that point, I can assure him that I see the highest-ever levels of co-operation between the PSNI and An Garda Síochána in every meeting that I have. I believe that that is meeting the needs of the people of Ireland, North and South.

**Mr McDevitt:** Will the Minister give way?

**The Minister of Justice:** I am sorry; I really am out of time.

Conall McDevitt and John O'Dowd talked about the review of youth justice that will soon be under way. That will be an opportunity to take account of the concerns expressed about custody for young people. I reiterate a point I made earlier: the Department of Justice will work with other Departments as we deal with a variety of issues concerning disaffected young people.

Tom Buchanan also talked about public confidence, but I believe that that issue has many factors. It is about the accessibility and visibility of the police; the responsiveness of policing; and the outcomes of the criminal justice process and the speed of that process.

There are many things that cannot be delivered in a few simple steps, but that work, which needs to be addressed in the long term, underpins much of what we seek to do.

Tom Buchanan and Basil McCrea highlighted the perception that crime is not decreasing. Crime is decreasing in this society. The reality is that our region has had historically low records of crime in comparison with other regions in these islands, and the trend is downwards. However, there is a real issue of perception, and each of us has a role to play in addressing that, particularly Members who are involved in DPPs or CSPs.

Jonathan Bell referred to the threat of terrorism that we are under. I will update him on the statistics as at the end of last week: 17 people were charged with serious terrorist offences in the whole of last year, yet 62 people have been charged so far this year. That is significantly higher than the increase of approximately 50% in the number of acts of terrorism. It is an indication of the good work being done by the PSNI and by An Garda Síochána.

Mr Bell mentioned police stations and made a point about confidence. Surely, confidence is something for the Chief Constable to address in the way in which he deploys his officers on the ground. That point was made by others. I assure Members of our commitment to working in partnership to ensure that we make the best possible arrangements to provide for the future policing and justice system of this community. Much of the debate has been about policing.

I have a final word on resourcing. We are in the middle of a very difficult spending round, and there are real problems in finding the resources necessary for the justice system. However, I have been making strong representations to the Government — frequently with the Secretary of State and with the Deputy Prime Minister — on the issue of adequate resources for front line policing, which relates to both anti-terrorism and community policing. Six months ago to the day, this Chamber elected me Minister of Justice. I am delighted to commend this addendum to the programme to the House.

*Question put and agreed to.*

*Resolved:*

*That the addendum to the Programme for Government for the Department of Justice, as agreed by the Executive, be approved.*

## Private Members' Business

### Local Government (Disqualification) (Amendment) Bill: Consideration Stage

**Mr Deputy Speaker:** I call Ms Dawn Purvis to move the Consideration Stage of the Local Government (Disqualification) (Amendment) Bill.

*Moved. — [Ms Purvis.]*

**Mr Deputy Speaker:** Seven amendments have been selected for debate. Members will have a copy of the Marshalled List of amendments, which provides details of the amendments. The amendments will be debated together in a single group relating to the nature of the disqualification and whether Members of the Assembly will be disqualified from council on taking their seats in the Assembly or after a period of 60 days.

I remind Members who intend to speak that they should address their comments only to the amendments in the group. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

#### Clause 1 (Disqualification)

**Mr Deputy Speaker:** We now come to the single group of amendments for debate.

**Ms Purvis:** I beg to move amendment No 1: Leave out clause 1 and insert

*"Disqualification*

*1. A person shall be disqualified for being a councillor if that person is a member of the Northern Ireland Assembly."*

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 5, at end insert

*"(2) The disqualification in subsection (1) shall take effect at the end of 60 days after a person takes his or her seat as a member of the Assembly."*  
— *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 3: Leave out clause 2 and insert

*"Commencement*

*2. Section 1 comes into operation on the day of the first local general election to take place after Royal Assent."* — *[Ms Purvis.]*

No 4: After clause 2, insert the following new clause:

*"Interpretation*

*2A. In this Act—*

*'Councillor' and 'Local government' have the same meaning as in the Local Government Act (Northern Ireland) 1972;*

*'Local general election' has the same meaning as in the Electoral Law Act (Northern Ireland) 1962."*  
— [Ms Purvis.]

No 5: In clause 3, page 1, line 11, leave out "(Amendment)". — [Ms Purvis.]

No 6: In the long title, leave out

*"Amend the Local Government Act (Northern Ireland) 1972 to". — [Ms Purvis.]*

No 7: In the long title, leave out "being elected, or being," and insert "being". — [Ms Purvis.]

**Ms Purvis:** I begin by thanking members and staff of the Committee for the Environment for their good work and thoughtful examination of the Bill. Committee members raised some valuable procedural and technical issues on how the legislation should be applied. The amendments that I tabled address those concerns and strengthen the Bill.

It is my understanding that this is the first private Member's Bill in the history of the Northern Ireland Assembly to reach Consideration Stage. I thank my colleagues for taking the issue of dual mandates and the quality of our democracy so seriously. Members will be aware that the purpose of the legislation is to end dual mandates in the Northern Ireland Assembly and local councils. Dual mandates occur when an individual holds more than one level of elected or co-opted public office at the same time.

At this stage, all parties in the Chamber are generally committed to ending the practice of dual mandates, although the motivations behind that policy choice are certainly varied. The sticking point seems to be over when the practice comes to an end and by what means. Some of the issues were discussed in Committee. Members raised concerns about the timing of the disqualification in the Bill; in other words, the exact point at which a local councillor who is also a Member of the Assembly is disqualified as a councillor. Indeed, during the drafting of the Bill, the provision required the

most detailed examination of existing legislation on when an individual's electoral mandate comes into effect as well as of new regulations on how vacancies on local councils are filled.

The Bill prevents Members of the Northern Ireland Assembly from being local councillors and being elected to local councils. In the case of an individual who stood for election to the Assembly and a local council and was elected to both, clause 1 would disqualify that individual immediately from the local council seat, with the assumption that the political party would fill the vacancy under the new co-option regulations. However, there was some concern among Committee members around how that would work in practice and that it was too immediate a disqualification and did not give parties sufficient time to respond, particularly if there were multiple vacancies on more than one council.

Members of the Committee were also concerned that, if the disqualification prevented an individual from being elected to a local council, that would create questions about whether that seat was held by that person's party to fill by co-option. It could also undermine the representation of a political party at a local council's first AGM after an election and, therefore, impact on the strength of the party in negotiating committee assignments; for example, chairperson and deputy chairperson positions. I agree with Committee members that that language had the potential to create a degree of confusion around the results of local council elections. Amendment No 1 would modify clause 1 to allow an individual to be elected to the Northern Ireland Assembly and a local council but not to proceed with both offices. The amendment would revise the Bill so that the disqualification is essentially triggered at the time at which a newly elected individual signs the Roll of Membership of the Northern Ireland Assembly under Standing Order 3(3). Members will recall that that must occur within eight days of an election.

Members will also be aware that, under electoral law, a newly elected councillor comes into office on the fourth day after an election. The amendment would not prevent that designation from taking place, nor would it prevent an individual being elected at the same time to the Assembly. It would disqualify an individual from the local council seat once she or he is deemed to have taken both the Assembly and

local council offices, which would be signified by signing the Assembly's Roll of Membership.

If an individual signs the Assembly Roll of Membership within the four-day time frame in which an individual is deemed to be elected to a council, that individual is still designated as elected to council but is subsequently disqualified and the seat considered vacant, to be filled by co-option. That may be the case, for example, if the Assembly and local council elections do not occur on the same day, or, if they are held on the same day, the Assembly vote count is conducted first.

If the individual signs the Assembly Roll of Membership after the four-day time frame for a local elected office, clearly, that individual is already deemed to have been elected to a local council and is now disqualified from pursuing that office further. The seat is designated vacant, to be filled by co-option. In either case, amendment No 1 modifies all language in the Bill which had the potential to interfere with an individual's designation as "elected". Disqualification occurs when an individual who has won election to both offices triggers the mechanisms by which they are legally deemed to be elected to both offices.

Those arrangements will provide a newly elected individual, along with his or her political party, with several days — anywhere from four to eight — to decide what will happen with the local council seat, assuming that that is the one that the individual does not want to pursue, and an additional five weeks, under the new co-option regulations, to determine who will fill that seat. It will also ensure that the individual is deemed to be elected to both seats and that the party continues to hold that seat through a council's AGM, although whether there is a party representative in that seat will depend on how quickly a party moves to fill it under the new co-option regulations. In the case that independents find themselves in that situation, the new co-option regulations allow them to provide the Chief Electoral Officer with a list of six potential replacements to fill the seat by co-option. That list is produced only after the election.

The arrangements created by amendment No 1 are the best way to proceed. They harmonise the Bill with existing legislation on elections and co-option, and they create a clear, concise process for dealing with dual mandates when

they occur. The arrangements remove any ambiguity about whether an individual has been elected and how a vacancy will be filled, and they should motivate political parties to move quickly to fill vacancies, so that the governing process is not held back unnecessarily.

Amendment No 1 also makes the legislation sufficiently limber to deal with any electoral arrangements. At the moment, we assume that the next local and Assembly elections will take place on the same day. There is potential for that arrangement to continue in future, but equally it may not. It would be a mistake to assume that what happens in the next elections will happen for ever, and it is not appropriate to draft legislation on the basis of one set of elections that will take place in the immediate term. Amendment No 1 will make the Bill equally adaptable in the event of multiple and stand-alone elections. It also creates a reasonable time frame for political parties and newly elected individuals to decide what will happen with vacant seats created by the dual mandate disqualification. I think that four to eight days under electoral law and an additional five weeks under co-option regulations provide an acceptable, sensible amount of time for such decisions. Extending that any further has the potential to create disruption and to delay the work of local councils and, possibly, the Assembly.

The co-option regulations now in place are also sufficiently flexible to allow the replacement process to be truncated if a party needs to move more quickly to fill a vacancy, for example before a council's AGM. A political party's nominating officer has up to 28 days to nominate someone to fill a vacancy, but that entire time need not be taken if there are compelling reasons to fill the seat more quickly.

I find it difficult to believe that any individual standing for the Assembly and a local council at the same time will not have a clear idea, in advance, which office she or he will take up, if honoured with election to both.

Given the time that political parties in the Province spend strategising and negotiating over elections, it is implausible to think that the outcome of an election will not be anticipated well in advance, with appropriate contingency plans in place. For those reasons, I am unable to support amendment No 2.

**5.00 pm**

As I think my remarks have illustrated, I certainly understand the reasoning behind amendment No 2, but it would make the Bill unnecessarily complicated and inflexible. We cannot assume that the arrangements for the elections that we anticipate happening next year, in which Assembly and local council ballots will be held on the same day, will continue in perpetuity. Amendment No 2 is designed to accommodate that situation. If, instead, Assembly and local council elections are held on different days or even in different years, amendment No 2 has the potential to create unnecessary delays and disruption to the work of local councils. Amendment No 2 does not appear to acknowledge that new regulations for filling vacancies on local councils provide an additional five weeks for political parties to nominate a replacement for a disqualified councillor. If the amendment were to be accepted, it could be more than three months after an election before a council would have its entire delegation of full-term councillors in place, thereby delaying or interfering with the work of local councils until it is achieved.

Amendment No 2 would also remove the flexibility that is currently on offer to political parties under the new co-option regulations. If a political party needs to move quickly to fill vacant seats before a council's AGM, the co-option regulations allow that to happen. A party has 28 days to fill a seat, but there is nothing to prevent it happening sooner. Delaying the disqualification for 60 days would also delay the co-option process. Therefore, rather than filling seats with individuals who will serve for the full term of the council, during a council's AGM, a political party could be stuck with a number of short-term seat fillers who would be far less likely to achieve chairperson or vice chairperson positions.

The additional time that amendment No 2 would create is designed largely to accommodate problems that a political party is having now, namely, in recruiting and preparing suitable candidates for public office. It is never a good idea to write legislation to accommodate the shortcomings of a political party, because doing so simply institutionalises those problems. Amendment No 1 does a much better job of clarifying when a disqualification would take place and of allowing reasonable time for political parties to deal with vacancies. I value and

appreciate the Committee's efforts to address concerns about the legislation constructively, but I cannot support amendment No 2.

I want to clarify that none of the amendments would create new restrictions on candidacy, and that is also true of the Bill, which will not prevent an individual standing for election to the Assembly and a local council at the same time if, for example, the elections are held on the same day. None of the amendments that I tabled would affect that. Some commentators on the legislation are less than pleased with that. They find the idea of an individual pursuing more than one elected office at a time to be cynical and greedy. The standard that they would like Northern Ireland politics to achieve is of one person solely dedicated to one office at a time. However, I received guidance that placing restrictions on candidacy raises issues about the right of access to public office. Therefore, the legislation will not interfere with any individual putting her or his name forward for elected office within the existing legal guidelines. It will also ensure that ending dual mandates will not interfere with what has come to be seen as the natural progression from local elected office to regional and beyond.

Amendment No 3 deals with implementation. Clause 2 states that the legislation will:

*"come into operation on the day of the first district council general elections to take place after Royal Assent."*

Presumably that will be in time for the elections next year. Amendment No 3 would retain that as the date for implementation. However, it would amend some of the language in clause 2 in order to harmonise it with existing legislation on elections to local government. In essence, the amendment would replace "district council general elections" with "local general election".

It remains important that the legislation is implemented as soon as possible. In the aftermath of the expenses scandal, growing public cynicism and waning voter turnout, there is no acceptable reason to delay implementation of the legislation, which is a statement of confidence in the Assembly and its ability to understand and reflect the demands of the electorate.

Amendment No 4 adds an interpretation provision as a new clause to the Bill. This clause will clarify the meaning of the

language used in the legislation and tie it to existing legislation on local government and elections. Amendment No 5 is a consequential amendment, which will be necessary if amendment No 1 is accepted, to ensure that the Bill's title is consistent with its purpose.

Members may be aware that the Local Government Act (Northern Ireland) 1972, which the Bill would have originally amended, contains language regarding disqualifications:

*"for being elected or being a councillor".*

As I already said, it was deemed necessary at Committee Stage to remove all connections in the Bill to the phrase "being elected" so that there is no ambiguity about whether a candidate is duly elected before the disqualification is triggered. Amendment No 5, therefore, removes the Bill's connection to the Local Government Act (Northern Ireland) 1972 and makes it a stand-alone piece of legislation.

Amendment Nos 6 and 7 are consequential amendments, which, if amendment No 1 is accepted, modify the long title of the Bill.

The political parties represented in the Chamber may think of the end of dual mandates as an opportunity to start something new. There is much potential in our country for political progress and innovation. Our starting point is not ideal; Northern Ireland has one of the worst records in Europe for women's political participation, despite all that women did in this country to hold the fabric of society together during the Troubles. I watched in amazement in recent months as all the resignations from the Assembly were filled by men, even the three seats that had previously been held by women.

Although I welcome my new male colleagues and commend the parties and party leaders for using the co-options to bring, at the very least, the average age in the Chamber down a few years, a bad situation for female political participation is getting even worse. This is not an equality rant: this speaks directly to the quality of representation and governance that we offer the people in the Province. The evidence is now overwhelming that the more a governing body represents its actual population, the better decisions it makes. Governments that more equally represent the gender make-up in particular deliver government that is more responsive to the needs of its citizens and generates better policy on issues that directly

affect quality of life, including education, health and infrastructure.

Although there are real inconveniences in the legislation for some political parties, there are also exciting opportunities. Almost 60,000 people in Northern Ireland are desperate to find work. Many of them are highly skilled individuals who would bring a great deal of experience to governance. Many are young people just starting out who would bring a fresh perspective to, and new ideas on, the way in which we run the Province. The percentage of our population with political interests and political skills must be massive. We are a highly politicised society, yet the percentage of people who are involved in politics is tiny. If voter turnout is any indication of public interest, it is dwindling. It is time to work proactively to bring new ideas and new people into politics and governance in Northern Ireland, and the ending of dual mandates is an excellent way to do that.

I listened to the Committee's concerns, and I think that the language in the amendments that I moved today addresses those concerns and strengthens and improves the Bill. I commend the Bill to the House and thank my colleagues for their thoughtful consideration of the amendments.

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for the Environment, I welcome the Bill's Consideration Stage. I thank Members for their participation in the Committee Stage and look forward to this opportunity to address the problem of so-called double-jobbing.

The Bill was referred to the Committee on 8 March 2010, and although it contains only three clauses, a nine-week extension was necessarily sought. The Committee's reflections on the Bill led to two recommendations. However, before I address the amendments specifically, I want to mention some key issues that the Committee considered in relation to the Bill.

First, there were varying degrees of support for the Bill in the Committee, because, whilst members largely agreed that there is a need to end the practice or to reduce the number of MLAs who hold a dual mandate, some felt that it should be done on a voluntary basis by parties rather than be forced through legislation. However, once the policy principles of the Bill had been agreed by the Assembly at its Second

Stage — that was a unanimous agreement by the way — it was referred to the Committee for investigation. It was then the job of the Committee to scrutinise the detail of the Bill rather than to question its existence.

Secondly, everyone in the Chamber today is aware of the risk of conflicts of interest that arise in public life. The sponsor suggested to the Committee that the concentration of power, decision-making and public representation among a limited number of people with dual mandates increases that risk. Most members agreed, but some felt that that becomes a significant issue only if the MLA is a Minister.

Thirdly, at the time that the Committee scrutinised the Bill, 62% of MLAs in this House were double-jobbing. However, of that 62%, only 12% were female. We all know that the success of this Assembly rests on a wide range of opinions, and those figures suggest that representation of women is an area on which we can improve in the Assembly and, certainly, at local council level. The sponsor and women's groups suggested to the Committee that the Bill will provide the incentive and increase capacity for the much needed expansion of women's representation in the North. The Committee gave its full support to increasing the number of women in political life but, following procedural advice, declined to amend the Bill to proactively encourage the election of women.

Finally, before I move to the amendments, I will touch on an over-arching concern of us all, namely the need to improve public perception and confidence in public representatives and to eradicate any perception that many MLAs and councillors are out for personal gain. That the Bill will go a long way to delivering that was one the main thrusts of the sponsor's arguments, regardless of ability and time to do both jobs well simultaneously. She also argued that it will make the political process more open and transparent.

I will now speak on amendment No 1, which was recommended by the Committee. The Committee was keen that nobody should be barred from standing for election either as an MLA or as a councillor. However, under the terms of the Bill as drafted, an existing MLA would have to resign before being allowed to stand for election. The sponsor agreed that that was not the intention of the Bill and that everyone should be considered eligible to stand

for election. She consequently agreed to amend clause 1 so that it will prevent MLAs holding council positions but will not prevent their standing in council elections. The Committee, therefore, supports the sponsor's amendment that disqualifies a person from being a councillor if that person is a Member of the North of Ireland Assembly but does not prevent an MLA standing for election. On behalf of the Environment Committee, I support amendment No 1.

I will now mention the remaining amendments and will ask Mr Weir, when he speaks, to move the amendment on behalf of the Committee. Amendment Nos 3 and 4 were not presented to the Committee during Committee Stage. However, the sponsor advised Committee members that some technical amendments may be necessary. As the sponsor has indicated, amendment Nos 3 and 4 fall into the technical category. Amendment No 3 specifies when the legislation will come into operation, and amendment No 4 clarifies the definitions used in the Bill. On behalf of the Committee, I support amendment Nos 3 and 4.

Amendment Nos 5, 6 and 7, which relate to the short title and long title of the Bill, were presented to the Committee during Committee Stage. The Committee was advised by the sponsor that they were consequential amendments that are required as a result of her amendment to clause 1 to allow anyone to stand for both general and local authority elections.

A LeasCheann Comhairle, the Committee agreed the long title and the short title, subject to those amendments. On behalf of the Committee, I support amendment Nos 5, 6 and 7.

With your indulgence, I will say a few words on behalf of Sinn Féin as an MLA for Newry and Armagh. I support the proposals in the Bill. On the previous occasion that we talked about double-jobbing, some Members tried to convince those on this side of the House that it was not detrimental to those who represent people at local council level. Unfortunately, the Minister has left the Chamber, but the examples of John Lewis, Glenavy and the North/South interconnector show what double-jobbing in both the council and the ministerial role can lead to.

**5.15 pm**

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

**The Chairperson of the Committee for the**

**Environment:** I will give way in one minute. Any man or woman who is given a mandate to come here to propose draft legislation should not be able to sit at local council level and start to implement it. No one in the Chamber should be fooled into thinking that that is not a conflict of interests.

**Mr T Clarke:** Does the Member agree or disagree that the same should apply to Members from his party, who take parliamentary expenses but do not attend Westminster?

**The Chairperson of the Committee for the**

**Environment:** I thank the Member for his intervention, but if he were to pay closer attention to — *[Interruption.]*

**Mr Deputy Speaker:** Order. I need to remind Members that we are debating a Bill. There is another time and another place to discuss those other issues.

**The Chairperson of the Committee for**

**the Environment:** Go raibh maith agat, a LeasCheann Comhairle. I was going to say that we should pay particular attention to the Bill and what it is trying to achieve. As I said, the Minister is unfortunately out of the Chamber. We need to get to a process of legislating here and handing powers down to the local councils. That should be open and transparent, and the councils should have a responsibility.

**Mr Ross:** I have no interests to declare, as I am not a member of local government. However, I am interested in the issue. The two Members who spoke most recently mentioned two issues that I must challenge. First, they said that the legislation will get more women into local politics. I would love to see the Chamber be more reflective of society in Northern Ireland, and I would love to see more women get into politics. However, I fail to see how this piece of legislation will get any more women coming into local government than come in under the ordinary selection process. Indeed, the co-options to the House have resulted in fewer women than were here previously. The practice of getting more women into politics means that more women should be responsible for coming forward for selection and that individual parties should encourage them to do so. I am opposed to any sort of positive discrimination; I think that all women should stand on merit alone. However, it is false to suggest that the

legislation will help to get more women into local politics.

The second issue that both those Members mentioned was public perception. With your indulgence, Mr Deputy Speaker, I will say that it is important to highlight how things have moved on since the previous time that the issue was debated in the House and the previous time that it was debated in the Committee, when we took evidence from the Member for East Belfast whose Bill this is. On previous occasions, there was much discussion from Members, including the Bill's sponsor, about the public outrage over the issue of dual mandates. However, on examination, it transpires that fewer than 15 members of the public responded to the consultation on the Bill. That highlights that the issue is, perhaps, not as big with the public as she and other Members have led us to believe.

In the 2010 general election, the issue did not put off members of the public electing candidates who already held other public offices. If the public had been totally outraged by the issue of dual mandates, they would not have elected candidates who held another public office, or, in the cases of one successful candidate, more than one public office.

The media-driven campaign on the issue of a couple of months ago has now almost reversed, and elements of the media are now saying that they are concerned that senior Members who are experienced politicians are leaving the House. Indeed, I saw that the 'Belfast Telegraph' had a campaign to keep my colleague Sammy Wilson in the Assembly. Therefore, we have seen public perception move full circle, because the public want to see the most talented people here at a time of economic crisis, and there has been also been a media turnaround.

Our party position on dual mandates has been clear. Perhaps we have been sceptical about the reasoning behind the legislation and the reasons why some people are pushing it. However, if Members examine the record, they will see that my party has taken more steps than most other parties to remove the practice of dual mandates. It was my party that said that it fully intended to end the practice of dual mandates. We made a commitment to stand down Members of the House who are also elected to Westminster. Since the legislation was last debated in the House at Second

Stage, we have seen the successful Member of Parliament for North Belfast, Nigel Dodds, stand down. We have also seen Jeffrey Donaldson, Ian Paisley Jnr, Jim Shannon, William McCrea and David Simpson all stand down voluntarily from the Assembly to bring about an end to the practice of dual mandates.

Let us examine the record of the other parties and the other Members of this House who have shouted loudest about the issue of dual mandates over the past year. The SDLP has three MPs, Mr Durkan, Mr McDonnell and Ms Ritchie, who are all still Members of the Assembly. Sinn Féin has made no effort to stand down its MPs from the Northern Ireland Assembly. I recognise the point made earlier that Sinn Féin Members do not take their seats, but they, therefore, should not get allowances. However, perhaps that is an issue for debate in another place. Of course, the electorate took the choice of ending dual mandates out of the Ulster Unionist Party's hands altogether.

