

## NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

Friday 13 March 1998

*The meeting was called to order at 10.04 am (Mr J R Gorman in the Chair).*

*Members observed two minutes' silence.*

### FOOD STANDARDS AGENCY

**The Chairman:** I call on Mr David Campbell to move the motion on the proposed Food Standards Agency. He will be followed by Mr Hugh Smyth, Chairman of the Health Committee, who has a considerable interest in this subject.

**Mr David Campbell:** I beg to move to move the following motion:

This Forum adopts the response prepared by Standing Committee D to the Government's White Paper 'The Food Standards Agency — A Force for Change' and agrees to forward the response to the Department of Health and Social Services and to other interested persons and bodies.

Members are well aware of the background to the proposal for a food standards agency. Over the past few years there have been numerous food scares — potatoes, poultry, beef, eggs — and this week the National Consumers' Association added to the decline in public confidence in home-grown produce by presenting a report on the standard of food produced in the United Kingdom. I personally object to that report.

But the BSE crisis, which was precipitated almost two years ago to the day and which the Forum has debated at length, marked a watershed in public confidence in British foodstuffs. The report on that subject which Standing Committee D brought to the Forum in November 1996 expressed concern about the dramatic effect of agri-health scares on all sectors of the industry. We recommended an examination of the administration of agriculture in Northern Ireland and the potential benefits of establishing a ministry of food or some sort of food agency.

The Committee's recommendations echoed views expressed by all sectors of the industry and the wider public. These were reflected in Great Britain, where the Labour Party, then in opposition, invited Prof Philip James of the Rowett Research Institute in Aberdeen to make recommendations about the structure and functions of a possible food standards agency. In May 1997 Prof James presented his report to Tony Blair, who was by then Prime Minister. This Committee was part of the consultative process that turned the James Report into the White Paper which was published a couple of months ago.

The James Report, which is an extensive document, recommends the establishment of an independent food agency with responsibility for all aspects of food safety, from the plough to the plate. Committee D welcomed the report and, in principle, the establishment of such



an agency. The Committee's primary concerns were that agricultural interests should be represented in the proposed agency; that it should be given responsibility not only for foodstuffs produced in the United Kingdom but also for controlling imported produce; and that there should be equality of authority between the Departments of Health and Agriculture to ensure proper representation of the agricultural industry, particularly in Northern Ireland. The Committee also considered that a food standards agency should make provision for an appeals procedure to afford protection to those who might be affected by its sweeping decisions.

The James Report was developed into the White Paper which is currently out for consultation. In reaching a conclusion on the proposal for an agency, Committee D has taken evidence from all sectors of the industry — farming representatives, processors, retailers and consumers. The White Paper says that a food standards agency will have nine guiding principles. I propose to refer to the first six because they are the most important, but Members will find all nine in the Committee's summary of the White Paper.

The food standards agency's main aim will be to protect public health with regard to food. It will make an unbiased assessment of food standards and safety, based on the best available scientific advice of independent experts. The agency will make decisions and take action in proportion to the risk to public health — that is extremely important — and will pay due regard to the costs incurred, as well as to the benefits enjoyed by those affected by its decisions. It will avoid over-regulation.

Another key point is that the agency will act independently of specific, sectoral interests. It will strive to ensure that the general public have adequate, clearly presented information that allows them to make informed choices. I hope this will avoid unjustified alarm.

The decision-making process will be open, transparent and consultative. Before taking action the agency will consult widely, including with representatives of those who would be affected, unless the need for urgent action to protect public health makes this impossible.

Standing Committee D recommends that the Forum agree in principle with the White Paper proposal for the creation of the food standards agency. The Committee regards it as essential. We highlighted the proposal in November 1996, and we reaffirm our commitment to it today.

However, Committee D feels that certain issues have not been fully explored and that sufficient weight has not been given to them in the White Paper. It therefore wishes to make further recommendations. I will outline some of the key items, and my Colleagues will elaborate.

The Committee takes the view that if the proposed agency is to be effective it must be responsible for the safety not only of food produced in the United Kingdom but also of that which is imported. It would be nonsensical to have a body that could control only the constituent elements of foodstuffs produced in the United Kingdom, that could take no action in respect of imported meat or cereal products.



We are particularly concerned that the high standards of the United Kingdom's agricultural producers and processors, in terms of both quality and hygiene, cannot be guaranteed in imported foodstuffs. Such a situation not only puts consumers at risk but also puts domestic producers at a competitive disadvantage because they are unable to match the prices of cheap imported produce. We want an assurance that the standards applied to domestic producers and processors will apply to importers too. Recognizing that in this respect there are difficulties under European and international law — protective measures might be regarded as safeguarding trade rather than food hygiene — we recommend that the agency introduce a labelling system which clearly draws the attention of consumers to the fact that imported produce may be inferior to the United Kingdom's.

The Committee recommends that the food standards agency require all food produced in the United Kingdom which meets the standard to be clearly labelled as such. Indeed, we go further and make the point that the clear display of the Union flag or some other generic icon on such produce would make it instantly recognizable.

I want to repeat the Committee's concern at the lack of any mention of an appeals procedure in the White Paper. If farmers and processors and, indeed, retailers are to be subject to conditions that do not apply to those importing food, there must be some procedure by which appeals can be lodged and justice can be seen to be done. Therefore, for the second time, we recommend that the guiding principles be amended to include an appeals procedure which will afford some protection to those affected by the agency's decisions.

With regard to the structure of the agency, the White Paper envisages a single body appointed by the Secretary of State for Health and covering the whole of the United Kingdom. Regional interests will be represented, and Ministers in Scotland, Wales and Northern Ireland will participate as provision is being made for devolved structures in those regions.

In its response to the James Report the Committee said there was a need for a separate agency for Northern Ireland. Agriculture plays a much greater part in the province's economy than it does elsewhere in the United Kingdom. In addition, this is the only region of the kingdom to have a land frontier with another European country, and we have a separate statute-book. However, having examined the White Paper closely and taken evidence from both the Department of Health and the Department of Agriculture, we are content to accept the structures proposed in the White Paper. There will be a single United Kingdom agency, but it will be advised by a committee in each of the regions, and the chairman of the Northern Ireland advisory committee will have a place on its board.

However, my Committee recommends that Northern Ireland's representation on the board be increased to two and that one of the places be filled by a representative of the agriculture industry. Agriculture accounts for 10% of Northern Ireland's gross domestic product; the same cannot be said of any other region of the United Kingdom. There will also be a separate executive to implement the agency's proposals and standards.

Those are the Committee's key recommendations. We go into more detail about the advisory commission for Northern Ireland. We expect that it will involve all sectors —



health, agriculture, the consumer, the processor and the retailer. We would also like to see it involving elected representatives.

In conclusion, I welcome the food standards agency, which we regard as a force for change. If our recommendations, particularly those about the standard of imported foodstuffs, are adopted, they will make a meaningful difference. This will probably mean a slight increase in consumer costs, but that would undoubtedly be reflected in higher standards. The agency will determine standards, thus, I hope, removing the present situation whereby the decisions of the large retailers, particularly the recent arrivals here, are driven by competitive advantage rather than consumer advantage. We feel that the agency will be independent of other Government bodies and of the industry at large and therefore truly representative of the consumers' interests.

*10.15 am*

Finally, my thanks to all who gave evidence on what will be a key consumer issue. I thank my Committee members for their hard work and professionalism and Committee C for its input to the James Report and this report. Mr Hugh Smyth will shortly be reflecting his Committee's concerns. My thanks also to Mr Barnes and his staff for their help in drafting the report, which I commend to the Forum.

**The Chairman:** As Chairman of Committee C, Mr Smyth, would you like to add to Mr Campbell's words?

**Mr Hugh Smyth:** I am grateful for the opportunity to say a few words about the food standards agency. First, I would like to thank Committee D and its Chairman and Clerk for a response which, by agreement, includes a contribution from Committee C. We are very grateful for that facility.