If other parties disagree with dual mandates on a point of principle, there is absolutely nothing stopping them from ending the practice right now. In fact, co-option legislation has made it easier for them to take a principled position and stand people down from local government or the Assembly. As the proposer of the legislation mentioned at the beginning of her speech, that legislation exists so that parties can co-opt Members and keep the seats. There is, therefore, nothing stopping those parties from voluntarily moving away from dual mandates, as my party did with Members who were also Members of Parliament at Westminster.

I will now deal with a couple of the amendments. I understand the rationale behind amendment No 1. It was poorly worded in the first instance, and the wording now corrects that, more or less. Amendment No 2 came about because the Member who proposed the legislation informed the Committee for the Environment, which was looking at the Bill, that there was an issue with the way it was originally drafted. She pointed out that difficulties could arise should an Assembly election and a local government election be held on the same day. Under the original wording, if the count for the Assembly election happened first, any person who was returned as a Member of the Assembly would be barred from being returned as a local councillor. Co-option would, therefore, be virtually impossible, because

neither the individual nor his party would hold the seat.

Amendment No 2 allows for a certain period of time before the stepping down of a local councillor is required, which, therefore, makes the legislation fit for purpose. Whether that period of time is 28 days or 60 days is not the issue; rather, it is the fact that the public may have some concerns about the general principle. Therefore, although the amendment addresses the problem with the initial draft, the public will be concerned about the idea of voting for one person and getting another. I fully recognise that I may not be the best person to say this, as I was one of the first co-opted Members during this Assembly mandate. However, I am certainly not suggesting that there should be expensive by-elections when people stand down. I do not think that that is practical or fair on ratepayers. Indeed, the fact that there are multi-Member constituencies makes it very difficult to do that.

There are differences in the co-options that we have seen in the House. In my case, it was because of the tragic death of my friend and colleague George Dawson, who fully intended to serve a full term. He would have made a very good and valid contribution to the Assembly, and he is still sadly missed. Some co-options have taken place because — and I am looking at Mr Leonard and Mr McDevitt specifically — other Members have retired from active politics, and their contributions will also be noted. Other Members of my party were co-opted fairly recently because their predecessors were successfully elected to another place and, in line with party policy of phasing out dual mandates, stood down. I know that the Alliance Party did the same for Naomi Long when she stood down because she was elected to another place.

There is a difference between standing down from and being co-opted to this House and the practice of individuals standing for election knowing full well that they never intend to take their seats. The public maybe slightly concerned about the latter because it does not particularly strengthen democracy, and they will not have had the opportunity to vote for who will actually take the seat. I think that a stronger form of democracy is when individuals stand for election and are honest and open with the public by saying that they intend to take both offices.

**Ms Purvis:** The Member argued in favour of ending dual mandates, so why is he now arguing

that someone should stand for both elections on the same day? Surely the Member's party decides and selects candidates for election, and any party that is opposed to dual mandates will not select someone to stand in both elections.

**Mr Ross:** With respect to the Member, I am arguing about what the public's perception will be. The Bill allows one person to stand but someone else to take the seat. My argument is not about whether it is preferable for someone to hold two posts. I am saying that at least the person is honest with the electorate. At present, when an individual stands for office, the electorate knows that he or she is a Member of the Assembly and a member of a local council. However, if the Bill were introduced, that person could stand for two elections, but the public would not know who would end up with one of the seats. That is one issue with the legislation that will concern the public.

Amendment No 3 seeks to introduce a commencement Order that will bring the legislation into effect straight away. My view is that, in the future, there will be clear lines of distinction between those who represent Northern Ireland at a national level at Westminster, those who are Members of the Assembly and those who sit as councillors in local government. In future, there will not be the same blurring of the lines that has, for valid reasons, existed over the past number of years.

As I said, the DUP has phased out many of its MPs from the House. However, it did that in a phased manner so that all of its experienced politicians did not leave at one time and, potentially, leave a capacity gap. Such changes must be phased, and the same argument applies in local government. Of the Members of the Assembly who are involved in local government, many are its leading figures and are the most experienced people on local councils. The concern is that, if all MPs withdrew from local councils at one time, there could be a capacity issue. My personal preference is, therefore, for a phased approach to ending dual mandates, if that is the direction in which the House wishes to go. It would better to adopt a phased approach over a period of five or six years than to do it all at the same time. I favour that approach rather than the position that is adopted in the Bill.

It is fair to say that the DUP remains fairly sceptical about the Bill. The party remains of

the view that the public are not as concerned as some Members of the House suggest. The public are the ultimate arbiters in such situations and can decide to vote us in or out of office. I look forward to the contributions of other Members and to other parties explaining why they have not voluntarily stood down their local councillors on a point of principle.

**Mr Kinahan:** I welcome the chance to speak on the tabled amendments. I congratulate Dawn Purvis on pursuing the Bill and keeping it on track.

Amendment No 1 and its consequential amendments change the Bill from legislation that attempts to amend the 1972 Act to stand-alone legislation. The arguments that Dawn Purvis made for that change today are understandable. The Member does not want to trigger a by-election through disqualifying people before they have been elected, nor does she want to discourage councillors from climbing the ladder by making this a resign-to-run Bill. The Ulster Unionist Party accepts those arguments, but, although it recognises that the Bill disallows a politician from holding a dual mandate in the Assembly and on a local council, the party still has some concerns. That is especially pertinent as the next Assembly and council elections look likely to be held on the same day.

Although the Bill improves the current situation, there is a danger that some parties in the Assembly will choose to run sitting Assembly Members in council seats. In light of the Secretary of State's amendments to the 1962 Act, which allowed the co-option of council seats, there is a danger that the electorate would be voting for a candidate who had no intention of taking the seat. In many respects, the public could be duped by cynical party politics. In light of the amendments that were tabled by the DUP and the Alliance Party, but not accepted by the Office of the Speaker, that fear is well founded.

In their failed amendments, the DUP and the Alliance Party made clear their view that dual mandates are acceptable. In light of the low esteem in which politicians are held at the moment and the fiscal constraints facing Northern Ireland, that is not a position that the public will find acceptable.

**5.30 pm**

I am hopeful that the potential embarrassment that the Bill will cause to those who would co-opt —

**Mr Ross:** I thank the Member for giving way. My intervention relates to an issue that I raised during my initial contribution. If the Ulster Unionist Party is saying that it is opposed to dual mandates on a point of principle, why has that party not stood down all of its MLAs who are also local councillors?

**Mr Kinahan:** I am slightly confused by that point, as our party is in the process of standing down from other seats in the same way as the Member's party. I find it interesting that every single DUP Member sitting there is also a councillor. *[Interruption.]* I take that back in respect of some Members.

**Mr Deputy Speaker:** Order. I remind Members that we are discussing the Bill.

**Mr Kinahan:** I will start that paragraph again.

I am hopeful that the potential embarrassment that the Bill will cause to those who would co-opt will discourage sitting MLAs from seeking to run in both the Assembly and council elections or, down the ladder, so to speak. I am interested in what those two parties have to say on the issue, although we have already heard from one.

Having raised those reservations, the Ulster Unionist Party recognises that amendment No 1 and its consequential amendments are the best option available. We will vote for those today. The Ulster Unionist Party, however, is not minded to vote for amendment No 2, which was tabled by the Chairperson of the Committee for the Environment.

**Mr Weir:** If memory serves me right, amendment No 2 was passed by the Committee unanimously. I will be interested to hear what has changed in respect of amendment No 2 between Committee Stage and now that seems to have both the Ulster Unionist Party and the Chairperson of the Committee running away from it at breakneck speed.

**Mr Kinahan:** The Member was obviously not paying attention during that bit of the Committee meeting — if, indeed, he was there — because we abstained. *[Interruption.]* May I continue?

**Mr Weir:** If I misconstrued the Member's position, I apologise. However, why has he shifted from the Frank Maguire position of abstaining in person to suddenly finding the amendment totally unacceptable?

**Mr Kinahan:** Perhaps the Member was not listening accurately. We abstained because we wanted to think about it, which allows us to decide whether — *[Interruption.]* Perhaps Members will let me finish. We had to choose whether to reduce the amendment or go against it completely. I felt that we ought to discuss that choice and that there was time in which to do that. Members will hear that today and when the Bill comes back again.

There is a danger that amendment No 2 will enable a politician to draw two salaries and/or expenses for two different mandates at the same time, albeit over a 60-day period. I recognise that the purpose of the amendment was to put a definitive date on the handover. However, based on our conversations with the Assembly's Bill Office, I and my party colleagues believe that we can pinpoint the handover period to the date that a Member signs up to be an MLA and, therefore, remove a prolonged period of dual mandate and the ability to draw two salaries or expenses. That seems like the fairest approach and the one that best reflects the public's concerns.

I toyed with the idea of declaring no interest at the beginning of my speech, because I am no longer a councillor. I stood down from my council seat at the earliest opportunity, because I believe that it is wrong to be paid by government and local government and to have two mandates. As we all know, the Assembly is full time. Full time means full time in that it is Members' main work over and above their lives at home.

I have had to delegate all my other interests, and I know that many people here have done the same. Today we need to focus on dual mandates and not double-jobbing. A deliberate smokescreen has been put in place on this matter, using double-jobbing as a means of justifying holding two elected mandates. When the position of councillor was being sold to me, I was told that it was a one-or-two-days-a-month job. That was a good piece of salesmanship. To do it properly, it requires two days or more a week. As you will all know, it is a job of consultation, discussion, long meetings, party

matters, and, most importantly, constituency matters. How can you do a full-time Assembly role on top of that? As you will also know, we all have two full days of plenary sittings here and two half days of Committee work before you add in Long Gallery events, all-party meetings, individual party meetings, charity or business lobbying, and, once again, most importantly, Assembly-level constituency work.

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

**Mr Kinahan:** No is my next word here. No, you cannot do both jobs. Yes, I will give way.

**Mr Givan:** I am grateful to the Member for giving way. You said that this is a full-time job. From reading the Register of Members' Interests, I see that you spend some hours a week in Danny Kinahan Fine Arts and Castle Upton Gallery. Therefore, if we are talking about double-jobbing, would you not need to refer to that?

**Mr Kinahan:** Obviously, you were not listening, which is a habit in your party. I have delegated all my powers, but, when you delegate, every now and again, you have to re-delegate and talk things through. I am honest and straightforward. I would also like you to remember that I have been here for only a year. I have to keep things running until I win my election next year and then you will see a difference. *[Interruption.]* May I carry on, Mr Deputy Speaker?

**Mr Deputy Speaker:** I remind Members, especially the new ones, that you make your remarks through the Chair.

**Mr Kinahan:** How many times have we all heard from our constituents that our councillors do nothing for us? That is grossly unfair. *[Interruption.]*

**Mr Deputy Speaker:** Order. I must insist that all remarks are made through the Chair. *[Interruption.]* Are you disagreeing with me?

**Mr T Clarke:** If you are referring to me, yes I am.

**Mr Deputy Speaker:** I am referring to all the Members who were speaking over there.

**Mr T Clarke:** You were looking straight at me.

**Mr Deputy Speaker:** I caution the Member not to question the Chair. Carry on.

**Mr Kinahan:** Thank you, Mr Deputy Speaker. The notion that councillors do nothing for us is grossly unfair, but it may seem that way to the

public because so many MLAs were doing both jobs and spending too much time in meetings and not enough time with the public. I have pledged to spend as much time as I can with my constituents, going out to meet community groups, visiting businesses and trying as best as I can to visit every corner of my constituency. Our job is about finding out, knowing and resolving their concerns, and coming here to make the laws of the land.

Holding two mandates is hogging two sums of taxpayers' money — £43,000 here and £8,000 or more from the council. However, what also matters is that you are preventing others from becoming councillors. There is a propensity for councillors to remain in post as if it is a divine right, but today's legislation should help to change that. Every councillor should always encourage his or her replacement so that he or she can aim for higher office or should be working as a team.

The legislation was originally written on the assumption that the review of public administration would happen and that councillors' workloads would be significantly increased. The review of public administration will happen, but we do not know what format it will take.

The Bill is not just for now but for the future, so this argument is just as pertinent. No review of public administration means that we still have a little time to get our organisation right. At present, we have two problems that further illustrate a need to do away with dual mandates: there is no formal link between councils and the Assembly; and councils often work in isolation from each other rather than for Northern Ireland as a whole. Examples of that are what happened with John Lewis, the sports stadium and the energy from waste project. We need MLAs working primarily for the greater good of Northern Ireland and not solely for their council areas.

The Assembly needs to create a more formal link with local council offices and vice versa. At present, it is like a skeleton, where 26 main bones are too loosely connected without the muscles pulling them together.

Those who oppose the Bill do so purely for party political reasons. They wish to keep power rather than put country first. That is a complete and utter disgrace. The Ulster Unionist Party supports the Bill and the amendments, except for amendment No 2. We urge all those who are

interested in good government and in putting Northern Ireland first to do so, too.

**Mr McGlone:** Go raibh maith agat a LeasCheann Comhairle. I thank Ms Purvis for her initiative in bringing the Bill before the Assembly for its Consideration Stage. I congratulate her for being in full legislative mode, particularly as those of us who have been here over the past two weeks have seen nothing emanate from the Executive. It is good to see someone take the initiative. It is good to see that, through the introduction of the Bill, she has possibly paved the way for what the Office of the First Minister and deputy First Minister should, in fact, be doing.

I will outline the SDLP's views on the various proposed amendments to the Bill. I have heard the arguments for full participation in local government, through which many people who take the pathway to politics — indeed, it has become a career — are facilitated, taken further and receive the experience that they need. Probably two thirds of Members in the Chamber cut their teeth in local government. Through it, we gained the experience that was required to bring us to where we are today. We should be grateful for the valuable learning curve that local government was in preparing us for the Assembly, not only in dealing with and manoeuvring through the political world but in dealing with people, which is why we are here today.

It is interesting that people should be a theme, because, at present, in the community and society at large, many people find their situation extremely difficult. I point at no particular political party: we must all take the mote from our eyes, whether we are on this side of the Chamber or the other. I do not talk about the House of Lords often. In fact, I rarely think of it. However, we could probably agree that there is a mote in all our eyes and that people who are in difficult financial circumstances find it hard to believe that others are, as they see it, double-jobbing.

Mr Ross referred to that theme. He may well have to give explanations for those who seem to manipulate the electoral system cynically. Earlier, reference was made to those who are seen perhaps to manipulate the situation whereby they stand for election in the full knowledge that they will get elected to both the council and the Assembly and will possibly serve neither post or contrive some sort of situation. It is down to the rest of us and to the

political parties to which we belong to ensure that those who stand for election do so for the most laudable and genuine of reasons, which is to serve the people who elected them.

Earlier, double-jobbing was mentioned. I used to be a councillor. In the Committee for the Environment, there have been occasions on which there was potential for conflict. For example, one would discuss legislation as an MLA that clearly conflicted with one's position as a councillor. The legislation may have related to potential financial gain, such as councillors' allowances or pay-offs. All those matters came before the Committee. Regardless of the time-management issues to which Mr Kinahan rightly referred, if there is conflict for an MLA, I dread to think what it is like for the Minister who has responsibility for local government. What difficulties arise there?

I want to outline the SDLP's standpoint on the various amendments that are before the House. Amendment No 1 would amend clause 1 so that an MLA would be disqualified from being a councillor. My party is in favour of that, which is consistent with our position in Committee. You, Mr Deputy Speaker, were a member of the Committee by that time.

#### 5.45 pm

Amendment No 2 relates to the time limit for a councillor being disqualified, specifying that it will happen after 60 days. Again, that is consistent with our position at Committee, and the SDLP is in favour of that. The SDLP is in favour of clause 1.

The SDLP is in favour of amendment No 3, which was tabled by the sponsor of the Bill. The SDLP supports clause 2, amendment Nos 4 and 5, clause 3, amendment Nos 6 and 7, and the long title.

**Mr Ross:** I thank the Member for giving way. Given that the SDLP is so firmly behind this legislation and ending dual mandates between the Assembly and local government, can I presume that his party is also keen to end the dual mandate of its three MPs as Members of Westminster and this House?

**Mr McGlone:** You are referring to the conflict that there may well be for those who are MPs and MLAs. Well, I have a wee announcement to make. There are measures in process at the moment, including a selection convention in

Derry, starting on Friday evening. You would probably argue that we are following your lead, but it is a matter that the party has been dealing with over the past couple of years by rolling out a process. I thank you for your guidance and I look forward to reciprocation in that other House that I do not mention too often.

**Dr Farry:** I declare an interest as a proud member of North Down Borough Council, where I have almost 18 years of very good experience. I may well be stepping down at the next election. It is not something on which I have taken a final decision just yet. If I do step down, it will be based on my judgement on the level of people who are coming through in my area.

**Mr T Clarke:** For clarification, given that the Member has 18 years in local government, did he have that in his literature when he stood for election? I am sure that he did not hide the fact that he was a councillor from the wider public, and they still returned you. Is that the case?

**Dr Farry:** Oh yes, definitely. When I stood for the Assembly in 2007, it was perfectly clear that I was a councillor. That was in my election literature. There is full transparency around exactly how I conduct myself, and I have no difficulty with that whatsoever. It is important that my judgement on whether I stand down will be based on whether people are coming through the association who can be potential candidates for local government. I am certainly not intending to block people who are coming through but, equally, if the view is that I should still play a useful role in local government, I am open to that.

**Mr McGlone:** Mr Farry, I am not being in any way pernicky about this, but you are saying that it is your decision. Could you clarify whether the party has a view on that?

**Mr Deputy Speaker:** I remind Members to please make their remarks through the Chair.

**Mr McGlone:** Sorry. Excuse me.

**Dr Farry:** The Alliance Party certainly does have a view on it: we leave it open to the individual discretion of the member to make the best judgement. I am certainly not going to stand here and argue that there are not circumstances in which someone can be a Back-Bench MLA and a councillor. The areas where there are conflicts of interest of a personal nature, as has been mentioned, are extremely limited. Frankly,

this Assembly takes decisions regarding pay and conditions, so in that respect, we all have conflicts of interest whenever we are here.

Issues relating to what happens in a council area are matters of policy; they are not matters of personal interest. I expect that anyone who serves in local government and the Assembly is there to act in the best interests of their constituents as they see it. I do not detect any pattern here of those who happen to be councillors being more pro local government than others. It cuts across all parties. Parties have their own views and they stick to them, so it does not really matter whether someone is a councillor.

I have the view that I am a more rounded public representative by virtue of my being in both chambers, because one often comes across an issue that may be something for the Northern Ireland Administration and local government to consider. It means that the issue can be worked at both ends. It could be passed on to a colleague in the council, but that is not as quick and efficient a method as dealing with it oneself.

**Ms Purvis:** On a point of order, Mr Deputy Speaker. Can you clarify whether the Member is addressing the amendments or giving his opinion on double-jobbing?

**Mr Deputy Speaker:** I remind the Member to stick to the Bill.

**Dr Farry:** I am happy to do that. However, I remind the Member who raised the issue that, if she cares to read the Official Report tomorrow, she will see that she drifted substantially from the amendments. One needs to be consistent in these matters, and I fear that she has opened the parameters of the debate through the precedent that she set in that regard.

I will move on to the issues in hand. It is my view that the Bill is flawed. We were clear on that point during Second Stage. The issue that we should be discussing is the dual mandate between a MLA who happens to be a Minister but who is also a councillor. That is an area of concern and one to which we should be attending through legislation. That issue has not been addressed.

Another issue that has not been addressed is the continuation of MP/MLA double-jobbing. Frankly, the two cannot be separated. We talk

about dual mandates and double-jobbing, but when we talk about an MP and an MLA, we are talking about double-jobbing, because they are both full-time jobs. One is based in Westminster, and one is based in Belfast. One cannot be in two places at the same time. The attitude from a number of parties on that issue is absolutely breathtaking. It takes my breath away that SDLP Members in particular, who sit behind me, can sit here and lecture on the MLA/councillor dual mandate while not being prepared to face up to the reality of what is happening in their party, given that all three of their MPs are MLAs.

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

**Dr Farry:** I will give way in a minute.

Mr McGlone says that the party is sorting the issue out in Foyle first of all and is then rolling it out. He says that his party has a process in mind. I think that the process will stop at one Member, because it has been made clear that Margaret Ritchie has no intention of stepping down from either role, and neither has Alasdair McDonnell. They have said that on the public record; I can read the papers as well as anyone else here. Those Members talk about a process being in hand, and they say that these things take time to work through, but the legislation is perfectly clear and could be implemented very quickly. Naomi Long was elected at the same time back in May that Mr Durkan, Ms Ritchie and Mr McDonnell were elected. She stepped down. The DUP MPs who were MLAs stepped down. I do not know why the process in the SDLP world works slower than it does in any other party.

**Mr McGlone:** Thank you for giving way, Mr Farry, and thank you, Mr Deputy Speaker, for affording me the chance to intervene. Perhaps I will draw my own breath from that period of breathlessness that I contracted from Mr Farry. I noticed that he talked in great length about his decision. I see that he has now extended his decision-making process into the party behind him. I thank him for his wee bit of guidance. However, we will be making our own decisions.

**Dr Farry:** The Member's party is not making its own decisions; it is proposing to come here today to pass a piece of legislation that makes decisions affecting not only everyone else in here but people who might wish to stand for the Assembly and local government. Therefore, the issue extends beyond what happens with the SDLP. There are also issues with consistency

and with how the SDLP approaches the matter by lecturing other people while not addressing the issues at home.

There is a tendency for Members to take the attitude of "Oh Lord, make me virtuous — but not just yet." That attitude applies also to the Ulster Unionists to an extent. There is the feeling that the issue creates a problem and that it takes time to work through the issues. Parties talk about the procedures that they have to plod through. If people are serious in thinking that it is wrong for someone to be a councillor and an MLA, the party leaders should direct all the councillors and the MLAs who are affected to step down from the council or the Assembly with immediate effect. It takes about two minutes to type out a resignation letter. Once the letter is tabled, the party leader should put in process the selection meetings in the associations to put in place the replacements. It is not a convoluted process. If people are serious about it and want to be consistent, they should sort it out now and address the problem.

**Mr McDevitt:** I am listening attentively. In my humble opinion, this is not one of the Member's finest contributions to the House, I must say, but I am trying to understand exactly what he is trying to get to. Is he trying to say that the Alliance Party's policy on the Bill is that it has no policy on the Bill?

**Dr Farry:** I think the difficulty Mr McDevitt has is that he does not agree with what I am saying. The view of the Alliance Party is that it is fundamentally wrong for a person to be an MP and an MLA, and Naomi Long addressed that issue when she was elected to Westminster. We believe that it is wrong for somebody to be a Minister and a councillor, and David Ford addressed that when he was appointed Justice Minister.

The issue about whether our party candidates must go for one or the other has been left to the discretion of the individual, and there is no party bar on that happening. Of course, the Assembly may take the decision out of our hands by passing legislation that influences that, but we will see what happens with that. However, the party does have a clear policy on the issue, which is to leave it to the discretion of the individual. No doubt that will be taken into account at the selection meetings of our associations across Northern Ireland.

I am conscious that I had better move on to the specifics of the amendments. There are some aspects of the amendments that make what is a bad and flawed situation better. I appreciate that the revised draft of clause 1 outlined in amendment No 1 addresses a situation that could have been a clear breach of people's human rights in relation to the freedom to stand for election. However, I fear that it is still a convoluted system, and the explanation itself was rather convoluted. I fear that it will be viewed as being somewhat cynical.

Amendment No 2 is better, with a slightly clearer separation distance between the two. That would be my preference, but I think it is still a rather unsatisfactory situation, for a whole host of reasons. In relation to how the procedures work in and around AGMs, I do not think that this will make a terrible amount of difference either way, and the parties will sort those things out between them on councils.