This is a quality document that can be taken as a fair reflection of the Forum's position on the food standards agency. As Members will know, the Health Committee has to be very concerned about food standards. The Department of Health is the lead Department on the issue, and Committee C, in shadowing it, must be sure to act in the interests of the public at large. (Here I speak for the entire farming community of the Shankill Road — decent spuds that they are!)

A state of confusion over food safety is in no one's interest, so we must welcome the setting up of a food standards agency. The public need to be sure that every reasonable step has been taken to guarantee that food is as safe as it can be. The agency will have access to expert committees. In the light of experience it will have to err on the side of caution.

Part of the public assurance will come from the vitally important fact that the agency is independent of any vested interest. Otherwise the initiative would be doomed, and that would be extremely harmful to the farming and food-processing sectors. It is in everyone's interest to prevent that.

It is also important that the agency be completely open. That is the only way to ensure the public confidence that is essential. It should be possible to show that matters are



improving. Consumers — mostly housewives — must be at the forefront of all that the agency does, and the agency should be flexible enough to ensure that Northern Ireland enjoys the benefits.

I commend this response to the Forum.

**Mr Shannon:** I endorse the comments of the two Committee Chairmen.

This is one of the biggest issues the Agriculture Committee has considered. We have put a good deal of time and effort into producing the response; our recommendations address the most important points.

The food standards agency will bring about some of the biggest changes that have ever taken place in the food industry — primarily those resulting from the bad press we have had over the last 12 to 18 months because of food scares. Many people wonder why we need such a body. There are several reasons, including the BSE crisis, the recent food scares and the expansion to Northern Ireland of the large supermarket chains. All these factors put strains on the food manufacturing and processing industry.

The need for a food standards agency is obvious. Consumer confidence must be restored. The public have a right to expect the very highest standards. We need an open and transparent structure which is seen to operate in the consumers' interests.

We have the tightest regulations in the whole of Europe and, indeed, the rest of the world. We must insist that our European and worldwide competitors match the high food standards that are demanded of local producers by the European Union. Our produce is required to be labelled, and it is right that we should insist on the same rules for imported meat and vegetables. This is an issue which concerned the entire Committee and one which could have far-reaching consequences. The whole system could fall down if our competitors are not required to meet the labelling regulations which are imposed on us.

The system must have teeth if it is to work. Differences between imported food and that produced in the United Kingdom — especially any inferiority — must be made clear, and if we must meet regulations, so must our competitors. The consumer will decide which produce to buy, but standards and enforcement powers must be universal. Other European countries have been less assiduous than the United Kingdom.

I want to refer to the Committee's recommendation concerning the work-load of local authorities. The Government must provide the additional resources that the creation of the food standards agency will necessitate — if necessary, through the funding mechanism proposed in paragraph 4.6. Otherwise who will pay for it?

It has been estimated that the budget could be at least £100 million — a very large sum that councils could not be expected to find. Any environmental health officer will tell you about the increase in his department's work-load in the past few years. We have ever more rules and regulations, but no extra funds. In this case the Government must indicate at the very beginning exactly where the money will come from. Shops and other businesses will have to pay small fees, but the bulk of the £100 million must come from a new body or



through the tax system. Food producers and processors should not be asked to meet the entire cost of policing their industry. Far too often the burden has fallen on their shoulders. It is all very well to say that the consumer will ultimately pay, but people operating in a competitive market are entitled to expect a level playing-field.

If the Government do not provide the necessary extra funds, the food standards agency will not have any teeth. It will be unable to do such things as enforce labelling requirements in respect of all imported foodstuffs. Thus producers and consumers, all of whom agree that such a body is the best way forward, will be let down.

We have made the point that consumer confidence must be strengthened, from the plough to the plate. We in Northern Ireland are very dependent on agriculture, and we need a system whereby our special circumstances are considered constructively. As the Committee Chairman has said, that will require two Northern Ireland representatives on the central committee based at Westminster. The farmers and the consumers of the province must have a direct input. Only by working together can we improve the relationship between producer and consumer. I urge Members to support the recommendation.

**Mr Neeson:** I am not a member of the Committee, but as a consumer I should be able to speak with some authority on this matter.

May I first thank the Committee for a very detailed and important response, which has come at a time when there have been quite a number of agri-health scares throughout the United Kingdom. We are grateful to the Chairman and the other members for their tremendous work and to Mr Barnes for his contribution.

*10.30 am*

Hardly a day goes by when there is not some media speculation about one type of food or another. It has almost got to the stage where people are asking "Is anything safe to eat?" That is why it is important to establish a food standards agency. The recommendations in the Committee's report are reasonable and worthwhile, and I sincerely hope that they will be taken on board.

It is equally important to harmonize standards on a North/South basis. There could well be a role for the proposed Council of the Isles.

The warnings to which the Committee Chairman referred must be heeded. The report containing them is not just another scare document. The damage caused by the over-use of pesticides is carried through the food chain. There is a need to look again at the whole question of organically produced foods. It would be wrong to dismiss that report because some people believe that its purpose is to undermine the agriculture industry. I see it as a help rather than a hindrance.

In paragraph 4.6 of its response the Committee deals with the question of giving local government yet another responsibility without the necessary financial and other resources. Many environmental health departments are already weighed down with European Union legislation, which comes out almost daily.



With regard to membership of the food standards agency, I accept totally that there must be Northern Ireland representation. The agricultural industry should be represented. Their presence might seem like a case of poacher turned gamekeeper, but it is important that they be involved. It is important too that the agency be free from any Government influence. Last year we had the question of beef on the bone. The Government's intervention in that case was totally unnecessary, and this body must be independent.

A good deal of the evidence that the Committee heard was from the multinationals that have taken over the retail network in Northern Ireland. This raises once again the whole issue of sourcing. I am concerned that Northern Ireland food producers are losing out. As one who uses supermarkets regularly I am aware of the increasing dependence on goods, particularly fresh foods, imported from other parts of the British Isles. Northern Ireland products are seen less and less on the shelves. One of the supermarkets that I use is clearly aware of the problem. The fact that it is labelling Northern Ireland products as such indicates a certain amount of guilt.

Consumer confidence must be restored, and an independent food standards agency should be able to do the job. This is a very good response. Let us hope that its recommendations will be taken on board.

**Ms Sagar:** I too commend the Committee's Chairperson, other members and secretariat for the effort that they put into this response.

We welcome the White Paper on the proposed food standards agency. It signals a major step forward in ensuring the safety of food. The Women's Coalition welcomes the new approach, for it is in the interests of everyone, whether producer or consumer, to have a system which is open and puts the emphasis on better access to decision-making and on public health. In general we support the Agriculture Committee's recommendations, but we are sorry that the opportunity for a joint response from the Agriculture and Health Committees was not taken. Such a response would have given the Forum a chance to look at the issue of food safety from the angles of both consumers and farmers.

The Committee is right to point out the need for a level playing-field. Imported produce must be required to meet the standards set for food produced in the United Kingdom. A labelling system would help.

With regard to the proposed structures, particularly the relationship of the United Kingdom commission to procedures in Northern Ireland, the White Paper is confusing. We are worried that the proposals will actually weaken the current provision. We would prefer an independent Northern Ireland agency, but we accept the need for consistent standards across the United Kingdom. Northern Ireland needs its own organization — one with sufficient credibility and visibility and, above all, the ability to respond.

In evidence the Northern Ireland Agricultural Producers' Association said that the White Paper represented overkill in terms of consumer influence. We disagree. We believe that the Committee is right to seek representation for agricultural interests. But we need to remember the purpose of the White Paper. The main driving-force should be public health.



We support the Committee's response.

**Mr Junkin:** I see the food standards agency from the point of view of a small farmer and also as a regular consumer. I understand that every farmer in the United Kingdom feeds 131 other people. Those people therefore depend on the code of production applied by the farmer. That makes him a very important person at the top of the pyramid. His crop and animal husbandry are very important. Does he use a little extra insecticide to give his carrots the perfect appearance that will satisfy the supermarket manager? Does he spray a little more chemical to control potato root eelworm so that damp ground can be planted more often to cope with the demand for moisture-loving, super-chipping Maris Piper spuds? Does he dip his sheep in organophosphorus-based liquids and leave a dangerous residue for the workers in the hide industry? Does he spray disinfectants in his pig or poultry unit to run off into the nearest watercourse. Does he irradiate strawberries?