It has been said that it is bad to legislate for what will be a one-off situation, which, I take it, means the coincidence of an Assembly election and a local government election at the same time, as we expect to be the situation next year. However, I fear that that is actually going to be the norm for many years to come because, if we have a full four years of the next Assembly and a full four years of local government, in 2015, we will probably be faced with elections on the same day, so the issue is going to repeat itself. That pattern could then repeat itself every four years in the future if we are in a situation of political stability.

To further complicate things, if I dare, if the current Westminster Parliament goes its full distance, which I think the coalition partners will seek to do, we are likely to have an election to Westminster in the spring of 2015 as well. It is entirely conceivable that the powers that be may, in order to avoid inconvenience to the electorate, have all three elections on the one day. We could see a triple-complicated situation, where people are standing for three different elected bodies at the same time, with the difficulty of trying to unpick their way through all that.

The fundamental problem that I have with the Bill is the way in which the electorate will view the outcome if people can stand for election to the Assembly and local government on the same day and are elected to both. I do not think that it is right to tell someone that they have

to make a choice between one or the other, because people will be unsure of what their fate will be with the electorate. Anyone who goes in to any election expecting to be elected is showing the height of arrogance, because the decision ultimately lies with the people, and we have to be humble in that regard. When people apply for jobs, they do not apply for them one after the other. If someone is interested in representing their community, they seek to apply to a number of different avenues.

**Mr McDevitt:** I am not sure what analogy the Member is trying to draw. It appears to me that he is trying to argue that we should all be given the right to hedge our bets around here.

Of course, that is only if you are hedging your bets in politics. I am sure that the Member would not agree that I should have remained on as, for example, managing director of a large public affairs agency until the next Assembly election just so that I could have the privilege of not having to take the risk of coming here to represent the people. So, if it could not apply in that scenario, how could it apply within politics?

**6.00 pm**

**Dr Farry:** There is a difference between the risk that someone takes when they take up a paid post in an elected body and someone wishing to stand for different bodies on the same day. Although Mr McDevitt had to step down from his post when he was co-opted to the Assembly, there are people who take a leave of absence from their place of employment when they serve as elected representatives, and they can potentially go back to those posts if they step down or, unfortunately, do not get re-elected.

**Mr Weir:** Will the Member agree that it is extremely brave and honest of Mr McDevitt to, in effect, condemn his colleague Mr Maginness, who is a practising barrister at the same time as being as being an MLA? Will the Member join me in saluting the political courage of Mr McDevitt in taking that stance? *[Laughter.]*

**Dr Farry:** I will let that stand without any further contribution.

It is one thing for people to step down during their term of office, whether through ill health or other fundamental changes in circumstance, or, as some have done, to genuinely avoid double-jobbing. We then avoid a by-election and all the cost that that entails. There are

also the implications of having by-elections in divided societies with regard to the balance of representation going askew. Compare that with people being elected one day and stepping down from office several days later, or, under amendment No 2, 60 days later, which in itself does not fundamentally address the issue.

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

In this country, people do not vote based purely on party. Of course, judging from how elections work out here sometimes, one could reach the conclusion that they do. However, we have a fundamental tradition in this society of people voting, first, for an individual, and, secondly, for the party. Historically, only individual names were put on ballot papers, with party names being added in only the past 15 to 20 years. Therefore, the whole focus of our democracy is based on the election of the individual, not the party. If the party were the focus, we would simply have wider constituency lists or a Northern Ireland-only list, similar to the lists in many European countries. We vote on the basis of the individual and their party label, in that order, and people will make that judgement. The electorate will view it as highly cynical if, having voted for a named individual in the expectation that that person will serve that term, whether in the Assembly or, more likely, in local government, that person then steps down from one post after only a matter of days because they happen to be elected to one or more posts. That is the height of political betrayal.

I hear comments about people cynically putting big names on the ballot paper to get other people in. The Alliance Party will not be playing any such games. When people from this party stand for election next year, they will be fighting that election with the genuine intention of serving in the roles to which they are elected. That will be the choice that they make, and the party will expect people to do that. If their circumstances change through ill health or for other reasons and they have to step down, that is fine. However, doing so purely as what could be construed as a cynical move in the immediate aftermath of an election will be viewed very negatively by the electorate.

We also need to be cautious about even the co-options to this Assembly over the past year. Those occurred well into the lifetime of this Assembly, largely in the context of people stepping down to avoid being accused of

double-jobbing, and often at the instigation of the media. The media then complain about the number of people in the Chamber who are not elected. If the media are complaining about the number of people in this place who are not elected in the final year of a four-year term, what on earth will the media say when a raft of people elected as councillors step down within days of being elected?

We need to be realistic about what we are opening up. The approach of parties and individuals could be viewed as extremely cynical.

My final point relates to gender and diversity in politics. The Alliance Party knows more than most in that regard. So far, the evidence is that co-option has not much improved diversity in the Chamber. Indeed, others have made the point that, in some respects, it has sent diversity into reverse. The real challenge with respect to diversity lies with political parties. They must encourage a diverse range of people to put themselves up for selection and, at selection meetings, ensure that diversity is reflected as candidates come through.

As I make that point, I think of one prominent example that appeared in the media in the past few weeks. Naomi Long stepped down as a Member of the Assembly and was replaced by Chris Lyttle. That replacement was based on a democratic selection within the Alliance Party. The decision was not imposed from the top but was made by the grass roots. It was a contested selection meeting at which a number of people from a range of backgrounds put their names forward. When Naomi Long stepped down from Belfast City Council, she was replaced by another woman. Therefore, we had one woman in her 30s being replaced by a younger man and a younger woman. I think that that is pretty good going as regards diversity. I will leave it there.

**Mr Givan:** I caution Members against taking sharp intakes of breath. The stench of hypocrisy coming from some Benches is liable to cause them to pass out. I will illustrate the point further and continue the arguments put forward by my colleague Alastair Ross, a Member for East Antrim.

Let us be clear. My party has taken action on double-jobbing. We need to clarify that double-jobbing, in the context of Westminster and this Assembly, is full-time employment that attracts a full-time salary. This party has made a clear distinction between those two roles.

We have taken proactive steps to address that already. Currently, we are the only party — I include the Alliance Party in that — that has taken steps in that regard. Some 80% of our Members of Parliament have stepped down from the Assembly, whereas 100% of the SDLP Members of Parliament continue to double-job in a full-time capacity, as do 100% of Sinn Féin Members of Parliament. We cannot have the argument from Sinn Féin that their Members of Parliament do not take their salary. Sorry, but if someone is elected to serve their constituency as a Member of Parliament, they are there to do that in a full-time capacity whether or not they take the salary. That is a matter for that party. Likewise for members of the SDLP; if they are serving their constituents in a full-time capacity as a Member of Parliament, that is what they should do full time.

**Mr Poots:** Does the Member agree that the SDLP is oozing hypocrisy today by taking the stance that it has done? Mr McGlone says that one of their MPs will be standing down in the next few weeks and that they are putting the arrangements in place. Meanwhile, Dr McDonnell states clearly that he is standing again for both Houses, as does Ms Ritchie. Therefore, the SDLP is taking a wholly hypocritical position. Sinn Féin's five MPs still take all their allowances at Westminster and, I assume, claim that they carry out many of the functions of MPs so that they are able to take those allowances. Therefore, they are equally hypocritical. They would ban someone from doing a part-time job but allow others to do two full-time jobs. That is total hypocrisy.

**Mr Givan:** The Member makes a valuable contribution, and I thank him for it.

**Mr McDevitt:** I thank the Member for giving way. I do not want to turn this into a habitual giving-way exercise. However, the Minister of the Environment is responsible for the implementation of the Bill. I do not mean to lecture him or colleagues on the content of the Bill, but all his comments are entirely irrelevant to it and out of context. He may like to note that what we are debating is a Bill that disqualifies membership of this House and local government. That is something that he might want to reflect on himself.

**Mr Givan:** I thank the Member for his contribution. He asks the Minister to reflect on it. Perhaps he is unaware that the Minister

is not a member of local government and has resigned that position, unlike the Member's party colleagues in this Assembly who continue to retain their seats in Westminster.

It is very clear that there is hypocrisy in this Chamber. The Member for South Antrim Mr Kinahan has pontificated about the virtues of focusing on one role in a full-time capacity. I think he makes an important contribution; however, if he refers not just to councillors, but to Members of this institution who have any other role, he may reflect on the private activities that he has registered. Maybe he will speak to his party leader who, in the Register of Members' Interests, has declared that he is a part-time farmer.

**Mr T Clarke:** The Member may have missed a point when he was referring to my colleague from South Antrim, and I should declare an interest as a member of Antrim Borough Council. One reason why the Member for South Antrim resigned from council was that he could not cope with both roles. Maybe that reflects the difference in the quality between candidates from one particular party and another; some can cope and others cannot. *[Laughter.]*

**Mr Givan:** The Member has reminded me that I should declare my interest as a proud member of Lisburn City Council. When I look at the Members supporting Mr Kinahan, I see Roy Beggs, who, correct me if I am wrong, is an elected member of Carrickfergus Borough Council; Mr Leslie Cree, a member of North Down Borough Council; Mr McClarty, who is no longer here, is also a councillor; and Mr George Savage is a member of Craigavon Borough Council. Yet, they have the bare-faced cheek to pontificate and lecture Members on these Benches about people not focusing on their roles in a full-time capacity.

The Ulster Unionist Party never raised the issue of the particular double-jobbing role of MPs who are also MLAs until the electorate dealt with them and removed all their MPs who were double-jobbing as MLAs. However, now, they lecture us on the virtues of focusing on one particular job.

**Mr Beggs:** Is the Member aware of the controversy at the first Assembly election when we prevented our many Members of Parliament from standing specifically to prevent double-jobbing?

**Mr Givan:** No; I was not aware of that controversy, but it does not surprise me that there was internal wrangling within the Ulster Unionist Party. *[Laughter.]* I am sure that will not come as a shock to the public.

**Mr Poots:** Perhaps the Member can assist the Member's recollection that it was only those anti-Agreement MPs who were not allowed to stand; pro-Agreement MPs such as Ken Maginnis, David Trimble and John Taylor were allowed to stand.

**Mr Deputy Speaker:** I remind Members to concentrate on the Bill. *[Laughter.]*

**Mr Givan:** Thank you, Mr Deputy Speaker; I will move on.

I listened to the Chairperson of the Committee's lecture on how the public would look with disdain on the income of Members in this institution who are also councillors, but I went through the Register of Members' Interests in preparation for the debate. Again, Members can correct me if I am wrong when I go through the list.

Sinn Féin fundamentally agrees on a point of principle. My party has taken action on its MPs without the need for legislation. Likewise, Sinn Féin could take action without the need for legislation. We know that, as the Marxist organisation it is, if a diktat comes from on high, its members had better agree with it. Let that party give that diktat to its members, and let them take it, if it is a matter of principle. However, of the Members here with us: Mr Billy Leonard is a member of Coleraine Borough Council; correct me if I am wrong. Mrs Michelle O'Neill is a member of Dungannon and South Tyrone Borough Council —

**Some Members:** And mayor.

**Some Members:** Chairperson.

**Mr Givan:** She is Chairperson of the council. Mr John O'Dowd is a member of Craigavon Borough Council; you, Mr Deputy Speaker, are a member of a council and serve on a District Policing Partnership. Of course, I support your activities there as well as on the transition committee; you are being remunerated for both. Mr Barry McElduff is a member of Omagh District Council. I will give way to any of those Members if they want to correct me if I am wrong. Mr Alex Maskey may have an announcement on this: I am not sure; but I have heard rumours. *[Laughter.]* He is

a member of Belfast City Council. Mr Daithí McKay is a member of Ballymoney —

**Mr Boylan:** No.

**Mr Givan:** I am sorry; I stand corrected on that. I am happy to withdraw that, through the Chair. Mrs Claire McGill is a member of Omagh District Council —

**Some Members:** Strabane.

**Mr Givan:** I am sorry; that should be Strabane District Council: I am sorry to have insulted Omagh.

Mr Fra McCann is a council member: I will withdraw that statement if it is not accurate. Mr Willie Clarke is obviously still a Member, and, of course, I have the unfortunate privilege of knowing Mr Paul Butler from my council.

### 6.15 pm

That is the list of Sinn Féin Members who also serve on councils. I do not know whether they pocket that money or whether it goes into the central coffers of Sinn Féin. Nevertheless, through the Assembly and the councils, the party or its members receive that money. When we talk about the public looking on and thinking that this is about the finances of individual Members, they will smell the stench of hypocrisy from the Members opposite.

It is not only Members of the Assembly about whom we are talking in respect of whether they are able to do the job and whether other jobs distract them from the work of the Assembly or affect their ability to carry out their council duties. If we are to be consistent about the matter, we have to ask whether members of councils who are in full-time employment should be barred from holding office in council. Is that a distraction? Can they not carry out that duty because of their full-time employment? What about those who receive money from the taxpayer, whether they are teachers, doctors, nurses, dentists —

**Mr Bell:** Or a GP.

**Mr Givan:** Or a GP — absolutely. Should those individuals who receive money from the taxpayer be barred from holding office in a council? Are they not able to do the job? If we are to be consistent in this regard, let us apply it across the board. That is where the Bill is fundamentally flawed.

I asked whether Members of the Assembly are able to do the job if they sit on a council. In the previous session, the voting record of the parties shows that the Democratic Unionist Party topped the poll, with an 81% average voting record; the SDLP came second with 78%; Sinn Féin came third with 74%; the Alliance Party came fourth with 66%; and in last place, given that I listened to the piety of the individual as he lectured us, was the Ulster Unionist Party with 60%. The public will see that it is the DUP that delivers on the ground and in the Chamber.

**Mr Kinahan:** We should ask the Member whether the same percentages apply in respect of time spent in Committee. In most Committee meetings that I have attended, his party is probably the worst for remaining in Committee meetings for their duration.

**Mr Givan:** I thank the Member for his contribution. When I looked at the Committee attendance record, of the top 10 Members in respect of their highest —

**Mr Deputy Speaker:** Order, please. I ask Members to return to the Bill. Committee business and other business may be very interesting, but this Bill is being discussed today.

**Mr Givan:** The amendments are about disqualifying MLAs from being councillors, so we need to ask ourselves whether those MLAs are doing the job. We will then know whether they should be disqualified from councils. That is the point that I am trying to make. Seven of the top 10 MLAs with the highest attendance record were from the DUP. I thank the Member for his contribution.

If political parties are removed, the independent average vote record was 46%.

**Mrs D Kelly:** Will the Member give way?

**Mr Givan:** I am going to continue this theme. I will be happy to give way at a later point. The independent average voting record was 46%. Indeed, the Member who proposed the Bill had a voting record of 23%, which is the worst of any Member. She does not have a council role to distract her from carrying out her duties in the Assembly, yet she languished in joint last position for her voting record.

The public will see which parties are committed to these institutions and which carry out the work, not only here but in local government. The Ulster Unionist Party Member for South Antrim

indicated that his party is taking time to address the issue. The Ulster Unionist Party Member from my constituency indicated, perhaps two or three years ago, that he was opposed to MLAs being on councils, so the Bill clearly affects him. He said that he was opposed to that and would step down from the council, but he is still a member of Lisburn City Council. He indicated then that his party was searching for talent before he stepped down. Maybe that indicates the lack of talent in Lagan Valley.

However, the Member for Lagan Valley from the Ulster Unionist Party sits on only two Lisburn City Council committees. He could have attended a maximum of 28 meetings in that institution last year but attended only 16. Indeed, he attended less than 50% of meetings of the full council. When I considered the Bill, I looked across at other Members of the Assembly — I was not one during that period — and compared their records. Alderman Jeffrey Donaldson, who is no longer a member of Lisburn City Council or of this institution, had a better attendance record than the Ulster Unionist Member for Lagan Valley.

**Mrs D Kelly:** Will the Member give way?

**Mr Givan:** I will keep going before giving way again.

Indeed, the Minister of the Environment, who is here and who had that responsibility to carry out, attended 45 meetings throughout that recording year, a 78% attendance record whenever it came to the two committees that the Member for Lagan Valley from the Ulster Unionist Party could have attended. The Alliance Member, Trevor Lunn, who is also a member of Lisburn City Council, attended 55 official meetings of the council during the same reporting year. Jonathan Craig, my colleague, attended 57 official meetings that year, and, of the 28 meetings that Basil McCrea could have attended, he attended 24.

I make the point that, where Members are not able to do the job, they should reflect on whether they should be in that position. However, where Members are clearly and evidently doing the job, the Bill would put them out of that position when the evidence has shown that they have done that job very well. We need to be consistent, and we must be consistent on private interests, in terms of the income that individuals earn, not just from local councils but also in a private capacity.

Members need not look much further than the House itself for those among them whose attention is divided. The independent Member for West Tyrone, who has one of the worst voting records in the Assembly, indicated to the 'Irish News' during the summer, in response to what was said about his poor attendance record as an MLA:

*"I'm committed to working two days a week".*

I checked what salary he drew from this place, and he drew the same amount as every other Member, yet he has put on record that he works only two days a week as an MLA. His declaration in the Register of Members' Interests shows that, as a medical practitioner, he draws a salary of £65,000. Therefore, when we look at what Members do in this Chamber and on councils, let us not look beyond what is going on among the ranks of some individuals in this institution. The stench of hypocrisy will be clearly evident to the public when they read the Hansard report.

**Mrs D Kelly:** Will the Member give way?

**Mr Givan:** I will, yes.

**Mrs D Kelly:** I thank the Member for eventually giving way. I note that the Member failed to place on record the abysmal attendance of his party colleague Stephen Moutray, who is on one of the most influential Committees of the House, the Public Accounts Committee. Is it not the case that he has the worst attendance of any Member of the House who sits on that Committee?

I also note that on the issue of the Register of Members' Interests, he did not comment on slivers of land being registered by any Member of the House. He also referred to Committee meetings. Does the Member share my concern that, although the Committee for the Office of the First and deputy First Minister includes two members from his party and two from Sinn Féin, its forward work programme for December contains absolutely no business from OFMDFM?

**Mr Deputy Speaker:** I remind Members that they must address the contents of the Bill. Although the wider-ranging discussion may be interesting, I ask Members to return to the Bill.

**Mr Givan:** Thank you, Mr Deputy Speaker. I note that, in the Member's contribution to the debate, she did not declare an interest as a member of Craigavon Borough Council. Again, the public will see the hypocrisy. I will not take any lectures

from the SDLP on this issue when 100% of their Members of Parliament continue as Members of this institution.

When they put their house in order and when Sinn Féin puts its house in order, other Members will take the Bill a lot more seriously.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I am not sure whether we need to stop to draw breath. On behalf of Sinn Féin, I support the Bill, and I commend Dawn Purvis for persisting with the legislation. Although it has taken a while to get to where we are, the legislation is timely, and, on that basis, we are prepared to support it. As my colleague Cathal Boylan outlined, bar amendment No 2, we are prepared to support all the amendments, which are technical and logical consequences of the legislation.

We are not taking a high-horse approach to the Bill, because the development of politics here is still in somewhat of a transitional era. Consequently, certain decisions must be taken. It is fair to say that, ultimately, all parties here are committed to ending all forms of multiple mandate, so, obviously, they will address the situation. Commendably, some parties have begun to address it, including the DUP, which, as I outlined earlier, has agreed to some of its MPs standing down. Therefore, there is no question that that party understands the need to remove some of the clear anomalies. Yes, we have five MPs and, yes, most if not all of them were elected on the basis of being active abstentionists, which was the mandate that the electorate endorsed. That is their choice and, more importantly, it is the people's will, so we stand by it. However, ultimately, do we want to end the dual mandates of MLAs and MPs? Of course we do, and we hope to address the matter as early as possible. That is on the record.

I will not lecture any party about what it should do, but it is right and appropriate that some Members opposite drew attention to the hypocrisy to which we have had to listen. I would like everyone to say that they know that there is a need to end dual mandates and to support the legislation, because, although my party wants to end all multiple mandates, we also want to ensure that the Assembly continues to operate, which it has continuously and for longer than any Assembly formed since the Good Friday Agreement.

We support the legislation because we believe that it is timely and appropriate to bring an end to dual mandates between local councillors and MLAs. I do not accept Mr Kinahan's assertion that people may wish to pursue higher political ambitions. I am not sure about the terminology that he used, but I believe that he referred to people in local government moving higher up the scale to become MLAs, or possibly further. We do not accept any difference in status between councillors, MLAs, MPs, MEPs, TDs or Senators. However, given that Sinn Féin is the only all-Ireland party in the Chamber, I appreciate that that does not apply to anybody else.

**Mr McDevitt:** I hate to correct the Member; however, if he were here, I am sure that Mr Wilson would want him to acknowledge that Sinn Féin is not, in fact, the only all-Ireland party in the Chamber.

**Mr A Maskey:** If the Member had actually listened, instead of just trying to get a sound bite in every now and then, he would have heard me say that there was nobody else in the Chamber. He should try listening for a while, because it is a good habit.

I accept that some DUP Members are annoyed about the hypocrisy coming from this side of the Chamber, because we had to listen to Patsy McGlone suggesting that, somehow or other, his party is moving forward and has a process that will resolve the issue in Derry in a few days, when we know that, like the magic roundabout, one leader of his party left because he felt that he could not occupy two posts, yet his new party leader came in saying that she could definitely manage both posts.

That is fine for that party, but the public needs to make up its own mind; it is for the public to decide. However, it is a bit hypocritical for Mr McGlone to make that kind of reference; in fact, it is probably somewhat disingenuous.

### 6.30 pm

Equally, Mr McDevitt tried to extol his personal virtues. I do not know the circumstances in which he left his last job, but he certainly — *[Interruption.]*

**Mr McDevitt:** On a point of order, Mr Deputy Speaker. I appreciate the cut and thrust of parliamentary debate and that we speak here under privilege. However, Alex Maskey should reflect very carefully on his remarks about

the reasons why people give up professional employment to come into public office. I certainly do not want to have to read Hansard tomorrow and have to cause him to reflect further on those remarks.

**Mr Deputy Speaker:** I remind all Members to moderate their language and consider what they say in advance.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for his intervention, although I do not know its relevance, nor do I understand what he means. Perhaps I touched a raw nerve. Nevertheless, when the Member was seeking to extol his virtues in that manner, he did not refer to his constituency colleague, who has registered about five interests, including those of GP and farmer and others relating to medical tests and so forth. The list seemed endless.

There is hypocrisy, and Members should be mindful that the public will, ultimately, want us to have a single mandate. Each mandate is a point of honour: first, we are all privileged to be selected by our party colleagues and peers, and then, more important, to be elected by the general public. Those mandates are given to us and we are privileged to exercise them. I believe that, deep down, each of us wants to exercise only one mandate at a time, given the importance of the mandate and the complementarity that each of those roles has to one another.

We all know the saying, "All politics is local". Local politics is very important, and I have cherished the past 27 years during which I have had the privilege of being elected to Belfast City Council. I am delighted to announce my resignation, as and from this week, from Belfast City Council. My party will continue to roll out that policy before the end of the current local government term and will bring an end to the exercise of councillor/MLA dual mandates.

In the next few days, my party will announce other councillor/MLA resignations in the greater Belfast area to facilitate an end to dual mandates. In our party's view, that is as much about allowing space for others to take up their rightful roles. The importance of diversity was mentioned earlier. It is also important that as we move ahead and consolidate our politics we create space for other people, particularly young people, as Stephen Farry said earlier, who can take up civic leadership roles that complement

the roles that we perform here. People who are MPs or who hold another office have a complementary role.

**Mr Poots:** Will the Member clarify what part of making way for younger people was missed in East Londonderry?

**Mr A Maskey:** I am not going to respond to that. I am trying to recognise that there are sensitivities in the Chamber and that not everyone fully agrees. I recognise that, in particular, people who have been in local government have a great attachment to it and cherish it. That is because it is local and because there is an intimate interface with the constituency. Anyone who does not value that or understand its importance is not living in the same political world as we are. I am simply saying that it is important. My contribution is not about hypocrisy, nor is it about lecturing anyone; it is about simply stating my party's view that where we can create space for other people to come in and refresh and rebuild local government, we will play our part in doing so.