Farming has become a very competitive business, what with the changes in production methods and the mechanization that is required nowadays. Farmers are driven by consumer demand to produce more and more, and they are expected to do so more and more cheaply and still stay in business.

I have worked out that a generation ago a small farm near mine put out every year about 20 tonnes of beef on the hoof, the eggs from 1,000 chickens, about 100 tonnes of potatoes and the milk from eight dairy cows. Today that unit puts out more than 500 tonnes of assorted meat products, including chicken, lamb and beef, about 200 tonnes of potatoes and enough grass to feed 60 cows. The fast-changing world of farming, never mind the fast-changing worlds of retailing and home management, dictates evolving standards of food-chain management. This is what the food standards agency is intended to tackle. It will provide an audit system to ensure the complete integrity of the food we eat or handle or supply. No cause could be more laudable, in whatever country or region you live.

The White Paper says that the food standards agency will not tell people what they should eat but will provide readily available scientific advice about the nutritional value of foods. It is expected to raise consumer confidence in that people will not be misled by inadequate, inaccurate or even fraudulent information from producers, manufacturers or retailers.

The Committee strongly recommends that the Government introduce an effective labelling system. A label should show the country of origin and should make it clear that the product may be of a standard different from — perhaps inferior to — what is demanded in the United Kingdom. This will cause a howl of outrage from some of our European neighbours and from the Americans, who would like to keep sending hormone-laced beef, antibiotic-laced chicken and meat-and-bone-fed pork to our shores while our farmers are tied to the more expensive production of beef, chicken and pork free of such substances. Clear labelling would help the consumer to decide what to buy.

Northern Ireland farmers have never seriously asked that foreign food be kept out of the province, even if such protection may be at the back of their minds. After all, they buy Zetor tractors from what was Czechoslovakia, Belarus tractors from Poland and



Lamborghini tractors from Italy. They can justify the high cost by drawing attention to superior quality. Surely the same principle applies to food. Housewives demand a wide choice. Farmers expect consumers to be aware of the pluses and minuses of buying a kilo of foreign pork, as they themselves are aware of the pluses and minus of buying a vital piece of foreign machinery.

A farmer can buy a John Deere tractor, but that item of machinery will have been made in Spain from Zetor parts. Some farmers can tell that it is actually a Zetor. The same applies to people buying food in a supermarket.

The Committee, as Mr Campbell has said, returned again and again to the question of labelling. There would be no point in a new standard that was not seen by the consumer as different from our previous standard and from the standards of our competitors. If the food standards agency operates as intended it should ensure that good British food is identified by a stamp bearing the Union flag or some other generic icon such as the bulldog.

The agency should benefit both consumers and producers. Producers who are making an honest effort should not be undermined by poor quality or dangerous competition backed by high-profile advertising.

I recommend that the Forum adopt the Committee's response.

*10.45 am*

**Mr Poots:** The food standards agency could become either a bureaucratic nightmare that will kill the industry or a confidence-building organization for consumers, both at home and abroad, that will establish British produce as premier food.

My concern is that the industry could be burdened by impractical regulations, though the Government have gone out of their way to point out to farmers and consumers that the industry will not be over-regulated and that decisions will be taken on the basis of assessed risk and the associated costs. However, the Government have not so far inspired a great deal of confidence by their decision to ban beef on the bone, even though the risk of contracting CJD was assessed as being one in 10 billion — in other words, one person dying in 18 years. If we had to meet that sort of standard consistently all sectors of the food industry would face ruin.

Labelling is most important, and it must be both extensive and informative. A label must state the product's place of origin, as opposed to where it is sourced. Recently in a supermarket I saw bananas which allegedly had been sourced in Northern Ireland. As I travelled along the motorway this morning I did not see any banana plantations. Perhaps there are some in the west of the province! The fruit to which I have referred may have been bought from a local supplier, but it certainly was not produced here. And the same thing is happening in respect of many other products.