As I said earlier, Sinn Féin has already commenced that process. Quite a number of our members have resigned their seats and been replaced in local government by colleagues. We will continue to roll out that programme over the days, weeks and months ahead to the point at which, probably before the end of the current council mandate, no one from Sinn Féin will hold a dual mandate as an MLA and councillor. In our opinion, that is very positive, and I look forward to it.

Somebody mentioned Paul Butler's experience in Lisburn. I am mindful that, over many years, councillors often bore the brunt of many of the problems in this place. Our party led the way in breaking through the rock face of discrimination that was known as Belfast City Council, which was renowned around the world as a bastion of bigotry. There have been big changes, which were brought about because, over the years, many people put their shoulder to the wheel to try to make the place better. Unfortunately, however, people on other local councils still refuse to share power or civic posts. That is regrettable, but the Bill is an attempt to end dual mandates in local government and the Assembly.

We welcome the Bill, and we thank Dawn Purvis for introducing it. We support it, save, as I said, for amendment No 2. There has been gross hypocrisy. Members referred to double-jobbing,

but that is a bit of misnomer; it is sometimes more a case of multiple salaries. One Member said that a particular individual earns £65,000 as well as an MLA's salary and declares that the work is for two days a week. It is disgraceful that a person who subscribes to being a full-time elected representative should hypocritically lecture others about remaining in local government. Therefore, I accept that Members around the Chamber are annoyed about the tone that some adopted.

Sinn Féin is keen to support an end to all dual and multiple mandates. We are keen to place on the record that we have, in many ways, led the way. A number of our members have already resigned their seats and been replaced. I and many others will continue to roll out that process over the next number of days. Therefore, we welcome the Bill, which we think is timely. More importantly, we think that the Assembly has been stabilised to an extent.

One Member said that it was a matter of hedging bets. It is not; it is about being realistic and being politically responsible and mature. Parties and Members here have important constituencies to serve. They all take that responsibility seriously and will not abandon a mandate or a seat. All who are local councillors here will have many people urging them to stay on in local government because they are more accessible and often more attentive to their constituents' needs. That is not always the case, but, for the most part, councillors are well recognised for their sterling work at a local level.

Sinn Féin does not accept the notion that one mandate is more important than another. All mandates are equally important and, in fact, complementary. I personally cherish the number of years during which I represented people in West Belfast and, in recent years, South Belfast. I have been given a mandate by the people there, and I dearly commit to continuing to serve them to the best of my ability. It is not only a matter of whether a Member has the ability to cope; it is a matter of serving the people. Members here have demonstrated that they are good local councillors, and some, perhaps, have been good MPs and good MLAs.

Over time, as we stabilise ourselves here, we should separate the mandates, bring more people into politics and make sure that each of us, at our own level, can devote the maximum amount of time and our undoubted talents to

the job at hand. In the Assembly, the job should focus on policy, strategy and legislation for the whole region. People at local government level should feed Assembly Members with the relevant information from their direct experience with constituents on the ground. I stress that all those roles are complementary, and, on my party's behalf, I commend the legislation, save for amendment No 2, and support the Bill.

**Mr Beggs:** I declare an interest as a local councillor. I congratulate the Member for bringing the Private Member's Bill to this stage. I am aware that it has taken a considerable amount of work, but it can assist in restoring confidence in the democratic process by widening and sharing political representation and by ending the dual mandate that has been widely practised. By sharing that responsibility, there will be less chance of abuse of power by its being concentrated in a few hands.

In supporting the Bill and the sponsor's amendments, I am clearly acting in community interest, not in self-interest. In contrast, a group to my left, the DUP, is clearly dissatisfied with the proposals. I remember that, when we discussed local government reform, we were advised that Members should not discuss matters that might improve their personal remuneration. Members need to be careful on the issue, and I hope that they have taken advice. They appear not to want to give up the additional £10,000 or £20,000 a year that they earn in addition to their salaries as Members.

**Mr Weir:** Has Councillor Beggs also taken that advice?

**Mr Beggs:** If you had listened to what I said, you would know that I support the Member's proposals and her amendments and that I could not be construed as acting in self-interest by potentially excluding myself at a future election. I would not be acting in self-interest. I wonder whether you can look at yourself in the mirror and say the same.

**Mr Deputy Speaker:** All remarks must be addressed through the Chair, please.

**Mr Beggs:** Members need to be careful, and I hope that some of them have taken advice that they do not take decisions that will potentially affect their financial remunerations by increasing the amount of money that they take home in their pay, because that, of course, would be entirely inappropriate.

At the Second Stage of the Bill, I commended the sponsor on the Bill's brevity, but, as it transpired, we came to appreciate how complex that brief Bill was. In Committee, I highlighted concerns that elections could be triggered on the day of the count by the disqualification of those who were elected. I do not believe that the community would think that the triggering of another election would be a sensible process. In fact, should that ever occur, there might be a very low turnout. Ms Purvis appears to have addressed those issues with this series of amendments, and I suspect that, when the amendments were brought late at Committee Stage, all Committee members were not fully aware of their significance.

I shall talk about amendment No 1. Now that the Assembly appears to be stable, it would be best if, in future elections, no one were to seek dual mandates and dual wages. More time could be committed to a single role, and, as I have said previously, trying to fulfil multiple mandates to one's utmost ability has a cost to personal life. I notice that I have not been criticised for my attendance, and I hope that someone will look at that, because I have honoured my mandates to the best of my ability. I find it rather annoying when Members come to Committees, get marked present to keep their score up and leave again. That is a cynical abuse of the system.

I notice that amendment No 1 does not prevent a Member from being elected as a councillor; rather, it prevents a Member from being a councillor. That follows Ms Purvis' wish not to prevent someone from being a candidate but to prevent dual mandates by allowing an individual to make a choice. The arrangement that she has come up with in the amendment would not exclude such a situation. An MLA could become a councillor if he or she were to resign as an MLA before the fourth day after the local government elections, when the results would be known. There is a provision for someone to do that if they wanted, but I do not think that that is particularly ideal. Nevertheless, it prevents any exclusion. As we are already aware in this place, co-option is possible to the Assembly without the need for Assembly by-elections. Of course, we must also be aware that both elections might take place on the same day, which could happen next May.

**6.45 pm**

If a sitting councillor were prevented from aspiring to be elected to the Assembly or from standing, it would be unhelpful to democracy. I notice that the amendment does not preclude that. However, it precludes Members from taking up both posts. Newly elected councillors are officially appointed on the fourth day after the election. Under Standing Order 3(3), an MLA does not take up the role, responsibilities and, indeed, the privileges of being a Member of the Assembly until he or she has signed the Roll of Membership. Therefore, someone who is elected as a councillor and an Assembly Member could simply delay signing the Roll of Membership in the Assembly until he or she has stood down as a councillor and then hand on that council role to someone else. Appointments that were made in such a fashion would enable a councillor to be replaced without triggering a by-election. However, that system could, of course, be abused, as some Members mentioned.

A sitting MLA who chooses to stand again as a Member of the Assembly and as a councillor can, potentially, abuse the provisions in the amendment. The electorate should, therefore, ask itself whether the co-option process is being abused and whether it will, in fact, get the councillors for whom it voted. I hope that the public scrutinise those issues in such a fashion that they ensure the end of dual mandates.

After discussions with the Bill Office about amendment No 2, I accept that it is unnecessary and that the amendments tabled by the proposer of the motion are sufficient. As there is a tight period within which one can stand down, a provision for disqualification to take effect after 60 days is unnecessary. That amendment should not be made, primarily because it would provide a degree of cover to anyone who wished to abuse the process by allowing him or her to be an MLA and a councillor for 60 days. If the amendment is made, I hope that nobody will choose to be an MLA and a councillor on the basis that the hypocrisy of abusing the situation would be too embarrassing and would highlight that the individual could not serve in that dual position. I, therefore, prefer the amendment tabled by the proposer of the motion to the amendment to introduce the 60-day process. If big hitters were cynically to stand for election as councillors simply to ensure election before standing down

to let others in, that would be outrageous. As a vote against amendment No 2 is more likely to prevent such a situation, I oppose it.

Amendment No 3 deals with a suitable time to start the process, and I think that the commencement of the next local government election is appropriate. Amendment Nos 4, 5 and 6 make provision for technical changes that flow from the change of tack that the Member had to make to address the Committee's concerns and to prevent triggering a number of by-elections. I support the amendments in the name of the proposer of the Bill and oppose amendment No 2.

**Mr Weir:** I declare an interest as a member of North Down Borough Council. Before I make my remarks, I will read a prepared statement on behalf of the Environment Committee. I assume that the Chairperson was not in a position to read the statement himself because of his party's position.

The Committee was concerned about the legalities and technicalities of the point at which disqualification from being a councillor takes place. In particular, members were concerned that, if a local government election and council election were to take place simultaneously, that might result in council seats still being vacant on the day of the first council AGM thereafter.

That situation could arise if there was insufficient time before the council AGM for parties to replace an individual who had been elected to both positions. Although the sponsor believed that the existing —

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

**Mr Weir:** I am happy to give way. I am reading a prepared text on behalf of the Committee, but I will give way.

**Mr Beggs:** The Member indicated that the 60 days may allow parties time to organise. Does he accept that if the parties knew what the rules were well in advance, they could prepare themselves and would not need the 60 days should they allow a candidate to stand for both positions?

**Mr Weir:** I will finish the statement and then deal with the Member's point.

Although the sponsor believed that the existing provisions for replacing councillors could overcome those provisions, the Committee felt

that an amendment to clause 1 which would allow a period of 60 days to elapse before the disqualification took effect would be a prudent measure to include in the Bill. In the absence of an amendment from the sponsor to address that concern, the Committee has tabled its own amendment, amendment No 2, and it encourages Members to recognise the wisdom of its inclusion.

The Member may not be aware of all of the provisions as regards co-options, but quite often there is a 28-day period in which it can be resolved. Some action needs to be taken, and it could be that there is a vacancy when an AGM is called soon after an election. At that stage, some councils will apply some form of proportionality or d'Hondt. There is a question of whether a seat would count if it was decided in that manner, but certainly they would not be able to appoint people on that basis and a party could find itself being a seat down. Therefore, some common sense needs to be employed.

Given the experience that Mr Beggs has in local government, I am surprised at him. Given the lack of local government experience on the part of the Bill's sponsor, I am a little disappointed, but not entirely surprised.

**Ms Purvis:** Does the Member not recognise that amendment No 2 actually precludes parties from co-opting in that 60-day period? As the disqualification does not kick in for 60 days, parties will not be allowed to co-opt within that period of time, and the amendment that you are proposing would extend that period by up to three months. The amendment would mean that the disqualification would not come in for 60 days and the co-option regulations would not apply until after that period had passed.

**Mr Weir:** That is not the case. First of all, I am proposing the amendment on behalf of the Committee, so it is the Committee's proposal, if we are being strictly accurate. The amendment does not preclude a party from making a change within that period. There is nothing to stop someone leaving the council the day after the elections; that is not precluded under amendment No 2. I suspect that the Member does not know what the substance of that amendment is, but again I am not particularly surprised.

Many arguments have been raised during the debate, and there has been a degree of cut and thrust. Both my party and I raised a range of concerns about the Bill during its Second Stage

— concerns that have not been addressed by the amendments.

**Mr Kennedy:** Are you still Chairman?

**Mr Weir:** Sorry?

**Mr Kennedy:** Are you still Chairman?

**Mr Weir:** I appreciate the point that Mr Kennedy has made from a sedentary position. I am speaking now in my capacity as an MLA, having done the duty that Mr Boylan seemed reluctant to do earlier on — and I see him raising a glass to me, at least physically if not metaphorically. As a member of the Committee and of the House, I, and other Members of my party, raised a range of concerns at Second Stage that have not been dealt with by the amendments.

As the Bill came from someone who has never served a day in local government, it is not surprising that the complementarity between the role of local government and that of an MLA has not been recognised, and the amendments do not deal with that. The Bill is essentially anti-democratic, because, ultimately, the electorate should be allowed to choose who they want to represent them without any artificial barriers being put in place. As Mr Farry indicated, parties are perfectly entitled to take whatever action they have taken.

We were lectured earlier by Mr McGlone, who told us that the SDLP would take its own action; that it would be master of its own destiny. However, it seems that, through the Bill and the amendments, the SDLP is sending out a signal of: do as I say, not as I do. Unlike the Alliance Party, which has removed its Westminster MP and the Democratic Unionist Party, which has removed most of its Westminster MPs, 100% of the SDLP's MPs are still — *[Interruption.]*

**Mr Deputy Speaker:** All comments should be made through the Chair, please.

**Mr Weir:** Mark Durkan may make the supreme sacrifice in the next few days, but we see precious little evidence of the leader of the SDLP taking that course. Indeed, it is abundantly clear that the honourable Member for South Belfast — a Member both of this House and of another — has absolutely no intention of vacating either House. If Dr McDonnell is in the Building, he is akin to an Israeli settler: I suspect that he is building breeze blocks in his office upstairs to cement himself further into both Houses.

The SDLP dares to lecture us about dual mandates even though it has taken no action. I also have concerns about Sinn Féin, whose five MPs have taken no action. However, I appreciate Sinn Féin's point that their MPs do not take their seats. The parties expressing concern about the Bill are the only ones to have taken proactive steps, at the top level, to remove people from dual mandates and double jobbing.

If it is wrong to be a full-time public representative as a councillor and an MLA, why is it not wrong to be paid out of the public purse and also be a councillor? The amendments do nothing to address that. Will councillors be drawn from people who have no other role in life? Perhaps, according to the proposer, that will be the case. Among the ludicrous claims made today is one that concerns the 60,000 unemployed. Presumably, the Bill is some form of job creation scheme that will open up vacancies on councils and people will work full time as councillors for £9,500. That is the import of what the proposer said earlier.

I believe in greater diversity of membership. We were told that the Bill will lead to more women filling places in local councils. However, as has been highlighted, the five major parties have filled all the vacancies that have occurred in the lifetime of this Assembly exclusively with men. Sinn Féin, the SDLP, the DUP, the Ulster Unionist Party and the Alliance Party are all guilty of that. The suggestion that the Bill will lead to a flowering of diversity beggars belief.

A fairly bad Bill has become even worse. The one argument used at Second Stage that contained any scintilla of persuasion was that the role of councillor would be expanded under the review of public administration due to the larger council areas and the additional functions. The argument was that the role of councillor would, therefore, simply not be compatible with the role of MLA from a practical point of view. However, that argument is dead in the water, at least for the time being, because we will not move to the review of public administration in 2011.

Mr Farry said that bringing local government experience to the Chamber was valuable. It cuts both ways. A mix of people who have been in the Assembly and their local council can help to bring a different perspective; that is of value to councils.

At this point, I pay tribute to all my colleagues on North Down Borough Council, including Councillor Easton MLA, Alderman Cree MLA, Alderman Wilson and Councillor Farry, all of whom have brought something additional to the council, in part because of their role in this House.

### 7.00 pm

Amendments Nos 4 to 7 are largely technical and, therefore, should not concern the House greatly, and amendment No 2 perhaps makes a very bad job marginally better, but the case remains unproven. Indeed, it has to be said that, rather than dealing with dual mandates as proposed by the Bill, we should deal with the double standards that appear to be all too evident.

We will oppose a number of the amendments and clauses, and we will look with forlorn hope to see whether any improvement can be made at Further Consideration Stage. We will also look to see whether the parties that are so keen to lecture us on dual mandates and double standards are prepared to step up to the plate and take action to remove their MPs from the Assembly. Let us see whether action is taken in connection with that. Let us see people being consistent in their approach. Let us see an end to double standards. What is before us today is a pale imitation of what legislation should be in this place, and, therefore, at this stage, we oppose it.

**Mr Lyttle:** I will do my best to keep my comments brief because we have had a fairly full exchange on the Bill. I am aware of the unique history that has led to the circumstances that we face, and I agree wholeheartedly with my colleague from East Belfast that establishing sound democratic principles, such as openness, transparency and accountability, must be a key aim of the House. However, I cannot agree that the Bill is the best way to achieve those aims.

I agree that the issue of multiple mandates is of concern to members of the public and should be of concern to Members of the House. Indeed, the Member who proposed the Bill would probably acknowledge that it is arguably more important for MPs and Ministers to consider whether it is right, proper and possible for them to serve more than one House. Although that is not a matter for consideration today, I believe that it has more significant implications.

That aside, I genuinely feel that it would be inadequate for the House to accept the Bill before us today without challenging the apparent perception that appears to have significantly motivated its composition. Many arguments have been put forward throughout all stages of the debate so far, but the lack of delivery on the review of public administration and local government reform have changed the context to a certain extent.

My party and I strongly agree with the principles of having a legislature that is reflective of our wider community and encouraging fresh, new voices into politics as a measure of how far our democratic process has come. Indeed, I stand here in the privileged position of serving the people of East Belfast as a result of party leadership showing themselves capable of exercising leadership on the issue in good time and by utilising the co-option procedure in the spirit and purpose for which it was intended.

It is important to reflect on the facts associated with the issue. The office of councillor is a part-time post that is designed to function alongside full-time jobs, be they professional, business, farming or factory jobs, with an allowance to cover reasonable expenses incurred rather than a salary as such. I have heard only a small number of reasons for the need to legally disqualify an MLA from holding that part-time office, and I am not sure that we should be further persuaded by any of them today.

Members would do well to challenge the perceptions that have been mooted in the debate before accepting any of the proposals as they stand. We heard that a main reason for the Bill is that the public regards a person who holds MLA and council positions as doing so for personal gain, be it to gain power or financial remuneration.

I ask Members whether they want to let such a perception go unchallenged. I am aware that a number of Members are also councillors. Although I might disagree strongly with their politics, I cannot question the standard of service that they offer to others before themselves.

I also find it difficult to accept the argument that it does not affect teachers and nurses or that, for example, a doctor who earns around £100,000 from the public purse and is tasked to work around 70 or 80 hours a week is less eligible for disqualification from holding a

council post than an MLA. I think that we need to consider carefully whether we should rule out participation in politics at that level by anyone in the aforementioned posts. I agree with the Member who said that the Assembly should encourage people from all walks of life to get involved in politics; people from a wide range of backgrounds, such as teachers, nurses, businesspeople, men, women, old people and young people.

I understand that at the Bill's Second Stage, the point was raised about the public perception of politicians as being people who give speeches and attend receptions. I find it hard to understand that there was no detailed attempt to explain the reality, which is that any politician worth his or her salt is operational 24/7 and sacrifices personal and family life in the process, regardless of mandate much of the time, to work on a multitude of constituency inquiries and strategic issues in the House.

It has been argued that introducing the legislation in order to respond to that perception will demonstrate political maturity. My party has already demonstrated that maturity in that a number of my senior colleagues have resigned from the Assembly and local councils in order to ensure that the party continues to offer constituents a wide range of dedicated and focused representatives and encourages a new generation of representatives into public service on local people's behalf.

As has been mentioned, Naomi Long committed to serve the people of East Belfast as a full-time MP if she was elected to Parliament. Due to her prompt delivery on that commitment, I have the privilege of representing our constituents in the House. My colleague Laura McNamee was also co-opted to Belfast City Council and is its youngest female councillor. Therefore, my party has exercised leadership in that area.

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

**Mr Lyttle:** I am just about to close my remarks. Go ahead.

**Mr McDevitt:** The leadership shown by the Alliance Party in East Belfast in dealing with Naomi Long's election to Westminster was laudable. However, clearly, the party's policy at local level, which is not to allow multiple mandates, is not one that it is willing to adopt at regional level. Perhaps, Mr Lyttle will inform

the House why a policy that is good in a constituency is bad in legislation.

**Mr Lyttle:** I thank the Member for his comment. I believe that my colleague Dr Farry has already responded to that issue in detail. My closing remarks relate to that point to a certain extent. My party is aware of public concern on the issue. It will continue to proactively deliver timely and progressive responses to the matter.

**Mr McFarland:** I have no declaration to make because I am the only North Down MLA who is not a councillor. I congratulate Dawn Purvis on steering her Bill this far.

The issue has bobbed around the Assembly during various talks processes, the Programme for Government Committee, and it is still with the Assembly and Executive Review Committee as we speak. Parties have actually changed their views. At one time, all parties agreed that multiple mandates were bad. The discussion was about the stage at which they should be knocked on the head. That was the only discussion that took place.

I support the Bill and most of the amendments because I believe that they are the right way to go. I understand why it has been difficult until now, and there have been endless arguments about why multiple mandates could not be removed sooner. Basically, it was because the Northern Ireland Assembly was unstable. Members were never sure whether they would be put out of their Assembly jobs and, therefore, they wanted to keep their Westminster or council seats. It is perfectly understandable, therefore, that it has gone on for so long.

However, it is politically unhealthy for the body politic in each of your parties to not have a system of bringing young people on from council to the Assembly or to Westminster. That is the way the progression should be. I do not understand why anyone needs two jobs, and I am particularly amazed at Stephen Farry, "Mr Democracy", and I think that the electorate in North Down would be mighty surprised to find out that he intends to go on double-jobbing from here on in.

Why is double-jobbing bad? The answer is that it bed blocks; it bed blocks political progress in your parties and it stops, in particular, women and young people moving on to the political ladder. That cannot be good for any of our parties.

**Mr Ross:** We have heard it claimed on numerous occasions that, if this legislation is passed, it will get more women and young people into local councils. There is no guarantee at all that that will happen. Who goes forward and replaces individuals depends on the selection process in each party. This legislation will not deliver more women and young people into local government, and it is a falsehood to suggest that it will.

**Mr McFarland:** That is not what I am saying. I understand that there is a difficulty, but if you have our Jimmy, aged 85, as an MLA and a councillor, there is no chance of someone — *[Interruption.]*

**Mr Deputy Speaker:** Order. We have had a fair bit of banter across the Chamber, but if we want to make progress, it is not going to continue in that way. I ask Members to hold what they have to say until they are speaking. If they have nothing to say at that time, they should resume their seats. I will not allow the continuous banter from a sedentary position to continue.

**Mr McFarland:** Thank you, Mr Deputy Speaker.

As I said, double-jobbing prevents people becoming interested and getting involved in politics, and that is part of the difficulty.

Some argue that there is a need to retain experience, and we have heard that today. Of those councillors maintaining their dual mandate, we probably have two on any one council, because they are spread across the Province. So, are you seriously telling me that if two of your councillors do not go back into council again, the entire council — of, say, 25, 30, or 35 members — will collapse because the experience of two people is missing? That is a nonsense argument that really should not be made in this House.

Another issue is that double-jobbing interferes with the working of Committees here. I saw it happen in the first Assembly mandate, and I suspect that it is going in this one. During an afternoon Committee meeting, at 4.00 pm, in the middle of an evidence session, one suddenly hears a shuffling of papers, as councillor so-and-so decides that it is time to be on the road or he will miss his council meeting, because he has to get home to have his tea and then get to council. It interferes with the good working of this Assembly, and it is wrong. It used to happen as well with the MPs, who

would not turn up on a Wednesday or Thursday because they had to be at Westminster. That was wrong. We are sorting that out and that is very encouraging.

**Mr I McCrea:** We are sorting it out.

**Mr Deputy Speaker:** Order.

**Mr McFarland:** Absolutely, and fair play to you: you are sorting that out, but it was very unhealthy. In fact, at the beginning of this Assembly mandate, I sat on a Committee that had to meet on a Monday because the Chairman was an MP and he could not meet on a Wednesday or Thursday because he was in Westminster. That interferes with the good workings of this Assembly, and it should not happen. If everybody had one job, it would not happen.

Although they are pretending not to, parties see dual mandates as political advantage. Parties run their big hitters and we know, from looking at the results, that those big hitters can bring in certainly one, perhaps two, and sometimes three other councillors with them. Again, that is not a healthy way to operate. I can understand that parties are fearful that, if they stand their big hitters down, they will lose votes with somebody new coming in. I can understand that, but I also think that it is incredibly —

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

**Mr McFarland:** Let me finish this point.

It would be incredibly unhealthy for those big hitters to go into this next election and then stand down the moment that they get elected and after they have brought, perhaps, another two in with them. I do not think that the electorate will understand that, because it is cheating. It is cheating the electorate. It is going into the elections under false pretences, and I think that it is really dodgy.

**7.15 pm**

**Mr Bell:** Will the Member choose this moment to confirm or deny that he is hoping to rely on the big hitter Lady Hermon to bring him here next time?

**Mr McFarland:** I have been at this since 1995. I stood twice in North Down as a Westminster candidate. I got 7,500 votes in a by-election and, with 11,500 votes, came 1,400 behind Robert McCartney in a general election. The

people in North Down have a choice. They know me well enough by now; I am no surprise to them. I have been successful in every election to here. Furthermore, as colleagues know, the only reason why this place survived after the first Assembly election was because North Down produced three MLAs —

**Mr Deputy Speaker:** Can we return to the Bill?

**Mr McFarland:** I should not have risen to it.

Running the big hitters is cheating the electorate, if they are going to stand down straight after an election. They had this in Scotland, with the MSPs and MPs. They decided that they would run, and the press — the media — decided that that was not on. The media ran a campaign that so embarrassed them that only one, I think, stood on a dual mandate. Apart from some notable exceptions in media outlets here in Northern Ireland, the press has been supine about the issue. They have sat back and said nothing about whether it is right that somebody has two different jobs and is busy pulling two public salaries. The media needs to get interested in this. If it did, the electorate would get interested.

Those of you who are councillors will know that there are committee meetings and site meetings all the time. If anyone thinks that they can persuade the public that they can go forward and try to pretend that they are able to do a full day's work here five days a week, as well as a council job properly, they will be very lucky. We should have one candidate to one elected body. I support the Bill.

**Mr Bell:** I declare my proud membership of Ards Borough Council. People elected me to do a job, and I intend to do it. The question is twofold. It is a question of double jobs, which are two full-time jobs. Let us pare down to the logic: two full-time jobs you cannot do. It is simple. We do not have the leader of the SDLP here today, because she is ashamed to be here. If she were here, the spotlight would shine on her.  
[Interruption.]

I will give way if somebody is going to tell me that either Dr McDonnell or the leader of the SDLP is going to give up one of their two jobs.

**Mr McGlone:** Oddly enough, the three SDLP MPs are not here because of the electoral reform Bill. Paradoxically, that is the case, as we

sit here today. They have duties elsewhere that they had to fulfil. That is where they had to be.

**Mr Bell:** The SDLP has just confirmed that its three MP/MLAs cannot do their jobs here today. There is an old saying that if you give someone enough rope, they will hang themselves. I gave them enough rope, and they jumped to hang themselves. To be fair to some of the Members, they put poor Mr McGlone up to hang himself on it. He has just confirmed that the SDLP MLAs cannot do two jobs. They cannot be in this House, on this debate, which is supposed to be of such great magnitude, because they have to be somewhere else.

**Mr Beggs:** Does the Member agree that it is for this House to determine whether there will be a dual mandate between MLAs and councillors and that this House has no say on whether an individual can have a dual mandate between being a Member of Parliament and holding another political office? That is for the House of Commons to determine. It was not until immediately before the most recent Westminster election, when pressure came from the press and others, that the Member and his party jumped on the issue and announced that they were ending that aspect of dual mandates. Would he not be better concentrating on the Bill before the House?

**Mr Bell:** I will concentrate on the minutes, and I will come to the Beggs-which-beggars-belief section of my speech in a minute.

The SDLP has had the spotlight shone on it today, and its Members have proven that they cannot be in two places at the same time. They were given the chance to say which one of them — either Margaret Ritchie or Mark Durkan — was going to step down. They said that Mark Durkan would step down, but they will not say Dr McDonnell, and they will not say Patricia Ritchie. They will not let their leader come forward, because they are going to continue to do two jobs.

**Mr Deputy Speaker:** Address your remarks through the Chair.

**Mr Kennedy:** Who is Patricia?

**Mr Bell:** Apologies. It is funny: when you do not see a Member that often, you can forget their name.

**Mrs D Kelly:** Will the Member give way?

**Mr Bell:** I will for you.

**Mrs D Kelly:** I thank the Member for giving way. It may be very amusing, but I believe that the Bill is about council and Assembly representation, as my party colleague said. I believe that the DUP is quite unique in the Chamber, because, as I understand it, it is the only party that has Members of Parliament who are also Members of the Assembly and councillors. Where is Gregory Campbell today? Answer that. What is the DUP going to do about Gregory and Sammy Wilson?

**Mr Bell:** I can only repeat what Gregory said: the process to deal with the issue is being put in place, and he will stand down. I ask the Member, if she would not tub-thump so much, to give me the commitment now that either Margaret Ritchie or Dr McDonnell will quit one of their two jobs. Can you do it? No, you cannot.

**Mr Deputy Speaker:** I think that it is time to go back to the Bill, please.

**Mr Bell:** The issue and import of the amendments is that a person cannot do two jobs. A person cannot be a councillor and a full-time representative.

**Mr Deputy Speaker:** Order. I ask all Members not to banter across the Chamber.

**Mr Bell:** We have to look at the history in Northern Ireland. Can people do two jobs? As someone said, it would beggar belief, or perhaps it would even “Begg” belief. Did we not have a Beggs who was in the House of Commons for a long time and who was also a councillor? Is he not still a councillor? Did we excise that little bit from our speech? Someone cannot be a double-jobber. The question is whether a person can be a councillor and hold a full-time job.  
[Interruption.]

**Mr Deputy Speaker:** Order. I ask Members either to refrain from bantering across the Chamber or to leave the Chamber.

**Mr Bell:** The question is whether a person can have a full-time job and be a councillor. When I worked in social services, the honourable Member for Upper Bann Mrs Kelly worked in occupational therapy. We both had full-time jobs, which were both paid for by the public purse, and we were both councillors. That was the reality for years.

If I can pick up some of the fine artwork that Mr Kinahan was trying to negotiate through, we are saying that a person can actually be in a full-time job that is paid for by the public purse and be a councillor, but they just cannot have a full-time job here. The logic of that will stand out. All my council colleagues, or the vast majority of them, have full-time jobs. Mr McCarthy will agree with me. The question is whether a position on a council is a full-time job. The reality is that it is not. It would be illegal for it to be a full-time job, because the salary of £9,000 a year is not compatible with the minimum wage. Let us not have any hypocrisy about those being full-time jobs. They are not, because it would be illegal under both domestic and European Law and because it would not fit the minimum wage. Therefore, that is the question that Members are going to have to answer.

I have looked at the amendments, and I ask the Member for East Belfast whether it is OK to be GP. The last time I looked at the position of GPs, they were, according to the BMA, doing two jobs. That is what their medical union told me. Some of them are on figures — I am not saying that the Member's party representative is one of them — of £100,000 a year plus. So you can be a GP on £100,000, or whatever it is, a year, do double the amount of hours, and be a councillor, but people come to this Chamber and tell other Members that they cannot work like that. Is it not for the electorate to decide?

We then had the intervention from Mr McFarland. I asked him a question, because he seemed a bit moralistic in suggesting that it was wrong to use a big hitter to help to bring somebody else in. I posed that question because rumour is rife in North Down that he will bring in the big hitter Sylvia Hermon to try to return him to the Assembly as an independent. If it is wrong to use big hitters, Mr McFarland, it is wrong to use them across the board. Let us not have a case of, "Do what I say, not what I do."

**Mr McFarland:** The problem is that if you run Edwin Poots, if you run Gregory Campbell, if you run Peter Robinson in East Belfast, where he brings two or three others in with him — *[Interruption.]* Sorry? The point that I am making is that if you run big hitters, bring people in with you, and then stand them down the next day, which I understand is the plan in the DUP, your electorate will not stand for being conned, because that is what it is. It is the same con that we had in 2007, when you promised your

electorate that never again would Sinn Féin be in Government, and never again would d'Hondt be used. The electorate will not be conned twice.

**Mr Deputy Speaker:** Return to the Bill, please.

**Mr Bell:** We will return to the Bill — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Bell:** The Bill is about doing jobs. The question of using big hitters was raised. I noticed that Mr McFarland did not say that he will not run as Lady Hermon's little independent.

However, the point is that someone can be a GP and work 80 hours, be a farmer, be a fine art dealer or a barrister. An SDLP Member can be a barrister. I do not wish to detain the Member because I understand that he has a selection meeting in North Belfast tonight. It will be interesting to see whether the electorate of North Belfast wish to allow him to be a barrister by day and an MLA by night, or vice versa.

**Mr Givan:** And a councillor.

**Mr Bell:** I do not think he is a councillor any more, to be fair —

**Mr Deputy Speaker:** Order. I asked the Member to return to the Bill.

**Mr Bell:** The issue is that the SDLP is telling us, "Do as I say, don't do what our party leader does". The SDLP does not want us to do what South Belfast does. It wants us to allow its Member in North Belfast to be a barrister and to draw a salary but give others lectures on everything. We are asked to allow the Ulster Unionists to sit with all their councillors, with none of them moving, yet give lectures. It is a case of, "Don't do as we do, but do as we are going to attempt to say". That is conning the electorate. That is not going to go down.

People then say that politicians have to go because the media tell them to. Unless I am badly mistaken, the 'Belfast Telegraph' had a double-page spread that pleaded with the Finance Minister to stay in the House to guide us through some of the most difficult financial circumstances Northern Ireland has ever seen.

Unlike the SDLP, I am not a cushion and do not bear the imprint of whoever from the media sat on me last. However, the reality is that a major newspaper is asking, in my view quite justifiably, given the leadership that has been shown, for the Finance Minister to guide us

through the current circumstances. Do we literally do what a particular newspaper tells us to or do we do what we believe to be right in the circumstances? That is the question. The other question is: do you let the people decide?

Let us go back to first principles. If the first principle is that you cannot be a councillor if you have a daytime job that is paid for by the public purse, we rule out nurses, physiotherapists, care assistants, doctors, GPs, etc. Let us be clear about what people are saying: if you are paid in your day job from the public purse —

**7.30 pm**

**Mr McDevitt:** That is an interesting analogy. However, to pursue the logic, the analogous position is that one cannot be a manager in a trust and a nurse on the ward at the same time. Our objective and that of the Bill is to prevent multiple mandates existing in the same professional body; that is, being a public representative, full time or part time. It is not possible, as I understand it, to hold several posts in an organisation in the professional world. It is not possible to be a member of the senior trust and a professional within that trust at a different grade. That is the analogy that Mr Bell might be well advised to follow, and that is the one that is relevant to the debate.

**Mr Bell:** I gave way in the hope that the Member for South Belfast would tell us something more about the senior Member for South Belfast, Dr McDonnell, who holds not only multiple mandates but perhaps also multiple jobs. Did he take the opportunity to do that? If I could advise my dear friend, not the mouth from south, to listen, he might actually need Mr McFarland's big hitter.

**Mr McDevitt:** On a point of order, Mr Deputy Speaker. As I said earlier, I understand that there is the cut and thrust of parliamentary democracy and all that. However, I think that we are all entitled to the respect of being addressed by our name and, if not by our name, by the name of our constituency but certainly not by hearsay, tittle-tattle or terms that some may choose to interpret as abusive.

**Mr Deputy Speaker:** I ask Members to respect others.

**Mr Bell:** I will do, and Mr McDevitt — “the mouth from South Belfast” is what I was saying — would possibly need the big hitter of Dr

McDonnell to carry him in. Is that why he will not come to the Chamber today and tell us why he will not —

**Mr McGlone:** On a point of order, Mr Deputy Speaker. The Member has just repeated the same form of address to my colleague Mr McDevitt. We all have a bit of parliamentary banter in the Chamber, and we all accept and live with it, but I expect Members to have a wee bit of respect for other Members and to address them properly by their name.

**The Deputy Speaker:** I remind all Members that we are quite a way into the debate on the Bill and we have yet to have the winding-up speech. I remind them to keep to the debate on the content of the Bill and to show respect to other Members when they address them.

**Mr Bell:** I did not realise that Members were so precious and sensitive.

The issue is one of genuine double-jobbing. The SDLP leader is going to do it, and she has told us that she will continue to do it. The honourable Member for South Belfast, Dr McDonnell, is going to do it, and he will continue to do it. Sinn Féin MPs claim their full allowances for the House of Commons, and I imagine that there is some link there that you have to do the job to take the allowances. So, they are going to do it. We have a full question mark here regarding the jobs. I understand the sensitivity involved.

Let me go back. I do not want the issue to be one of whether we have had a bit of banter across the Chamber, Mr McDevitt, backwards and forwards, a bit of healthy —

**Mr Deputy Speaker:** I remind Members to address their remarks through the Chair.

**Mr Bell:** It is not about whether Mr McDevitt and I have a bit of banter across the Chamber; the question is whether the Member for South Belfast is going to continue to do two jobs. The question is whether Members of this House will be allowed to take public money and do any job and be a councillor, or is it only in certain areas that they are not going to be allowed to do it? Will they be allowed to be a barrister who takes legal aid from the public purse and be an MLA as well, or is it only councillors that you are going to attack? The DUP has led the way and has shown what can be done with MPs. We have statistically outshone the rest altogether.

**Mr Beggs:** Does the Member realise that he is demonstrating one of the dangers of multiple mandates: arrogance?

**Mr Deputy Speaker:** I remind Members to switch off mobile phones. One is switched on at the moment and is interfering with the transmission system.

**Mr Bell:** I am always cautious about listening to anything on arrogance from a member of the Beggs family, given their expertise on the subject. I thought that the Member was going to tell us how it was possible for Daddy Beggs to be in the House of Commons as well as being a councillor. Perhaps he does not want to engage in that debate because —

**A Member:** He is a farmer as well.

**Mr Bell:** He is a farmer as well? Is that three mandates? Is that something that someone can do on —

**Mr McGlone:** On a point of order, Mr Deputy Speaker. I am sure that all of us have been afforded latitude by other Members about the item under debate, but I have to say that Mr Bell has veered from virtually everything under the sun bar exactly what is and is supposed to be under discussion here today.

**Mr Deputy Speaker:** I have reminded most Members to return to the Bill. I will again remind Mr Bell to return to the Bill and to allow us to move to the winding-up speech.

**Mr Bell:** You know, when people are stung —

**Mrs M Bradley:** On a point of order, Mr Deputy Speaker. I ask that you review Hansard tomorrow and look at the language that has been used against my colleague by Mr Bell and that, if it proves to be wrong, you ask him to withdraw it.

**Mr Deputy Speaker:** The Speaker will review Hansard on all occasions in this situation.

**Mr Bell:** I am not sure — can it be clarified, Mr Deputy Speaker, what the language actually is?

**Mr Deputy Speaker:** At this point in time, I think we should continue the debate on the Bill.

**Mr Bell:** If members of the SDLP are so badly stung by having their double mandates pointed out, their taking of public money and everything else, they can tell me what it is, and I am quite happy to withdraw it.

**Mrs D Kelly:** On a point of order, Mr Deputy Speaker.

**Mr Bell:** I hope that these are not frivolous points of order, Mr Deputy Speaker.

**Mrs D Kelly:** It is my understanding that this legislation deals with the dual mandate at local council and at Assembly level. Mr Bell is continually throwing in red herrings about dual mandates at Westminster and here in the Assembly.

**Mr Bell:** First, that was not a point of order, and, secondly, it is not a red herring to say that a Member can do a — *[Interruption.]* Perhaps we should have a point of order on shouting from a sedentary position.

**Mr Deputy Speaker:** Order. I ask the Member, finally, to return to the Bill; otherwise, I will ask him to resume his seat.

**Mr Bell:** The Bill —

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

**Mr Bell:** Yes.

**Mr Poots:** Does the Member not find it ironic today — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Poots:** You do not need to worry about me, Mr Deputy Speaker. I do not need to be wrapped up in cotton wool like some of the people opposite. Perhaps they need a bit more experience in the debating Chamber. Perhaps they need some more experience in the debating Chamber —

**Mr Deputy Speaker:** The point was about the Bill.

**Mr Poots:** My point is: is it not ironic that here we are tonight, at 19.37, debating why 108 people in Northern Ireland cannot participate at local government level? That excludes only 108 people, who, I believe, are sane — people have to be sane to stand for election in the first instance, and people have to be over a certain age. Exclusively those 108 people and no one else cannot stand in council elections in Northern Ireland; no one else in the public purse cannot stand for local council elections in Northern Ireland. People who sit in Westminster could still stand for local government; that excludes only 108 Assembly Members —

**Ms Purvis:** Will the Member give way?

**Mr Poots:** I cannot give way because Mr Bell was kind enough to give way to me. Members do not like the point that is being made, but does Mr Bell agree that it is ironic that 108 people can be excluded and others can practise whatever they happen to be engaged in — doctors, barristers or whatever else — but only 108 people in Northern Ireland cannot stand for council and no one else?

**Mr Bell:** I think that the honourable Member makes the point very well. It is a supreme point to —

**Ms Purvis:** Will the Member give way?

**Mr Bell:** Yes. Go ahead.

**Ms Purvis:** I just wish to clarify that the Bill does not preclude anyone from standing for local government. The clauses and the amendments to the Bill ensure that anyone can stand for both council and Assembly elections at the same time.

**Mr Bell:** If the Member was genuine and followed that through after a period of time, it does not allow that to be there.

Deputy Speaker, can I ask that, when you review Hansard, you review Mrs Kelly's remarks to another Member about needing to be locked up? I think that that is the most severe and abusive language that has been used in the House to date. Perhaps it is the case that the physician should heal herself.

**Mr Poots:** On a point of order, Mr Deputy Speaker. If it is correct that anyone did say that another Member should be locked up, I must say that people are largely locked up for terrorist or criminal activity or, indeed, because of insanity. Both those issues would preclude you from being a member of any elected institution; therefore, it is a very grave issue.

**Mr Deputy Speaker:** I make it clear that I will decide what are points of order and what are not. I remind Mr Bell to return to the Bill.

**Mr Bell:** The amendments would preclude people from being councillors, but they would preclude only 108 people out of a population of 1.7 million. The logic behind the amendments does not hold water because people can have 80-hour-a-week jobs and can be fully paid for by the public purse, but they cannot be councillors if they are MLAs. There is a complete illogicality in the amendments.

**Mr B McCrea:** I wonder what the Member's position was when appointments were sought for the Education and Skills Authority or the health and social care trusts. Legislation stated that MLAs could not sit on those bodies, and it gave reasons why they were not allowed to do so. I wonder whether that has any bearing on his thinking, because I am pretty sure that his party voted for that legislation.

**Mr Bell:** The primary bearing on my thinking is Basil McCrea, who cannot even attend one of every two council meetings that he was meant to attend. When he gets his house in order, I will correct him. I think that your attendance record is 46%, which is truly appalling.

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

**Mr Bell:** If a Member makes an intervention when he cannot even serve his constituents at one of every two council meetings, he would do better to look at his position than to look for the speck —

**Mr Givan:** I am grateful to the Member for giving way. Further to the point on which he elaborated, the Ulster Unionist Party Member for Lagan Valley, having attended only 16 meetings out of —

**Mr Deputy Speaker:** I remind Members that interventions also have to relate to the Bill.

**Mr Givan:** Thank you for your guidance, Mr Deputy Speaker. When speaking on the issue of being disqualified from a council, Mr Basil McCrea should reflect on his poor attendance record. He attended only 16 meetings, in comparison to Jonathan Craig, who attended 57. That is three and a half times more, but Mr McCrea drew the same salary from Lisburn City Council for his lack of attendance. Had he won the Ulster Unionist Party leadership contest, he would have had to sack himself for failing to do his job, just as he had threatened to sack his colleagues.

**Mr Bell:** On the amendments, the honourable Member takes the position —

**Mr B McCrea:** Will the Member give way?

**Mr Bell:** If the honourable Member has time, he would use it better by attending more than one in every two meetings of Lisburn City Council than by making frivolous interventions.

We have established the principle —

**Mr B McCrea:** Will the Member give way?

**Mr Deputy Speaker:** It is clear that the Member does not want to give way.

**Mr Bell:** I have always felt that the Ulster Unionists gave away enough.

We have established the principle that someone can be in a public job, do different jobs and take public money. The only thing that we are really talking about is excluding MLAs. The illogicality of that position will become clear as the debate becomes more mature and wiser. I do not support the Bill.

**Ms Purvis:** I appreciate the contributions to the Consideration Stage of the Bill, particularly those of the Members who addressed the amendments. I thank the Chairperson of the Committee for the Environment, Cathal Boylan, and the other Committee members for their consideration of the Bill. I acknowledge that Members were largely in agreement. Cathal Boylan talked about the expansion of women's representation, as did Alastair Ross. The Bill will not increase the representation of women, young people or any other under-represented group in politics, but it will open up opportunities for political parties to take on that responsibility. It will open up opportunities by creating vacancies in political parties to encourage more diverse political representation. That has to be recognised.

**7.45 pm**

Cathal Boylan also referred to the improvement in the public perception of and confidence in MLAs. Certainly, the examination and consideration that the Committee gave the Bill has improved and strengthened it. Mr Boylan talked about the conflict of interest, which goes to the heart of what Jonathan Bell and other Members referred to. The conflict of interest and the potential for conflict of interest occurs when one level of government makes policies and regulations that impact on another level of government. That is why transparency and accountability, which Chris Lyttle referred to, are, at heart, the principles of any democracy. They are the principles that we are trying to uphold. They are principles in the Bill, which is about removing the potential for that conflict of interest.

Alistair Ross said that fewer than 15 members of the public responded to the consultation.

I have to say that public outrage occurs as a whimper, not as a bang. Although only 15 members of the public responded to the consultation, four councils responded in favour of the Bill, and I have to say —

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

**Ms Purvis:** No.

The Member said that his party had taken the lead on ending dual mandates and had gone out of its way to end most of its dual mandates. That is because his party had most to begin with. I welcome the fact that he and his party have moved, but I wonder about their motivation. He talked about the media campaign, but I wonder about the motivation.

The Bill does not restrict people standing for election, but there seemed to a suggestion of wanting to block access and prevent people from standing. The DUP cannot have it both ways. This is not a resign-to-run Bill. It is not about preventing people aspiring to another or a higher level of office. It is open to everyone to stand for both. However, the Bill states that we cannot have both. There is nothing to prevent somebody standing for local government and the Assembly at the same time, winning both seats and then moving into the Assembly seat.

Danny Kinahan said that the Bill changed a stand-alone Act, and he, again, acknowledged that it was not a resign-to-run bill. He expressed concerns about having both elections on the same day and about the possibility of the public being duped by parties using co-option regulations to their own advantage. He is absolutely right. Unfortunately, the alternative is to block access by inserting a resign-to-run clause, which I know the Member would oppose.

I welcome the Ulster Unionists' opposition to amendment No 2. Delaying disqualification would mean that a Member could draw two salaries, two sets of expenses and everything else along with that. Mr Kinahan said that an MLA's position was full time and that a councillor's was more than part time and questioned an MLA's ability to do both jobs.

I thank Patsy McGlone for his kind words in the debate, particularly in relation to widening access and trying to create a more diverse representation. He paid tribute to the experience gained at local council level. He addressed the fact that this is about the people;

it is about those who find themselves in difficult circumstances at this time. He said that there were moles in all our eyes when it came to dual mandates and that it is up to political parties to select candidates for office for the most laudable reasons. Again, Mr McGlone referred to the potential conflict of interest caused by policy and legislation being made in this place for another level of government.

I ask the SDLP to reconsider its support for amendment No 2. It would complicate the Bill and delay the use of co-option regulations, whereas amendment No 1 would allow a reasonable time — 48 days under electoral law and up to five weeks under co-option regulations — for parties to nominate.