Labels should give the country of origin because standards that are set in the United Kingdom are not adhered to elsewhere. For example, United States producers put hormones in beef and a hormone called BST in milk. Should we be importing produce which does not



come up to our standards just because it costs less? Chickens that are brought in from Brazil and Thailand are not up to the standard of those reared locally. I am thinking, for instance, of salmonella.

The recent E.coli outbreak in Scotland, where more than 20 people died, involved meat that originated in South America. There has never been a case of E.coli from Northern Ireland beef. Our herds have the lowest incidence of the condition in the world, yet we have to apply standards that will ensure absolutely no risk of an outbreak.

Consumers can buy beef from other parts of the world. Welsh farmers were criticized for tipping a load of beef into the sea. But what sort of beef was it? It was burgers that had been made in the Irish Republic from old cows. We are not allowed to sell such meat; our beef must come from animals under 30 months in age which have not been fed meat-and-bone meal. The consumer needs to know exactly what he or she is buying, so we are insisting that the country of origin be stated on the label.

The Committee questioned two civil servants — Dr Smyth and Mr McKibben — about whether agency conditions could be applied to produce brought into the United Kingdom. We were told that they could not. When such produce is displayed on supermarket shelves, that should be made clear. Otherwise both the consumer and the farmer will lose out.

I would also like to see labelling that explains what nutrients food contains. A few months ago we were advised to eat less beef, but last week the Government did an about-turn because it seemed that some people were not eating enough. We are now being told that beef is essential to children's growth, being high in protein and iron. As everyone knows, iron is one of the most important nutrients in food.

People should be told how to store food. The greatest problems arise not on the farm or in the factory but in the home. A chicken could be left on a shelf for two or three hours before being put into the fridge, or cooked ham and bacon could be stored together, or somebody could use the same knife to cut cooked and uncooked meats. That is how food becomes contaminated. The food standards agency will have to address the questions of storage and cooking.

I welcome the setting up of the agency, but it could either turn into a bureaucratic nightmare which will kill the industry or put us at the top of the pile.

**Mr Speers:** I support this response from the Agriculture Committee, which has been endorsed by the Health Committee.

The debate about a food standards agency probably predates the outbreak of BSE, but it came to a head in the minds of the public at the beginning of that crisis. BSE was not caused by farmers or producers; it was the result of negligence on the part of Her Majesty's Government. Apparently food compounders and farmers were not made aware of the implications of regulations. Hence animals were given feed which caused the horrible disease that has devastated the entire farming industry. That is the background.



It was in opposition that the Labour Party first mentioned the idea of a food standards agency such as we are now debating. This is not an area in which there should be any conflict for the farmer/producer or the consumer. Indeed, so far as I know, there is no such conflict. I know of nobody who does not believe that wholesome food should be produced in hygienic surroundings. There is plenty of evidence that the best producers are to be found in Northern Ireland.

If it is to be meaningful the agency will have to be properly funded. This point has been made by several other Members. The White Paper does not specify the nature of the funding, but there is an indication that the cost will be borne by the industry rather than by the country. Farmers have had to meet much of the cost of slaughtering animals. In this case it would not be right to expect producers to pay. Thus the Government will have to consider other ways and means, such as taxation. The industry is incapable of absorbing many more costs.

There is mention of an added burden for local authorities. Those of us who are members of councils will often have heard about additional powers and increased responsibilities. I have no doubt that councils would quite happily take on more powers and responsibilities in many areas, but the Government must ensure that ratepayers are not overburdened.

I feel strongly that food must be properly labelled. We have heard about inadequate or inaccurate labelling. Recently several national supermarket chains have opened in Northern Ireland's main shopping centres. Evidently they are happy to ride on the backs of the province's producers of wholesome food by labelling other goods "Sourced in Northern Ireland". If the food standards agency is to make a meaningful impact it will have to ensure that food which was produced outside the United Kingdom is clearly marked.