I was confused by Mr Farry's contribution. He just wanted to hit every button, and he did not address many of the amendments. He said that the whole Bill was flawed, and he concentrated on dual mandates of Members of Parliament and Members of the Assembly, which is a reserved matter that the Bill cannot address. He said that council membership is a part-time job; however, that is a smoke screen. He missed the point about dual mandates: it is not appropriate for decision-making powers to be concentrated in the hands of a few. In fact, one of his councillor colleagues, who made a submission during public consultation on the Bill, said as much. An Alliance councillor was in favour of the Bill because he wanted an end to Assembly Members being councillors, as it interfered with council business. Mr Farry's contribution contradicted his party colleague's contribution to the consultation on the Bill.

Mr Farry also talked about the possibility of three elections being held on the same day. However, I repeat: the Assembly cannot legislate for another place. The Bill is to end dual mandates between councils and the Assembly; it is not to prevent candidates from standing, but it will prevent them continuing to hold more than one office. If parties want to approach the Bill opportunistically, including running big hitters, no one can prevent them.

Paul Girvan said again — I acknowledge the fact that the DUP has taken action — that being an MP and being an MLA are full-time jobs. That being the case, I wonder how one could possibly take on another job, particularly another elected position. One is either in favour of ending dual

mandates or one is not. Mr Girvan preferred to have a go at the Ulster Unionists and others —

**Mr Givan:** On a point of order, Mr Deputy Speaker, is it right for the Member to refer to an individual who has not been here for the debate?

**Ms Purvis:** I beg your pardon, Mr Deputy Speaker. I was referring to Mr Givan, not Mr Girvan. *[Interruption.]*

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

**Ms Purvis:** Mr Givan preferred to have a go at the Ulster Unionists and others. He obviously spent more time studying the Register of Members' Interests than the Bill. I refer him to Mr McGlone's remarks about all of us having moles in our eyes. He then referred, as did his colleague Jonathan Bell, to double-jobbing, as opposed to dual mandates, and went on to say, wrongly, that a Member's voting record is an indication of whether they are doing their job. He missed the point of the legislation: it is not about whether someone can do one or two jobs; it is about whether it is appropriate to hold more than one elected office. It is clearly not appropriate. *[Interruption.]*

**Mr Deputy Speaker:** Order. I established earlier that I would not allow banter across the Floor, yet we have had quite a bit of it. The Member who proposed the motion should have the Floor.

**Ms Purvis:** Thank you, Mr Deputy Speaker. In supporting the Bill, Alex Maskey said that it is timely and appropriate. He said that he was not taking a high moral approach, that our society is in transition and that all parties are committed to ending dual mandates. Furthermore, he paid tribute to the moves that the DUP has made. Sinn Féin wants to end dual mandates, particularly between Members of Parliament and MLAs, and it will work towards that end, including making announcements in the coming days that will affect current MLAs who are councillors, in order to make way for a younger membership.

Roy Beggs said that the Bill can assist by widening access and sharing the responsibility for governing. He supports the Bill because it acts in the community interest, not self-interest. He referred to the principles governing public life and said that it is much better for Members to commit to a single role. He acknowledged that

the amendments improve the Bill and that the Bill does not prevent anyone from standing for both elections. He said that it allows councillors who aspire to election to the Assembly to do so. However, the system is open to abuse, and Mr Beggs said that he hoped that the public will watch how co-option regulations are used. He opposed amendment No 2 because there is no need for a 60-day period before disqualification takes place.

Peter Weir moved amendment No 2 on behalf of the Committee for the Environment. He said that it ensures that disqualification does not take place until 60 days have passed. I intervened at that point to say that it also pushes the co-option regulations to the end of that period. It would do so in the case of the disqualification clause; however, that is not to say that a newly elected councillor cannot resign during the 60-day period, after which the co-option regulations would apply for a 28-day period.

Mr Weir said that the Bill was anti-democratic. I disagree: electors choose their elected representatives from a ballot paper; they do not choose the candidates. The Bill is, therefore, not anti-democratic. It sets out the standards that we want for our democracy: one person elected to one level of government, particularly as more powers are devolved to local government. The review of public administration was referred to in that context. Legislation is progressing through the Assembly that will make moves to devolve power on housing and other functions to local government.

Mr Weir's party has moved to end dual mandates among its members, so it is obvious that it believes that it is inappropriate to hold two elected offices. In fact, it was interesting that the amendment that Mr Weir tried to table was intended to change the Bill's commencement date. I am sure that other Members are as confused as I am about why the DUP opposes the Bill when it only wanted to change the date of commencement.

Chris Lyttle said that we should establish sound democratic principles of transparency and accountability. I agree absolutely. Dual mandates are an issue. However, I have to say to Mr Lyttle that the public does not distinguish between dual mandates, whether the individual concerned is a councillor and an MLA or an MP and an MLA. I agree with him that diversity in our political representation is the best way of

delivering better government. He said that the job of councillor is a part-time position only to contradict himself by saying that being a political representative is a 24/7 job. It is either part-time or it is not.

Alan McFarland was very impressive. He said that the issue has bobbed around the Assembly for a very long time, that the uncertainty around the issue has been caused by instability and that it is politically unhealthy to have a stagnant political class. He said that double-jobbing bed-blocks political progress, preventing young people, women and others coming through and getting involved. He also said that the issue of experience is a nonsense argument, and he talked about the impact of dual mandates and how, in particular, they interfere with the work of Committees.

Jonathan Bell said that people cannot do two full-time jobs. I agree. However, this House cannot legislate to end dual mandates between MLAs and MPs. If it could, we would probably be considering such a Bill right now. The Bill is not about anyone's ability to do two jobs; it is about whether it is appropriate to hold two elected offices at the same time while collecting multiple remuneration from the public purse.

## 8.00 pm

**Ms Purvis:** It is about the potential conflict of interest when one level of government makes policy and legislation that affects another. This Bill removes that conflict of interest.

The purpose of this Assembly is to offer the best possible form of democracy and governance to the people of Northern Ireland, not the most convenient form for political parties. We are trying to establish and create a permanent institution that is responsive to and wholly owned by the people of Northern Ireland. Those institutions and their processes are permanent. We, the politicians, are the ones who are transient.

In Northern Ireland — I make no regret about referring to it again — almost 60,000 people are seeking employment in some form, including highly skilled and experienced individuals whose careers and lives have been interrupted by the economic downturn. It also includes recent graduates and young people who are unable to start work because there is none out there. Whether they are experienced or just starting out, there is clearly a large pool of individuals

who are looking to make a contribution to our society and who could bring a fresh perspective to our politics. Many of them would make excellent local councillors and Assembly Members, whether the council positions are full time or part time. Therefore, I do not buy the argument that there are not enough people to fill all the vacancies that would be created by an end to dual mandates.

Finally, I find it difficult to understand how any political party can justify the continued existence of multiple mandates in any form during the current economic environment. What kind of leadership are we offering to the growing numbers of unemployed members of our society who want one paid position only, when some of us insist on protecting our right to multiple levels of remuneration from the public purse? That is all it is: protecting our own interests. There is absolutely no compelling argument in the public interest for retaining dual mandates. None. Therefore, it is absolutely the right time for this legislation, and my amendments make it stronger and more flexible to deal with the variety of political situations. Whether the review of public administration is brought in next year or not, there is no compelling reason for Members of this Chamber to have access to an additional part-time job and part-time salary at expense to the public purse. It is time that we made a strong statement to the people of Northern Ireland that we are connected to their lives, needs and desire for a responsive Government that set the highest standard for how they function and how they run.

I commend the legislation and the amendments to the House and, respectfully, request the support of my colleagues. Before I close, I again thank the Committee for its constructive engagement on the Bill, and I thank my own staff, Shannon O'Connell and the staff in the Bill Office, particularly Eilis Haughey, who have offered exceptional professional services throughout the development of the Bill.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 41; Noes 31.*

## **AYES**

*Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner,*

*Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr McCallister, Mr McCartney, Mr McClarty, Mr B McCrea, Mr McDevitt, Mr McFarland, Mr McGimpsey, Mr McGlone, Mr McNarry, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr K Robinson, Ms Ruane, Mr Savage.*

*Tellers for the Ayes: Mr Beggs and Mr P J Bradley.*

## **NOES**

*Mr S Anderson, Lord Bannside, Mr Bell, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Ford, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr B Wilson.*

*Tellers for the Noes: Mr Buchanan and Mr McCarthy.*

*Question accordingly agreed to.*

*Amendment No 2 proposed: In page 1, line 5, at end insert*

*"(2) The disqualification in subsection (1) shall take effect at the end of 60 days after a person takes his or her seat as a member of the Assembly." — [Mr Weir.]*

*Question put.*

*The Assembly divided: Ayes 39; Noes 33.*

## **AYES**

*Mr S Anderson, Lord Bannside, Mr Bell, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Lord Browne, Mr Buchanan, Mr Burns, Mr T Clarke, Mr Craig, Mr Easton, Mr Ford, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Mrs D Kelly, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McDevitt, Mr McGlone, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr O'Loan, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr B Wilson.*

*Tellers for the Ayes: Mr P J Bradley and Mr Buchanan.*

## **NOES**

*Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr Brady, Mr Butler, Mr W Clarke,*

*Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Ms Gildernew, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr McCallister, Mr McCartney, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McGimpsey, Mr McNarry, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Purvis, Mr K Robinson, Ms Ruane, Mr Savage.*

*Tellers for the Noes: Mr Beggs and Mr Kinahan.*

*Question accordingly agreed to.*

**Mr Deputy Speaker:** There has been a fault in the system, so we will have to rerun the vote. I ask the Tellers to come forward again.

**8.30 pm**

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided: Ayes 41; Noes 31.*

#### **AYES**

*Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr McCallister, Mr McCartney, Mr McClarty, Mr B McCrea, Mr McDevitt, Mr McFarland, Mr McGimpsey, Mr McGlone, Mr McNarry, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr K Robinson, Ms Ruane, Mr Savage.*

*Tellers for the Ayes: Mr Beggs and Mr W Clarke.*

#### **NOES**

*Mr S Anderson, Lord Bannside, Mr Bell, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Ford, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr B Wilson.*

*Tellers for the Noes: Mr Buchanan and Mr McCarthy.*

*Question accordingly agreed to.*

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

#### **Clause 2 (Commencement)**

Amendment No 3 made: Leave out clause 2 and insert

*"Commencement*

*2. Section 1 comes into operation on the day of the first local general election to take place after Royal Assent." — [Ms Purvis.]*

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided: Ayes 41; Noes 31.*

#### **AYES**

*Ms M Anderson, Mr Armstrong, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Leonard, Mr McCallister, Mr McCartney, Mr McClarty, Mr B McCrea, Mr McDevitt, Mr McFarland, Mr McGimpsey, Mr McGlone, Mr McNarry, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr K Robinson, Ms Ruane, Mr Savage.*

*Tellers for the Ayes: Mr Beggs and Mr Burns.*

#### **NOES**

*Mr S Anderson, Lord Bannside, Mr Bell, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Ford, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr B Wilson.*

*Tellers for the Noes: Mr Buchanan and Mr McCarthy.*

*Question accordingly agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

#### **New Clause**

Amendment No 4 made: After clause 2, insert the following new clause

*"Interpretation*

*2A. In this Act<sup>3/4</sup>*

'Councillor' and 'Local government' have the same meaning as in the Local Government Act (Northern Ireland) 1972;

'Local general election' has the same meaning as in the Electoral Law Act (Northern Ireland) 1962."  
— [Ms Purvis.]

New clause ordered to stand part of the Bill.

### Clause 3 (Short Title)

**Mr Deputy Speaker:** Amendment No 5 is consequential to amendment No 1.

*Amendment No 5 made: In page 1, line 11, leave out "(Amendment)". — [Ms Purvis.]*

Clause 3, as amended, ordered to stand part of the Bill.

### Long title

**Mr Deputy Speaker:** Amendment Nos 6 and 7 are consequential to amendment No 1.

*Amendment No 6 made: Leave out*

*"Amend the Local Government Act (Northern Ireland) 1972 to". — [Ms Purvis.]*

*Amendment No 7 made: Leave out "being elected, or being," and insert "being". — [Ms Purvis.]*

*Long title, as amended, agreed to.*

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Local Government (Disqualification) (Amendment) Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease for a few moments.

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

9.00 pm

## Private Members' Business

### Armed Forces and Veterans Bill: Second Stage

**Mr Deputy Speaker:** Will Members please resume their seats?

**Mr McNarry:** I beg to move

*That the Second Stage of the Armed Forces and Veterans Bill [NIA 33/09] be agreed.*

I introduce this stage of the Bill slightly heavy hearted in the news that I am sure has reached many Members today. The sad news I have heard is of the passing of an old soldier, Captain Austin Ardill MC, a good unionist and a member of this auspicious institution when it was a Parliament. It seems apt that I present my Bill on armed forces, veterans and their families.

I listened intently to the Government when their Prime Minister, then the Rt Hon Gordon Brown MP, said, in July 2008:

*"Our Armed Forces are second to none. The demands that we impose on them in the course of their duty are unique. These obligations set them apart from others who serve and protect society. Their hardships are also felt by their families, and by many veterans too. I am determined to ensure that they are fairly treated."*

He added:

*"The nation has a commitment to our Service personnel, their families and veterans. This requires us to ensure that the unusual demands of serving in the Armed Forces do not result in unfairness for those who serve and to recognise the special sacrifice made by some members of the Armed Forces and their families."*

Tonight, with the support of my colleagues in the Assembly, I trust that we can add not just our support but our willingness to include Northern Ireland in matching and doing its bit for the armed forces, their families and veterans. As things stand, we are excluded to the extent that the commitment already given in England, Wales and in Scotland has not yet registered in Northern Ireland. I can see no reason why not. Therefore, that is the genuine and honest

purpose of my Bill, and I request my colleagues to lend their support to its adoption.

I have taken my lead from the Government Command Paper 7424, 'The Nation's Commitment: Cross-Government Support to Our Armed Forces, Their Families and Veterans', from July 2008. That document highlights the continuity of public services. Service personnel and their dependents must receive continuity of public services wherever they are based and whenever they are obliged to move so as to mitigate the risk of repeated disadvantages in relation to others.

As a proper return for sacrifice, service personnel and their dependants must receive the treatment and welfare support that they need for as long as they need it to mitigate the conditions that limit how they live their lives and the terrible physical and mental injuries. The Government and the devolved Administrations, where appropriate, should take account of the impact on the sizeable armed forces constituency and the strategic effect on the armed forces when making policy or considering legislative proposals.

The demands of service in the armed forces are unique, including the absolute requirement to follow orders regardless of danger, and to accept risks of harm without question. Such obligations on the armed forces set them apart from all others who serve and protect our society. A mutually supporting relationship among service people, the Government and the community is considered vital to maintaining the delivery of the services that I have described.

I understand, too, that there is increasing concern in the armed forces and in the Government that that complementary relationship is breaking down. As regards the relationship with people and society, personal knowledge of the armed forces is diminishing. Aspirations and expectations are rising, and it is increasingly difficult to recruit and retain personnel. The armed forces operate beyond the level of military commitments that were planned. It is increasingly difficult to reconcile life in the armed forces with expectations of a normal life.

My Bill seeks to take account of those commitments. Therefore, the proposals that relate to devolved matters include prosthetic limb provision; access to NHS dentistry; the health needs of veterans; getting onto the

NHS waiting list; the roll-out of community mental health; affordable homes; adapted social housing; adapted affordable homes; disabled facilities; affordable homes that extend access for veterans; social housing with local connections; a certificate of cessation; homelessness; school place allocation; educational attainment; special educational needs; education and training for service leavers; basic skills for families; concessionary bus travel; blue badge access; childcare provision; flexible careers in the armed forces; support to the volunteer reserve forces; support to the employment of service families; and the employment of service leavers in the public sector. They lose out on all of that, which is so important to the families.

For a moment, I will reflect on America's strategy, which I am sure Members will be interested in. The GI Bill of Rights was introduced to the USA as the Serviceman's Readjustment Act of 1944. Since then, it has been updated in line with the needs and circumstances of the armed forces. The latest addition is the Veterans' Benefits Improvement Act of 2008. The GI Bill covers a host of benefits for veterans, service members and some dependants of disabled or deceased veterans who wish to pursue an education.

In the United States, current benefits include monthly compensations to those who are 10% disabled as a result of military service; a monthly pension to those who are disabled by war; free healthcare for those whose conditions are combat-related since 11 November 1998; vocational rehabilitation and employment; benefits to eligible veterans while in an approved training scheme; home loans; life insurance; and dependency and indemnity compensation, which is payable to certain survivors of servicemen who happen to die on active duty. America has responded to the needs and rights of its servicemen and women. So, too, have England, Scotland and Wales. Now, it is our turn.

I seek to address those in our community who may think in the negative regarding our fellow citizens and, indeed, those from across the border who have chosen to wear a uniform and serve to bring democracy to other places. The Bill is about their children. It is also about fathers, husbands, mothers, wives, brothers, sisters, uncles and aunts who, irrespective of religion, race or creed, are in a career that they

chose because it is what they wanted to do. Those people are supported by their families. Due to the uniqueness of their employment, they are away from their families, often for long periods of time. They are people from your community and my community, as well as people who come here to settle for short periods and are, unfortunately, disadvantaged unfairly. My Bill does not give them an advantage or create new benefits for members of the armed forces and their families. I have heard much in the Assembly about rights and equality, and justified it is, too. Well, then, how can anyone who takes that line deny access to the same rights to the forces, their families and the veterans?

My Bill does not have major cost consequences. It does not ask for more, only for the same, irrespective of whether a person wears a uniform or belongs to someone who does. My Bill identifies a gap that needs to be closed to enable members of the forces to have equal opportunities and, in a sense, prevent the current possibility of local services, hospitals, schools and dentists, for instance, being made more difficult to access for their wives, husbands, partners and children.

As I said, I have heard much about rights and equality. I also hear and, because I know most Members who share the Assembly with me, I know it to be true, that Members express genuine concerns over people not getting the fairness that we believe they deserve. My Bill rectifies all of that for the armed services and puts a stop to children, in particular, being disadvantaged and made unequal. The Bill is an exercise in fairness and equality. It extends rights, which are available elsewhere in the United Kingdom, to former and serving members of the armed forces and their families in Northern Ireland. It has an important job to do in a businesslike, no-nonsense way.

The Bill will also be seen by many observers as a test of the genuineness of the commitment to equality professed so often by Members of the Assembly. This is a Bill with genuine and open intent. There are no hidden agendas, but simply a desire to extend rights that are already enjoyed elsewhere in our country. I ask Members to reflect on that and to give the Bill fair passage, because it is concerned with equality and rights and with decent treatment of individuals. There is no political subtext. There has never been a time in which the public have been more aware of the sheer professionalism

and dedication of our armed forces, often in the face of official neglect, often in the face of systematic and scandalous underfunding and under-equipping in the most dangerous of circumstances.

The Armed Forces and Veterans Bill is a legal charter for our armed services personnel. It will press. It will press Stormont Departments to make sure that soldiers, their families and veterans are not disadvantaged because of their military service. It will extend rights that are available to armed services personnel and their families in all other parts of the United Kingdom. I have had a tremendous response to the Bill from serving personnel and veterans, who told me, "Tell the Assembly there is a need for improvements for us." In correspondence, a former member of the armed forces stated:

*"The system is deliberately designed to frustrate, cause additional stress and, ultimately, hope that you will go away."*

Another person who contacted us stated:

*"I suffer from post-traumatic stress disorder, and, in the 21 years since my injury, I have never been offered as much as one session."*

He went on to say:

*"Maybe, it's because I just try and get on with things and because I may joke and have a laugh to keep positive".*

Then he said:

*"But it is not like that all the time. I have not had a full night's sleep in 21 years, and I refuse to dose myself with antidepressants."*

Those are just two examples of the many from real people who have suffered because they chose to serve our community and got injured.

The main areas of concern on the ground affecting the people I am talking about include housing; debt; recognition of service-related conditions, such as post-traumatic stress disorder; and benefit entitlement. My Bill will go further in bringing to the table here in Northern Ireland what is no different to anywhere else, because it contains an extension of the National Health Service priority treatment commitment to any services veteran suffering as a result of their service, and not just those entitled to a war pension.

It is estimated that 5,000 armed forces personnel are stationed in Northern Ireland.

Add to that volunteer or reserve forces and the immediate families of serving personnel, and we see that a sizeable military constituency is living here with us in Northern Ireland. Living in another part of the United Kingdom, they have an absolute right to expect the same level of provision that is available to them elsewhere.

### 9.15 pm

Service life makes demands on servicemen and their families that are simply not evident in normal civilian life: postings, movement and the associated disruption. School relocation, registering with medical practices and the availability of care are realities for those in service life that my Bill seeks to address. The commitments that will make a difference cover virtually all Departments. Issues include: veterans' normal healthcare; children's visits to the dentist; providing prosthetic limbs to injured personnel; reminding landlords about the priority of catering for seriously injured personnel in adapted social housing; ensuring that special educational needs for service children are uninterrupted when they are posted to Northern Ireland; and giving service leavers the opportunity to be accommodated should they wish to progress to higher levels of education.

All of those are outworkings of practical ways in which the Bill will copper-fasten a system of rights and entitlements that is necessary to make the lives of service personnel less disrupted, less fractured and more tolerable, despite the demands that are put on them. Consequently, the Bill will provide an implementation framework that confers duties on a range of public authorities and Departments, particularly the Department of Finance and Personnel.

The Bill will ensure that national provisions which relate to matters that are devolved should now apply in Northern Ireland. The objective is to provide service personnel with as much lifestyle choice as any other citizen enjoys. Despite the unique demands of their profession, service people and their families surely have to be enabled to manage their lives as effortlessly as anyone else and be offered real and sustainable choice to attain their own balance between the demands of military life, personal development, service mobility and family stability. Furthermore, wherever they are based, service personnel and their dependants must receive continuity in public services,

and, when they are obliged to move, the risk of repeated disadvantage compared to others must be mitigated.

A proper return for sacrifice is another concept that underpins the Bill. Service personnel and their dependants must receive the treatment and welfare support that they need for as long as they need it. In militating against their having to accept conditions that limit how they live their lives, often having to accept and cope with terrible physical and mental injuries, we should remember that the armed forces constituency matters. When making policy and when considering legislation, we need to take account of the impact of the sizable armed forces constituency and of the strategic effect of those policies on it. For example, rural-proofing must militate against systematic disadvantage being imposed on armed services personnel and their families.

Proposals relating to devolved matters include health matters, such as the standard of prosthetic limbs provided to injured personnel by the Defence Medical Services. That provision should be matched by the NHS here. Service mobility results in the frequent need to find an NHS dentist. That is nothing to us; it is not difficult for our families, but it is very difficult when you have been posted to a new location. Consequently, access to dentistry can be difficult for service families. Health planning must take account of sizable service populations, which often have specific needs that are not present in the general population.

More must be done to assess the healthcare needs of veterans and to raise awareness of that among healthcare professionals. When patients move across the United Kingdom, for example, previous waiting times should be taken into account, with the expectation that treatment will take place within the national waiting time standards. As with any person who moves between hospitals in the United Kingdom, service members and their families should be treated as quickly as possible in the order of clinical priority. Pilot schemes for community mental health services for veterans have already been set up in six locations across Great Britain, concentrating on improving veterans' access to mental health services. Here in Northern Ireland, that commitment is met by the Royal Irish Aftercare Service.

As far as housing is concerned, there are linked issues of access to affordable homes; the

availability of shared equity schemes, adapted social housing and homes for seriously injured personnel; access to key worker schemes for at least 12 months after discharge; and the waiving of having a local connection or residence for consideration on social housing waiting lists. It is also important that housing grants for adaptation of homes up to £30,000 in value are not reduced by the application of a means test that takes account of any compensation received from the armed forces compensation scheme or war pension scheme. That, most certainly, should be the case for the seriously injured and disabled people that we have in our midst. Certificates of cessation of military service, which are available up to six months before ceasing service, should be accepted by the Housing Executive and housing bodies as evidence of impending homelessness, without any further requirement of proof. Those people are leaving the Army; they do not have a home. Why do they need to be subject to all that paperwork? There should also be an exploration of the creation of ex-service housing associations. There are now many ex-service personnel who love life in Northern Ireland and want to settle here.

On the education front, access to schools is often more difficult for service children because of short-notice postings. We need to examine whether there is any disadvantage to service families in our system at present, and, if there is, we need to set about removing it. We also need to establish whether there is an educational disadvantage in belonging to a service family. We should seek the help of the devolved Administrations in Scotland and Wales, who are looking at that matter and are far further down the line than we are.

That would equally apply to the way in which we handle special education needs. A child that has special education needs is nothing other than a child. Are we ever to judge that, because a child's father or mother wears a uniform, that child is to be disadvantaged? I think not. Special education needs statementing should be continuous and seamless, even if the subject is moved from one part of the country to another. Is that too much to ask? That, again, implies greater contact and uniformity of practice between the devolved Administrations.

All service leavers with over six years' service will have an opportunity in England, Scotland and Wales to achieve their first level 3

qualification or A level or vocational equivalent free from tuition fees. I know that the Minister from my party spoke on that topic today, but let me say this: we should, as far as possible, fund access to routes for first foundation or full degrees. The Scottish Ministers and the Welsh Assembly Government have agreed to put those measures in place, and I am asking for uniformity. The same should apply to basic skills training and entitlements. On the transport front, by 1 April 2001, the statutory bus concession in England will be extended to include service personnel and veterans under the age of 60. What is really being said here is that this is our community.

The armed services, their veterans and their families are part of our community, even to the extent that they deserve a statutory bus concession. That is what happens in England, and the concession extends to veterans under the age of 60 who were seriously injured in service and who are currently, under the law, residents in England and Wales. Scotland is looking at similar measures. In other words, someone who has been seriously injured should, surely to goodness, be entitled to some form of free transport to get him or her about the place. The Government are introducing a scheme so that severely disabled veterans in England will receive automatic entitlement to a blue badge without further assessment.

Finally, we need to examine and match, as far as possible, the childcare provision that exists in Scotland and Wales. That is why the Bill, by pressing the devolved Government, namely us, and our agencies to take account of ex-service families in the planning process will help to avoid what could amount to — I am being careful in what I say — passive discrimination against service families. I am sure that that is not the intention. In the many and varied ways that I outlined, the Bill seeks to redress that wrong. Even if it is a passive wrong, active legislation is required to right it.

As I stated at the outset, the Bill is not intended to divide the House. I want people to reflect on the fact that those people are individuals and families who, like you and me, get up every day to do a job that benefits society. I also want Members to reflect on the fact that, between 2005 and 2006 — we must embrace this — 3% of recruits who entered the military through recruitment centres in Northern Ireland came from the Republic. By 2008, that figure stood at

14% and is still growing. The Bill will help people from both sides of the border who have chosen a career in the British armed forces. It will help their families and the families who reside in Northern Ireland. I commend the Bill to the Assembly and ask for Members' total support.

**Mr Bell:** I preface my remarks by joining Mr McNarry in expressing our sorrow on learning of the death of Captain Austin Ardill. Those of us who had the privilege of knowing Captain Ardill knew him as an honourable man who was distinguished in his duty and devoted to his country. He was a man for whom integrity was second nature. It is a major loss, and we join Mr McNarry in saluting a true unionist and a true patriot.

The Bill, which has been so well and comprehensively put forward, speaks for itself. Recently, I had contact with a constituent who served in Afghanistan and who, his father told me, had a helmet-mounted camera through which it is possible to watch the action. I saw the sheer bravery of those men under fire in Afghanistan, and I saw how regularly they risk their lives.

Tonight's debate is not about whether certain aspects of conflict are right; it is about what happens when we send our men and women into conflict. My understanding is that there is a military contract. We have a volunteer army; nobody is forced or conscripted. Devoted men and women are prepared to use their skills, abilities, athleticism and intelligence for the benefit of their country, and, as the Bible says, they are prepared to offer the greater love that no man has than to:

*"lay down his life for his friends."*

### 9.30 pm

So often, when people are injured and servicemen and servicewomen are caught in conflict, we hear about it on the news for a day, and it passes on. However, the injuries that they sustain and the post-traumatic stress and disorder that they live with goes on for those men and women, often for a lifetime. It is only proportionate, reasonable and fair that, in health, education and housing, the provision of psychology, mental health and psychiatry services, and with adaptations and medical and physical provision, we offer to those men and women the same that we would expect for

ourselves. In fact, is it not more of crying shame that the current system has not done that?

The Army includes people from all backgrounds, colours, races and creeds, and it has a distinguished history. Therefore, all in the House will stand united in saying to the men and women who are prepared to risk their lives for us that, in the course of their duty to their country, their country will stand by them at their time of need. Nowhere is that more specifically put than, as Mr McNarry stated, in the issue of the children of armed forces' personnel because, by the very nature of the job, they are frequently disrupted. They experience changes of address, of educational placement and of relationships with their school friends, with their peer group outside school and with their sporting organisations. In many cases, they experience severe dislocation from family members.

Given all that they and their families are prepared to sacrifice for what is, undoubtedly, the greater good, it is only right that, when the time comes for us to seek to provide those provisions and ameliorate their experiences, we do so with the best that we can offer to each of our citizens. Where we recognise a difficulty to do with transport, dislocation from family or the need for a seamless service in special educational needs, about which Mr McNarry spoke so eloquently some moments ago, it is only fair and appropriate that we offer that service at the point of need.

The argument has been well made, and, therefore, it does not need any form of underlining, exaggeration or anything else. I do not want anyone to think that the shortness of my speech means that we are not giving the matter due justice. There is no point in repeating what we already agree on and what has been so well laid out. I join in a plea for the whole House to support the Bill fully.

**Mr Brady:** I oppose the Bill, but, at the outset, I wish to say that I come from a family who had many veterans on my maternal side. They were people who were members of the British Army, Navy and Air Force from the Boer War to the Korean War, and, indeed, my father-in-law, who lives with us, is an RAF veteran. He was in China, Germany and Britain. In case anyone is wondering why I oppose the Bill, I do so on an equality issue. Mr McNarry mentioned equality a couple of times, and he covered many areas. I

will concentrate on the issues concerning health and provision in the Health Service.

In August 2009, the Department of Health, Social Services and Public Safety (DHSSPS) launched a document about delivering healthcare to the armed forces. It is a protocol for ensuring equitable access to health and social care services. It states that it is intended to ensure that:

*"members of the Armed Forces, their families and veterans are not disadvantaged when seeking to access health and social care services."*

However, surely no one should be disadvantaged in seeking to access those services. Would the Bill mean that, of two people who arrived at Daisy Hill Hospital in Newry suffering from the same ailment at the same time, one would get priority because he or she was a veteran? That is a question that possibly needs to be answered.

Apparently, having to move frequently is a problem for members of the armed forces, but that can also be a problem for non-military personnel, particularly when it comes to employment.

In answer to a question from John McCallister in 2008, the Health Minister said:

*"Our Health Service treats all patients on the basis of clinical priority rather than any personal or social circumstance." — [Official Report, Bound Volume 29, pWA73-4, col 2].*

A veteran is defined as anyone who has served for at least one day in the armed forces, whether regular or reserve. It seems that the Bill is designed to create a two-tier system in the Health Service, which is surely there to provide access to healthcare provision for all at the point of need.

In August 2010, Mr McNarry described his Bill as a:

*"legal charter for our armed services personnel".*

He said that it would compel Stormont Departments to:

*"make sure soldiers, their families and veterans are not disadvantaged"*

because of their military service. However, I think that there is a difference between being disadvantaged and receiving priority status. No

one should be disadvantaged in the provision of healthcare for whatever reason.

John Davis of the veterans advisory and pensions committee has said that veterans here are better off than those in GB in many ways because of various additional support bodies. When talking about the healthcare service, Mr Davies said:

*"With the waiting lists and staff shortages, it's difficult for the medical profession to make significant changes for the benefit of veterans."*

A spokesperson for the Health Department has said that the launch of the protocol between the Health Service and the Ministry of Defence (MOD) was to ensure that members of the armed forces, their families and service veterans should experience no disadvantage compared with other members of the community. The best possible healthcare should apply to all and should be equitable, and everyone should have access to that. Go raibh míle maith agat.

**Mr O'Loan:** I have significant concern about the Bill. However, I do not intend to push the Question on the motion to a Division. Instead, I am content for the Bill to move to Committee Stage and for it to be tested there. It may not survive those tests, but I want that scrutiny to occur.

I say to the proposer of the Bill that I respect his sentiments in bringing forward the Bill. I share his respect for the burden endured by the many people who have served in the British Army and for the hardship that those who return home have to live through for many years thereafter. We have all watched the recent conflicts in Iraq and Afghanistan, which is still continuing, and we have seen mostly young men go out with their health and return home in coffins. We have seen many others return home maimed for life. We often do not see the mental trauma suffered by many of them, and we are only beginning to understand, and see a glimmer of, the extent of that mental trauma. I acknowledge and respect all of that. I will go as far as to say that I am not speaking simply out of theory about those matters; I know something about them from personal family circumstances.

Nonetheless, I am concerned about the proposed legislation. I notice that the explanatory and financial memorandum states that the Bill was founded out of a White Paper issued in July 2008 to the Westminster Parliament about

government support to the armed forces, their families and veterans. However, as far as I can see from what we are told, that has not led to formal decisions about its outcome.

The proposals were sent to Northern Ireland for the Executive to consider. However, as I said, there is no evidence of any particular policy outcomes at Westminster. The explanatory and financial memorandum states:

*"the Member in charge of the Bill formed the view that effective implementation"*

of those proposals will require legislation to be made at the Assembly. However, I wonder whether that is perhaps premature.

I have concerns about a number of the Bill's provisions. Clause 1 would impose a burden on a large number of governmental authorities here, including Northern Ireland Departments, councils, education and library boards, health trusts and the Housing Executive. The clause would also impose a regulatory role on the Department of Finance and Personnel. All those public bodies would be obliged to have:

*"due regard to the impact the exercise of such functions is likely to have on members of the services community or on members of the families".*

The extent of that burden is unclear, but it may be considerable. The resource implications are also unclear.

Clause 2 relates to co-ordinators being appointed by Northern Ireland Departments. Again, the extent of that responsibility may be considerable. We are told in the explanatory and financial memorandum that clause 3 will require Northern Ireland Departments to consult with relevant Ministers in England, Scotland and Wales:

*"before they exercise any function affecting the armed forces, veterans or their families (which, if exercised, would lead to an inconsistent approach being adopted in Northern Ireland)."*

That may also place a considerable burden on Northern Ireland Departments and their agencies.

Clause 4 concerns a charter that relates to:

*"promoting the civilian interests of members of the services community and members of the families of members of the services community."*

We must ask whether the promotion of those interests will be done over and above the interests of others, as that would cause concern.

The explanatory and financial memorandum of the Bill tells us that:

*"There are no equality or human rights issues arising from these proposals."*

However, that surprises me, and it merits considerable further examination.

Those are my concerns about the Bill. Although I have expressed them, I will not attempt to stop the Bill at this stage. Those and other matters will no doubt form the basis for scrutiny during Committee Stage if the Bill survives this stage this evening

**Mr Lyttle:** Although the Alliance Party also has concerns about the Bill, it will not stand in the way of its passing to the next stage. The Alliance Party recognises that the armed services and veterans deserve our genuine respect. I welcome the assurances that have been given that those serving with the armed services will not be turned into a political issue in the House, and I recognise that the standards set by servicemen and servicewomen in this jurisdiction, in even the most extreme circumstances, are, rightly, second to none.

The Alliance Party has always recognised the sacrifice that individuals in the armed services and their families make. They deserve real and tangible support. My party has also taken a consistent, sensitive and respectful approach to recognising the sacrifice that servicemen and servicewomen make in serving in the most difficult conditions across the world. We also take that approach in recognising the sacrifice that their families make. As has been mentioned, those people's lives have been disrupted, and they have dealt with significant losses.

#### 9.45 pm

In my own constituency, the Glentoran Community Trust, which runs community-based projects at home in Belfast and Dublin and as far away as Ghana, was presented with the British Legion Friends of the Forces 2010 Northern Ireland community award for its work towards the Home Comforts parcel appeal for servicemen and women in Afghanistan. The trust has also helped to raise money for the Irish Guards-dedicated Afghanistan fund, which assists with the rehabilitation of guardsmen and

women who were injured in service. I would like to take an opportunity to recognise the work of the trust and the many other unsung heroes in the sector.

The Alliance Party has the utmost respect for those who risk injury and their life to protect our freedom and security. We believe that they deserve practical, tangible support that looks at the resources that are available to them during and after service. Our concerns about the Bill include the extent of consultation that has been carried out to date. I am unclear about the Royal British Legion's position on the Bill and take on board the concerns about equality provision and the resourcing and financial implications. However, notwithstanding those concerns, we are happy for the Bill to progress to the next stage.

The Bill's purpose is to end disadvantage and support those who are wounded in service, as set out in the explanatory and financial memorandum. Since some of the key elements involved in the implementation of the command paper have been mentioned already, I will not go through them again. However, all Members can support health and housing provision, supported housing for service leavers, post-service training and concessionary travel.

I am content that some of the key recommendations that were made by the cross-government support for our armed services, their families and veterans remain outstanding for this region. We would accept further scrutiny of the Bill to examine its ability to improve the delivery of those recommendations and the support that is needed by the personnel and their families, who deal with the effects of service.

**Mr G Robinson:** I am proud to speak in this debate. My late father was a serviceman, and I am a member of the Enniskillen association. I work closely with many members of our armed forces, past and present. I have immense respect for them and the very professional job that they did, and still do, across the world. The debate is also an opportunity to say thank you to the veterans who served their country with dedication and distinction to ensure that are a free people today.

I also wish to say that the servicemen and their families who served in Northern Ireland for more than 30 years contributed to our economy and provided much civilian employment for it. I want to put that on record.

Members often use the term equality. This debate is about the equality of treatment for our service personnel and their families. The nature of the job that servicemen and women do, and the constant need for them to be posted here, there and everywhere across the world, means that they do not have a stable home in the way that we do. That is no reason for them to be denied the very best care when they need it most. That is particularly true in respect of service personnel who received the most horrendous injuries while serving their country. Those personnel need and deserve this country's thanks in a tangible way. That can be achieved through giving them easy access to the services that they and their families require.

Injured personnel may be recuperating at home, miles away from where the original treatment was given, but that should not lead to delays in treatment or mean that they are put to the bottom of waiting lists.

We must see them carry their previously designated priority with them. Their country asked them to do a job, and it should look after them when it has to. For veterans, and that term covers former personnel from those in their twenties to those in their nineties, access to medical care is an integral part of that proposal, especially as the years pass and needs increase, perhaps as a result of injury. I have dealt with one veteran who was unable to get NHS dentistry treatment. Is that the correct or moral way in which to treat those brave men and women? For me, the answer is no.

The families of soldiers, sailors and airmen also have difficulties owing to their constant moving. I have dealt with families of serving personnel and veterans who have been disadvantaged in obtaining health provision when required and to a timescale that matched their previous posting. Delay has not only a negative impact on service personnel but a detrimental impact on the entire family. That is not an equitable state, just because people chose to serve their country. I view the Armed Forces and Veterans Bill as a positive step to ensuring that equality of treatment is given to our servicemen and servicewomen. I wholeheartedly support the Bill and hope that everyone in the Assembly will do so as well. It will ensure equality for our serving personnel, their families and veterans.

In conclusion, I pay tribute to the late Captain Austin Ardill, who was a true unionist.

**Mr Kinahan:** I am delighted to be able to speak to the Bill's Second Stage. I, too, agree totally with its premise. Those who place themselves in the position of serving their country in the armed forces, risking life and limb carrying out their duty, deserve to know that, whatever happens, their country will look after them and their families properly.

The legislation is a case in point: the passing of a law that will give veterans of our armed forces in Northern Ireland parity with their colleagues in the rest of the UK. As a relatively new Member to this institution, I was appalled to find that that was not already the case, and I was even more appalled to hear that the legislation was stuck in the Executive. Common decency in any society means that its servicemen are looked after properly. That means its veterans and their families.

Many Members will know that I am an ex-serviceman, but I am not a veteran in knowledge and skill, or in age, although my children think so. I did not have to take the risks that servicemen take today or face the traumas that come with those risks. When people join up, it is out of a sense of duty or loyalty, or because the life of a serviceman is tempting. They do not join up for financial reasons or with any thought to how they will be looked after. They join a world of discipline that most of the public would never be able to put up with. They are part of a system 24 hours a day, seven days a week, 52 weeks a year. They do as they are told, go where they are ordered to go, and give their life to the system. Very few other careers, if any, ask for the same. They move house as often as required, live separately from their families, again as required, and put up with hardships and frustrations that no one else in the world would put up with. All that we are asking for Northern Ireland veterans in return is that they be given the decency of the same rights and help as their colleagues in the rest of the UK. I urge the Assembly to support the Bill's Second Stage of the Bill.

I also wish to point out that people from Northern Ireland who serve abroad, and subsequently leave regular service and become veterans, should not be disadvantaged and encouraged to live in other parts of the UK because they are cared for better there. They must be given all the support and help possible to ensure that they come back to their homes, where their families and their roots remain. I

want to see them all receive a proper duty of care. They should never be at a disadvantage over access to our Health Service, to housing, to schools, to transport, to childcare provision or even to training for life as a civilian once they leave.

Each of those matters has been described in good detail earlier in the debate. Therefore, I do not intend to go into them now. However, as far as equality is concerned, my party is not asking that ex-military personnel get preference over clinical priorities in the Health Service: it simply asks for fairness in all areas.

Northern Ireland has a proud record of military service. An estimated 5,000 personnel are stationed here and possibly as many as 300,000 ex-military personnel. As I said, any civilised society looks after its service personnel. Northern Ireland must do so too. I call on the Assembly to support the Bill and for the Committee to give it the decency of quick and smooth passage.

**Mr K Robinson:** I also want to express my condolences to the family of the late Captain Austin Ardill. One piece of advice that he gave me as a very young man was to join the Ulster Unionist Party. I will leave it to history to judge whether that was good advice. Certainly, all of the kind words that have been said about him tonight are well meant and, I am sure, will be felt by his extended family.

I had not intended to speak in the debate; I had come to the Chamber to support David McNarry in bringing the Bill before the House. However, I listened to Mickey Brady and his definition of a veteran as someone who has served for a year and a day. It appears, therefore, that I qualify as a veteran, having been a member of the reserve forces for slightly longer than that.

I also served for six years in Germany with Service Children's Education. In fact, Mr McFarland, who sits on the far Benches, was unfortunate enough to be in the same garrison, although, fortunately for him, at a different time.

**Mr Bell:** So were the children.

**Mr K Robinson:** So were the children, yes.

It is a serious issue. I detect concern from the far side of the House that advantage might be given to the armed forces and veterans. The Bill does not seek to give such an advantage. It seeks to give parity of esteem and provision.

I will give some idea of what moving involves for service families. Every 18 months to two years, they have to up sticks with their families. A family has to pack up the few belongings that they are allowed to carry with them into six or eight movement forwarding order (MFO) boxes — big, square boxes — into which go the children's toys, the wife's bits and pieces and the serviceman's own particular little treasures. Those belongings are then carted off out of sight. The family may be lucky enough to meet up with them in the not-too-distant future, or their belongings may end up in Singapore while they end up in Solihull.

Therefore, families are very much in the arms of Army, Navy or Air Force systems. As Danny Kinahan said, servicemen accept all of that: it is part and parcel of what they have chosen as individuals. Their families must also accept the situation. Every 18 months to two years, their children, who have just settled in at school, must move to another school, which is not just up or down the road but, possibly, on the other side of the world. Certainly, if someone leaves Lisburn or one of the other bases in Northern Ireland, he or she could end up in north-west Europe, usually Germany, or in parts of the Middle East, possibly Cyprus.

In the military system, that cumulative moving of children is called "turbulence". It has an impact on their educational attainment. Children who ordinarily would go through certain stages of development, have to move just as they are about to reach their potential. They have to adjust to a new setting, home, school, teacher and friends. Every so often, the whole process is repeated. It becomes a way of life for them.

Over the years, the military has adapted. I believe that George Robinson mentioned that it has put in place many additional support systems. In particular, Army units have that down to perfection. The station staff officer (SSO) looks after families' housing needs. The Soldiers, Sailors, Airmen and Families Association (SSAFA) looks after families' community needs.

However, when military personnel come to the end of their service, basically the door opens and they go through it. To a large extent, they are on their own; not just the individuals who signed up, but their wives and children as well, regardless of their ages. Therefore, the impact is ongoing on the lives of those families and,

indeed, on the lives of their wider family circles. The Bill tries to address those matters so that when folk come out of their service career, they are given the opportunity to gain a firm footing in the society in which they choose to live. Obviously, some will go back across the water. Some, from here, will settle across the water, perhaps because their wives come from there.

However, we have an increasing number of servicemen here who have been here, have family connections here and have married into our society, and they want to stay in Northern Ireland. What David McNarry is highlighting is that those people are being short-changed.

#### 10.00 pm

Those people are not just army personnel; I want to stress that, as someone with a member of my own family who has been in the Gulf with the Royal Naval Reserve and is due to go back shortly to God knows where with the Royal Naval Reserve again. I know the impact not only on that boy's family, but on me, my wife and my extended family. At least he has a job to go back to at the end of his service, but for someone who has made a career of 12, 15, 16, or 20-odd years in the military, it is very hard to settle back into society.

I say to the folk at the far side of the Chamber: yes, have your reservations and pursue this Bill through the Committee and make sure that there is nothing to give advantage to these folk, but please make sure that they are not disadvantaged in any way, because they have given their lives and the lives of their families in a variety of ways. We see the horrible injuries coming back and, unfortunately, the coffins coming back. Much harder to quantify is the number of families coming back, whose children have lost out so much in their years of development. It has a long-term impact on them. I thank the Members on the far side of the Chamber for their positive comments, but I ask them to think very seriously about the parity aspect of this.

**Mr McFarland:** I will start off by expressing condolences to the family of Captain Austin Ardill; he was a famous unionist who did sterling service for the Ulster Unionist Party in his time.

I would like to make a declaration: I fit into the veteran category, having spent 18 years in Her Majesty's forces. I congratulate David McNarry

on bringing this Bill forward and allowing us to concentrate our minds on this issue.

The legislation in GB was brought forward as a thank-you to the military system, to veterans and serving personnel. It is known colloquially as the military covenant and was brought into sharp focus again with the recent wars in Iraq and Afghanistan, when it was discovered that wounded soldiers were coming back and were being left in hospital corridors while their families were living in shambolic houses. Over the last few years, the military covenant has been renewed and the legislation was brought in in England.

Therefore, the issue is one of equality between all the citizens in the United Kingdom. Why should personnel, serving or veterans, who live here be totally disadvantaged by the fact that they are in Northern Ireland, whereas if they were in Scotland, England or Wales, they would be looked after much better? All of the First World War veterans are gone now. We do have survivors from the Second World War, and we have a large number of retired personnel here and a number of serving personnel in the garrison here.

The wars in Iraq and Afghanistan have put a focus on the debt that society owes to people who put themselves in harm's way. Anyone who has watched television programmes recently will know of the horrific injuries suffered in those wars by the soldiers, whose courage is just amazing. When you are young, aged 18 to 20, you are fireproof, and nothing troubles you much. But there is a difficulty with veterans in that the older they get, the more their experiences prey on their mind. We have seen a substantial increase in post-traumatic stress disorder, in Northern Ireland and in GB, and it is going to get worse, because there is a legacy of the last 30 years here in Northern Ireland and there will be a legacy of the wars in Iraq and Afghanistan. Therefore, this health issue is not going to go away; in fact, it is an enormous time bomb, and its effects will come back to haunt us eventually.

Many of the veterans who live here are English, Scottish and Welsh retired personnel who married and live locally. A number of them are my constituents, and they come to me. They have problems with regard to worrying about their security, going to hospitals and sitting in waiting rooms. Some of the hospitals are in

areas in which they might not feel particularly welcome. Therefore, we have an issue of how we look after our retired veterans here.