I have here an article from the farming magazine 'Scottish Farmer'. It refers to the recent outbreak of E.coli in Scotland. Prof Hugh Pennington of the University of Aberdeen, who carried out the investigation, indicated that the disease probably originated in Argentina or some other such country. He pointed out that one would be 10 times more likely to catch E.coli in Argentina or many another parts of the world than in the United Kingdom. This is a health-safety matter of fundamental importance. Lest there be any possibility that food is of a standard below that which people are entitled to expect or that it was produced in an environment which they would regard as alien, it is vital that the place of origin, even if it is a European country, be stated on the label. Mr Neeson said that there should be some co-operation with the Republic of Ireland, but that country's response to BSE has differed from the United Kingdom's and is more likely to involve the use of a JCB digger.

11.00 am

Much has been said about this document, and I have no doubt that we have not heard the end of the matter. The Forum's Agriculture and Fisheries Committee has looked at it in detail, and I have no hesitation in commending the Committee's response to the Forum. I hope that current thinking will be taken on board when the agency is set up.



**Mr Calvert:** I am glad to have this opportunity to speak about the setting up of a food standards agency. The other day I was girning about this to the Agriculture Committee, whose concerns I as a farmer understand.

I speak here as an active member of the Health Committee. Given that food safety and food standards are primarily a health matter, it is important that that Committee too have some input into the debate. Food standards affect the entire population. True, there are some people, like myself, who are both producers and consumers, but everyone is at least a consumer.

The agency should be about maintaining and, perhaps in due course, raising food safety standards. We should not have to face such a litany of food scares again. BSE is the daddy of them all. The agency must be set up in such a way that it is capable of doing its job. It will need to have expertise or to take expert advice, and it will have to be fair, maybe even more than fair, to the consumer. It must also be balanced. Producers will have to be treated fairly, and their reputation and the quality of their produce protected. That is the key change which the agency could bring about.

We are about to raise our quality-assurance standards, but it must not be forgotten that we import foodstuffs and animal feed from overseas. These must be subject to the same rigorous standards as locally produced food.

I welcome this response as a means of conveying our views on public health to the Minister, and I thank the Agriculture Committee for its efforts.

**Mr David Campbell:** I would like to thank all Members for their valuable comments.

We hope that the establishment of this agency, which will probably not come into being until the end of next year, indicates that the Government are finally getting their act together with regard to food safety. A week ago last Monday members of both Committees attended a conference at the Culloden Hotel at which the agency was discussed. Prof Pennington talked about an inquiry that had been held in 1964 — long before I was born — into a typhoid outbreak near Aberdeen. That outbreak cost many lives, yet many of the recommendations emanating from the inquiry have still to be put in place.

Mr Speers referred to the E.coli outbreak in Scotland a year or so ago which claimed some 30 lives and provided the impetus for Labour to press on with a food standards agency.

Mr Poots was right in saying that, although it is the primary producers, the farmers, who get the blame when there are food scares, infection is transmitted in homes through inappropriate storage or inappropriate food preparation. We would like to see the agency taking on a major role in educating housewives in food storage and preparation.

Mr Neeson referred to the need for practical co-operation on food safety. I have no doubt that there could be co-operation throughout the British Isles. It is interesting that the Irish Republic is currently developing a food safety agency. However, I suspect that were there to be co-operation with the Republic it might very quickly withdraw because the cost of



coming up to British standards would run into several hundred million pounds. But the proof of the pudding will be in the eating.

I take issue with Mr Neeson's comments about the National Consumers' Association report. I have no objection to its highlighting public concerns. However, I do have a problem with its indicating excessive use of antibiotics but failing to refer to the controls that are in place in the United Kingdom. For example, milk producers use antibiotics. If one of my cows has mastitis I treat it in that way. The report does not say that no milk from the animal can go for human consumption until the antibiotics have passed through her system. That was not made clear in the report.

We welcome the creation of this agency. Let us hope that it will be closely monitored by the regions of the United Kingdom which will be enjoying devolution in the near future.