The UDR, the Royal Irish and the RUC, particularly the UDR and the Royal Irish, have a system whereby some of their people are able to access the Police Rehabilitation Trust, which is designed to deal with people who are having problems with their mental state. Some of them can avail themselves of that, but the regular veterans here have nothing, and it becomes a major issue for them. It is also an issue, to a degree, for the serving personnel and families in the garrisons here, because they too sometimes feel that they cannot access medical services and other things as they would do if they were living in a garrison in England. It is a reflection on our society that we cannot welcome people from our armed services who are back and forward from Iraq. When they are living amongst us, they do not feel as comfortable as they should do.

I want to give an example of what I am talking about. I have a letter that a constituent had back from the Veterans Agency. It reads:

*"Thank you for your recent request regarding priority treatment in respect of your war pensioned accepted disabilities. May I explain that the health authorities in Northern Ireland do not automatically provide priority treatment for ex-service personnel. Unfortunately, in view that there are no current arrangements in Northern Ireland for priority treatment for war-disabled pensioners, we are unable to help you in this particular instance. I apologise for this disappointing reply."*

If you are good enough to serve your country, be injured and be on a disabled pension in England, Scotland or Wales, that is OK; they will look after you. The moment that you come back to Northern Ireland to live, I am sorry to say, you are definitely a second-class citizen. We should reserve a bit of shame for that.

The situation is not acceptable, and I commend David McNarry for bringing this forward. I urge Members to support the Bill.

**Mr McNarry:** May I thank Members. I do not do it on behalf of anybody except perhaps myself, because I knew Austin Ardill so very well. I lost touch with him but got to know him again. I thank all those Members who have made their tributes to him.

Jonathan Bell was the first Member to speak in the debate. I thank him for his support. As he illustrated, this discussion can always be brought home to a local situation, and he did that for us very adequately. I do not want to be frivolous in any part of this debate, but for Jonathan to confess that he was being brief was a tribute in itself to the debate. I appreciate the appropriateness of the words that he used.

Mickey Brady did what he said he would do; he opposed the Bill. I think that Mickey was opposing it on an equality issue. Equality is an issue that ties the Assembly up in knots, because one person's idea of equality is not always another person's idea of equality. Sometimes we stretch what we mean by equality. If I did not believe that there was inequality in what I was seeing and hearing was happening to human beings, I would not have brought this Bill forward. It is on the basis of the inequalities that I see that I have laid the Bill before the Assembly for its Second Stage.

### 10:15 pm

I was disappointed when Mickey talked about health protocol. Perhaps there is a misunderstanding, and I hope that there is. My Bill does not seek priority for any veteran under any circumstances. Perhaps, Mickey will read Hansard tomorrow, particularly the piece in which I referred to priorities, and reflect on what I said. He said that there was the possibility of a two-tier situation developing within the Health Service. I am sure that that is the last thing that anybody wants to see, and it is most certainly not the intention of the Bill, nor do I believe that the Health Service — not just in its present condition, but in any condition — would entertain that. I cannot see that happening.

If Mr Brady agrees — he said that he does — that no one should be disadvantaged, then, Mickey, you are agreeing with me, because that is exactly what I am saying. No one should be disadvantaged, but, unfortunately, it is the case that the armed services, their families and the veterans are being disadvantaged. Nevertheless, I thank you and respect your contribution, and I hope that, when we move further with the Bill, the opposition that you have voiced may be less on the case that you have made; I hope that you do not introduce any other cases for opposing the Bill.

Declan O'Loan did not wish to kill the Bill here. I am grateful for that, Declan, but seemingly you

are willing to give it a slow death in Committee, and I am ungrateful for that, because I do not think it deserves it. I understand your wish for it to be discussed in Committee, but that is not under my direction. The Committees have had ample opportunity to discuss it. I think that you will appreciate that, although the Department of Finance and Personnel, because of the minimum financial impact, but also the protection —

**Mr Deputy Speaker:** Will the Member refer all his remarks through the Chair?

**Mr McNarry:** I beg your pardon, Mr Deputy Speaker. I am sure that you will agree that there are a number of Committees that would need to discuss the Bill, and it appears to me that, in not discussing it, the Committees are quite content — as in this case they should be — to allow the House to be the arbitrator and to take the matter forward. Nevertheless, we will see how that goes. However, I do hope, Declan, that you will have a change of heart if the Bill reaches its next stage in the Assembly. I say that because I have heard his concerns, Mr Deputy Speaker, and hopefully he will, through your kind permission, allow me to address them when we next discuss the Bill in the House. I ask that the Member perhaps go home tonight reassured that the intention is not to give advantage to anyone — I am sorry that people are picking that up — but to redress the disadvantage that so obviously exists, which is the reason for bringing the Bill forward.

I appreciate Chris Lyttle's genuine respect for the people that the Bill addresses. He said that they deserve genuine respect and that he was offering genuine respect. Unfortunately, he then added that inevitable little word that we have in here: "but". Nevertheless, I thank him for the recognition that he gave on behalf of his party to the armed forces, their families and the veterans. That is part of what I hope will end up being the safe passage of the Bill. I hope that we not only respect the Bill but recognise what we are talking about and how the Bill can make a difference. It is important that we do what we can in the Assembly to make a difference to people's lives when they are disadvantaged.

I appreciate the Member's concerns about consultation and his doubts about the financial elements. I note those concerns. It was perhaps remiss of me to give just one line to the Assembly

stating that there would be no serious financial consequences to the Bill. There cannot be.

We already have the facilities, but we are neglecting to help people to access them. The hospitals and schools are there; everything that Mr Lyttle is concerned about is already in place. All we need to do is give those people access to facilities.

However, I have taken on board his points and the concerns of Mr O'Loan and Mr Brady. Should the opportunity arise, and the Assembly tonight supports the passage of the Bill to the next Stage, I promise them that I will address their concerns when the opportunity arises.

I thank George Robinson for saying "thank you" to those whom the Bill identifies; he spoke for everyone in the Assembly. It does not take much to say thank you, but thank you, George, for saying thank you on their behalf. I also thank him for zoning in on the high equality content in the Bill, because the Bill focuses on equality. Some who spoke before him seem to have missed the point that I was making about equality. George, I appreciate your helping me with that.

Danny Kinahan, my colleague — and in this instance, folks, you are all my colleagues, because I need your support. We are not outside; we are in here. I thank Danny for his support. His reference to common decency was necessary, as was his perspective of today's life as he knows it. He knows the difference between his time and the present time for members of the forces. Danny gave us an insight as a former member of the services. His contribution was, therefore, not only welcome, but it also told a story that only people such as Danny who have that experience can share with those in need and help those who do not understand to embrace that understanding from Danny's perspective.

My good friend Ken Robinson had not intended to speak but was moved to do so after listening to others. He was also moved to help others, because he wanted to identify with the lifestyle common to families of the forces. He gave us a brief picture of what happened in his day. The shame is that it has not changed; otherwise we would not need the Bill.

It took an awful long time for England, Scotland and Wales to improve conditions for veterans and their families; we here have the opportunity

to do the same. I trust that Members noted his use of the term "turbulence". Reading the section about turbulence should convince even the greatest doubter, perhaps not in the Chamber tonight, but floating about.

Alan McFarland brought to the discussion his undoubted knowledge gained from personal experience and his genuine interest in military matters. I thank Alan for his support and for his detailed analysis of the veterans' situation.

I would like to focus the issue for a minute. I have no political agenda, and I am certainly not introducing anything like that into the debate. However, doing that might help us, and I hope that it will, because we all think it. It might help us as a family in the Assembly, given that we represent very diverse communities at times. It might help us when we refocus on what Alan McFarland said, which was that we "cannot welcome" forces' members home. The truth is that we can and we do. However, his point is that there are still some who are unable to welcome the forces home.

I have come into this Assembly, along with many others, intent on getting things right, on getting things done and on listening to and respecting others. A catchphrase to do with the body politic seems to have developed inside and outside the Assembly. That catchphrase is "moving on".

If we really want to show that we are moving on and if we really want to grasp what that means, perhaps the safe passage of the Bill, without opposition, can display that, in truth, we are ready to move on. I hope that no one will fail that test. I am ready to move on, and I am ready and willing to bring others with me.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Armed Forces and Veterans Bill [NIA 33/09] be agreed.*

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### Ambulance Cover in Lagan Valley

**Mr Deputy Speaker:** I remind Members that the proposer of the topic for debate will have 15 minutes to speak; all other Members who wish to speak will have approximately eight minutes.

**Mr Craig:** I welcome the opportunity to raise this issue in the House. I was going to thank the Minister of Health, Social Services and Public Safety for being in attendance, but I do not see him.

**Mr Deputy Speaker:** Order. Could Members resume their seats, please.

**Mr Craig:** I see that the Minister is now in attendance; I thank him for waiting to such a late hour.

I begin by paying tribute to those members of the Northern Ireland Ambulance Service Trust who work day and night to ensure that people's calls are answered. I think that the entire House will agree with that. The staff of the Ambulance Service, all National Health Service staff and staff in the Fire and Rescue Service, all of whom are responsible for saving lives, are the true heroes for our society.

When the news broke that obstetric services were to be withdrawn from Lagan Valley Hospital, the Minister announced that he would provide two new ambulances for the Lagan Valley area. Those ambulances would be responsible for taking urgent medical or surgical interventions to other hospitals, probably to the Royal Victoria Hospital in Belfast. It turned out that those ambulances came in the form of rapid response vehicles, which are basically estate cars, manned by paramedics, that carry specialist equipment.

On 21 September 2010, the Minister responded to an Adjournment debate on the future of the Lagan Valley Hospital accident and emergency facilities. He spoke about the transformation of

the Ambulance Service over the past 20 years. He said:

*"In effect, we ensure that we can take the A&E to the patient, which is what happens now with the very high quality Ambulance Service. It is not about going out, ringing a bell and scooping people up to take them back to the nearest hospital, it is about getting that emergency care out through the Ambulance Service and stabilising the patient before going to the appropriate hospital." — [Official Report, Vol 55, No 4, p218, col 1].*

I agree with the Minister; his statement is correct. However, I question whether that is actually the case in Lagan Valley.

Patients who are met by a rapid response vehicle are treated at the scene. There is no doubt that they get first-class treatment when they are met, but, unfortunately, the paramedic is not able to take them to the hospital in that vehicle: they have to wait. Although we are told that both a rapid response vehicle and an ambulance are sent to the job at the same time, experience tells us that, in many cases, the ambulance takes quite a while to reach the scene of the accident. In effect, rapid response vehicles are being used as a means to provide positive response times for the purposes of statistics. In that regard, they are probably effective. They are meeting the set rapid response times. Although I believe that they are of some value and have a place in responding to patients who, by and large, need first aid, they are, unfortunately, not always the answer for those who need to get to hospital urgently. Nevertheless, those who need to be taken to hospital may need to wait for a considerable period before an ambulance arrives.

When introduced to Lagan Valley, it was believed that rapid response vehicles would somehow meet the needs of patients who require urgent medical and surgical intervention. That was the basis of their introduction. I am starting to question whether they were an effective item to be introduced to Lagan Valley. At present, patients who require major medical intervention or surgery bypass Lagan Valley Hospital and are taken to the Royal Victoria Hospital in Belfast, and that journey takes some 20 minutes. That presents obstacles for patients, who may be in considerable pain, results in delay and, at times, overloads the A&E facilities in Belfast. I know of many occasions when that have occurred. I appreciate that the ambulance team can provide

some pain relief, but they are limited in what they can do for the patient.

Another point that I want to make to the Minister is that, in order to take the patient to a Belfast hospital or, indeed, any hospital, an ambulance is required. Rapid response vehicles are almost useless in those circumstances. Those vehicles were argued to be a necessary improvement following the removal of the obstetrics unit from Lagan Valley Hospital. They were to be a tool to ease pressure on the Ambulance Service in Lagan Valley, but so far they have proved to be of little value. The ambulance team in Lagan Valley, at times, struggles to cope with the pressure, while relying on ambulances from as far away as Downpatrick, Craigavon and Antrim to help to deal with the demand.

I have another, more serious issue to raise with the Minister: he promised Lagan Valley two rapid response vehicles, which were to be used when one of the ambulances was withdrawn.

I have no doubt that the Minister was told that that was the case. Unfortunately, however, up to now, only one rapid response vehicle has come into use in Lagan Valley.

### 10.30 pm

In December 2009, one ambulance was taken away and replaced, supposedly, by two rapid response vehicles. Although I had my concerns and doubts about whether that change would improve the service in Lagan Valley, we were all told to give it the benefit of the doubt. It is concerning to learn that, since then, only one of those vehicles has been in use.

There seem to be issues with getting paramedics, in particular, to use those vehicles. I have been informed that, in some way, using the rapid response vehicles (RRVs) leads to a loss of earnings for them. Concerns have also been raised with me and others about the higher risk for the practitioners because they are out on their own when responding to situations. We all know about the litigation that takes place. It seems remarkable that people who go to save someone's life can end up being sued by those whose lives they saved, but there are numerous examples of that having happened. Perhaps that says more about today's society than anything else. Paramedics have legitimate concerns about being on their own. However, that has led to the situation in which one of those rapid response vehicles has not turned a

wheel since the day and hour that it was put in place. That is regrettable, and it puts additional pressure on the services in Lagan Valley and further afield.

Another interesting fact came to light about the vehicle that is in operation. I thought that it would have been used to its full capacity, but it seems that, for whatever reason — I do not have an explanation — that is not the case. I do not know whether there are manning or management issues, but the figures that were presented to me were alarming. In April 2010, that vehicle was fully utilised, for the intended number of hours, on only 11 days. In May 2010, the figure was 12 days; in June, it was only 17 days; in July, it was nine days; in August, it was 12 days; in September, it was 12 days; and in October, it was three days. Not only are the two vehicles not operating but the area has been left with one vehicle that is being only partially used. I ask the Minister to investigate that situation on behalf of the people of Lagan Valley because it puts the system under undue pressure.

When we discussed the A&E situation a couple of weeks ago, the Minister, rightly or wrongly, argued that the reduction in A&E services would be offset by an increase in emergency services in Lagan Valley. At the time, I wanted to question the Minister about that, but I was not allowed to do so. It is only fair that I raise that issue in the House tonight, because the Minister's argument was based entirely on the increase in emergency services cover in Lagan Valley. I was alarmed to find that, in practice, a substantial portion of that additional resource had never been put in place.

I do not doubt that A&E cover will be reduced. Obstetrics are going, and that will put even more pressure on the existing services at Lagan Valley Hospital. I plead with the Minister to investigate the situation and try to sort it out. I am not here to lambast the Minister; I do not see any point in that. I would much prefer the Minister to get the situation in the Lagan Valley site sorted out urgently and turn it around.

I have no doubt that the Minister meant what he said, believed what was being said, and that the advice given to him at the time no doubt dictated that. However, the reality of the situation does not match up with that advice, so I plead with him to investigate the situation at Lagan Valley and, if possible, get it rectified.

I am certain that the other changes that are taking place at the Lagan Valley Hospital site will dictate an increased use of accident and emergency services there. I do not want to see anyone's life being put at risk and, doubtlessly, nor does the Minister. I so propose.

**Mr B McCrea:** The hour is late, so I do not propose to detain people unnecessarily. However the debate is a matter of concern for me, being a Member for Lagan Valley. I was interested to hear what the Member who secured the Adjournment debate had to say on the matter, and I have no doubt that the Minister will be able to deal with a lot of the issues that have been raised.

However, it occurs to me that I have some points to contribute to the discussion. First, I am a member of the Northern Ireland Policing Board, which receives a lot of statistical information regarding the performance of the PSNI. A number of key statistics have come forward. One of the most telling statistic concerns the number of deaths that happen on our roads.

Only last week, the Policing Board received a welcome report on that topic, which revealed that the number of road deaths across the Province has reduced dramatically. A long-term trend has been reversed. People of all parties lined up to congratulate those responsible for that. Whoever is responsible, some measure of congratulation is due for the way in which we seem to be able, at this moment, to prevent deaths. Whatever the strategy is, statistics show that it appears to be working. I pay tribute to a number of agencies involved, not just the Health Service, but the PSNI, the Fire and Rescue Service, which is part of the Minister's Department.

I recently attended an interesting initiative involving the Fire Service and PSNI at Hillsborough, during which the Fire Service from Lisburn explained how things happen in a traffic accident, the dangers that present to young males in particular, the length of time it takes to deal with an accident, the way in which pain relief is administered and the various things that are done. I was really struck by the professionalism of the Fire Service and the PSNI in dealing with road incidents. An awful lot of the event was educational and aimed at trying to reduce accident rates.

I was also struck by what people said about where casualties might go to receive treatment in such a situation. I do not know whether it is apocryphal, but I have been told that it is really important for someone involved in a serious accident to get to a hospital most suited to treat their particular condition. For those of us in Lisburn, that may well be the Royal Victoria Hospital, which is eight minutes away by road.

I acknowledge that there is concern in my constituency that that approach may, in some way, take resources away from one hospital to give them to another — robbing Peter to pay Paul, as it were. However, many of the issues regarding the standard of care that we need to provide are driven by the professional institutions; the doctors and the medical professions. We want to give a world class service that is appropriate. The proposer mentioned insurance claims and various issues, but it is essential to meet the standards of professional medical bodies.

Therefore, when it comes to all that, of course Mr Craig is right to raise concerns, which no doubt the Minister will be able to address, but we should all celebrate the fact that we have seen a dramatic reduction in road traffic deaths across Northern Ireland. If we all work together, we can drive down that figure even further.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I welcome the opportunity that the debate provides to praise the excellent performance of the Northern Ireland Ambulance Service in Lagan Valley when responding to emergency calls from the public. A modern, twenty-first-century ambulance service is not merely a transport service; it is the front line of emergency medical care. In reality, it is the front line of the modern Health Service, capable of delivering a much higher level of quality clinical care than ever before. The men and women, skilled health professionals all, who deliver that vital life-saving service deserve to have the best modern equipment, vehicles and technology to allow them to deliver a quality service to the public as safely and effectively as possible.

Lagan Valley falls within the south-eastern local commissioning group area. Provisional performance figures for the end of September show that 71% of category A — life-threatening — calls are being responded to within eight minutes. That performance is well above the

target for individual commissioning group areas, which is that, by the end of March, not less than 67·5% of category A calls should be responded to. Therefore, the Ambulance Service in Lagan Valley is exceeding its target.

RRVs have shown themselves to be very effective. In fact, when an RRV is dispatched, it is followed quickly by an A&E ambulance, which arrives usually within 20 minutes of the RRV's being dispatched. As Mr Craig said, each RRV contains a skilled paramedic and, apart from a stretcher and a spine board, it carries equipment that is almost identical to that in an A&E ambulance. He was correct in saying that RRVs cannot transport patients, but that eventuality is covered by the following A&E ambulance.

Progress has been hard won. When I first became Minister, the performance for life-threatening calls was 55%. It now stands at nearly 72%, so I am sure that Members will wish to join me in expressing heartfelt appreciation for the work carried out by the front line staff of the Northern Ireland Ambulance Service.

An important component of that improvement is the use of the latest technology, such as new automatic vehicle location and satellite navigation systems to ensure that the nearest ambulance responds to an emergency and is sent by the shortest route; new geographic information systems, including digital mapping; and new computer-assisted dispatch systems, telephony systems and digital radio systems.

The huge improvement, which has been achieved against a background of ever-increasing demand, averaging at around 8,000 extra calls a year, did not happen by chance. Improvement came only after the implementation of a programme of reform and modernisation, as well as the very considerable investment that I made in the Ambulance Service. The House will recall that, in 2008, I announced a major investment in the Ambulance Service, totalling some £100 million over the next 10 years, to allow it to modernise its estate and to replace its fleet and equipment regularly. Over the 2008-2011 comprehensive spending review (CSR) period, that included a £17 million investment to purchase 60 new A&E ambulances, 60 non-emergency vehicles and 26 rapid response vehicles. In addition, I made a further £12·1 million of revenue funding available for the Ambulance Service over the CSR period to allow it to modernise its services,

respond quicker to emergency calls and deliver life-saving emergency care.

However, it is not just about providing more ambulances and equipment; it is about people and new and more efficient ways of working. The recent improvement in performance in Lagan Valley and elsewhere means that the Ambulance Service is getting to more patients faster than ever before, and that has real potential to save more lives.

### 10.45 pm

I am talking about empowering and supporting the Ambulance Service so that it can provide a modern, fit-for-purpose service that ensures that patients presenting at an incident are clinically assessed, receive the appropriate treatment in order to stabilise their condition, and that, where appropriate, they are transported to an A&E hospital as quickly as possible. In short, it is about saving lives, which is what the Ambulance Service does day-in, day-out, 24/7.

That is the critical outcome that public representatives need to bear in mind during any discussion about the Ambulance Service. It is crucially important to ensure that the Ambulance Service is properly funded to carry out its essential and life-saving work. One outstanding aspect of the improvement in the service that can be achieved is, for example, thrombolysis — the administration of clot-busting drugs to patients who suffer heart attacks. That is something that would not have been considered for the ambulances even 10 years ago, and is proof of the merit of having highly trained paramedics with enhanced clinical skills ensuring that they arrive as quickly as possible in rapid response vehicles, followed by the A&E ambulance.

I spoke earlier about achieving outcomes. That means getting patients to hospital as quickly as possible and saving lives. It is important to note that, in the Lagan Valley area, the Ambulance Service deploys its emergency resources by using a tactical deployment plan to ensure that the nearest appropriate response vehicle is sent to an incident. That means that the response to an emergency call in the Lagan Valley area may be provided by an ambulance or an RRV that is not based in the ambulance stations in Lisburn or Derriaghy. I am asked about that regularly. It means that in any emergency anywhere in Northern Ireland, the nearest ambulance will respond. Most people will take

the view that when they lift the phone to get urgent help they do not ask for the Lisburn or Derriaghy ambulance; they just want the nearest ambulance to respond. As recent figures show, the public can rely on an ambulance arriving in good time with highly skilled help at hand.

It is misleading to focus on counting the number of ambulances housed in a particular ambulance station when a lifesaving response can come from the nearest ambulance or RRV, regardless of where that resource is normally based. It is also worth noting that by the end of the 2008-2011 CSR period, paramedic response capacity in Northern Ireland, by which I mean the total A&E and RRV emergency response capability, will have increased by some 65,000 hours to almost 580,000 hours of cover. It is not just in front line ambulances where clinical input has increased; the Ambulance Service now uses medical doctors in the control room to manage and deal with calls to ensure that the most urgent life-threatening incidents are responded to as quickly as possible.

I also wish to address the Ambulance Service efficiency savings, which were introduced during this CSR period. Those efficiency savings have not resulted in the sort of cataclysmic meltdown in emergency response times that some folk had been suggesting. In fact, the truth of the matter is very much to the contrary. Our Ambulance Service has transformed itself with great success into a twenty-first century service that is capable of dealing with the emergency care needs of our population. The performance statistics speak for themselves.

I will investigate the points that Mr Craig has made in relation to the availability of ambulances. I know that the number of paramedic hours available in Lisburn and Derriaghy have increased substantially as a result of the investment. Mr Craig made the charge that the ambulance stations in Lisburn and Derriaghy are not properly or fully manned, when, in fact, the complement in Lisburn should be two A&E ambulances and an RRV, and in Derriaghy, one A&E ambulance and an RRV. I want to reassure Mr Craig — and myself — that the situation is under control and is delivering the sort of service that the people of Lisburn deserve.

When I last enquired about the issue of paramedics being reluctant to use RRVs, I was informed that there was a waiting list for paramedics to get into RRVs. I will ask that

question again. It is some months since I last asked the question, but when I did, the Ambulance Service reported no problems whatsoever in recruiting paramedics to RRVs.

I want to conclude by issuing an alert that any future cut to the health budget will threaten the excellent and improving performance of the Northern Ireland Ambulance Service in Lagan Valley and throughout Northern Ireland. Therefore, it is vital that all public representatives unite to defend vital front line health services, such as the Ambulance Service, and thereby shield it and other critical areas of the Health Service from potential cuts in expenditure.

*Adjourned at 10.50 pm.*







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