I commend the response to the Forum.

**Ms Bell:** I should have intervened when Mr Campbell made his remark about housewives. Presumably the Women's Coalition would have done so had either of its Members been here.

**The Chairman:** Ms Sagar did speak.

**Ms Bell:** Yes, but I am referring to remarks in Mr Campbell's summing-up speech.

I acknowledge that every housewife needs education in food preparation, but so do men, even though there are probably not many who prepare food.

**The Chairman:** A very good point.

Mr Smyth, you do not want to add anything, do you?

**Mr Hugh Smyth:** That is an invitation to say nothing.

**The Chairman:** No. You are not supposed to, but I thought that as Chairman of the Health Committee you should be given the opportunity.

**Mr Hugh Smyth:** I thought you were going to put me out, and I did not even have any water ready!

This is a very serious subject. Once again I congratulate Mr Campbell and his Committee on bringing the matter to the Forum's attention. Today's debate has proved — not for the first time — that there are issues on which we can all agree. We all recognize the need for a food standards agency, and I welcome this response. Unfortunately, as Mr Campbell has said, by the time it is set up, the Forum will probably not be in existence. However, I hope that a new Northern Ireland Assembly will be in place and will take this matter forward.



*Question put and agreed to.*

*Resolved:*

This Forum adopts the response prepared by Standing Committee D to the Government's White Paper 'The Food Standards Agency — A Force for Change' and agrees to forward the response to the Department of Health and Social Services and to other interested persons and bodies.

## ASSEMBLY ELECTORAL SYSTEM

**Mr Neeson:** I beg to move the following motion:

That the Forum adopts the report on an electoral system for a Northern Ireland Assembly and endorses the Electoral Reform Committee's request that the Secretary of State meet with the Committee to discuss its recommendations.

First, I want to express my gratitude to the members of the Committee, to Ms Gail McKibbin and to all those who made oral or written submissions. Special thanks are due to Dr Sidney Elliott, who gave evidence at a very early stage.

While there was not unanimous agreement on the type of electoral system to be used in an Assembly election, there was unanimity about the values underpinning the parties' various proposals. It was agreed that an electoral system should be based on four principles. First, there should be a link between a Member and his or her constituency. That was recognized as a very important principle. Secondly, we are all very much in favour of proportional representation. Thirdly, it was agreed that the electorate should have a wide choice. Fourthly, whatever system is adopted, it should be simple and understandable. It is important to underline the matters on which there was agreement, for they should be the foundation.

Several systems were proposed. We all agreed that the system used in the Forum election was a dog's dinner, and we do not want arrangements that create such problems. Many parties supported STV; some wanted STV plus top-up; some proposed an unspecified form of proportional representation plus top-up; and others favoured STV plus a regional list and top-up.

*11.15 am*

Opinions on the numbers to be elected varied widely. Some people believed that there should be five Members representing each of the 18 constituencies; others that there should be six; several that there should be five for each constituency, plus top-up; some that there should be six plus top-up; and some that each constituency should have three Members and that there should be a regional top-up. The suggested total number of Members ranged from 90 to 128. I regret that the SDLP did not respond to an invitation to submit its views, but I do know from discussions in another place that the party is very much in favour of STV.

It is not for me as Chairman of the Electoral Reform Committee to argue for or against any system. Other Members can do that. Mr McBride will present the Alliance view.



As Members are aware, we have moved to a crucial stage in the political talks at Castle Buildings. I am optimistic about a positive outcome, with the possibility of a referendum on 21 May and Assembly elections on 25 June. However, I remind Members that one of the reasons for setting up the Electoral Reform Committee was the blatant electoral abuse that occurred last year and previously. I am pleased that the Committee's report on that subject, which was adopted by the Forum, has been widely acknowledged. The Government took it into consideration when compiling their report, which will be published shortly.

I am concerned that elections in June would be subject to the same inadequacies. It is disappointing that the Government do not appear to have tried to remedy any of them. We need legislation on a means of identification. This area is particularly open to abuse (one thinks especially of medical cards). The Government could deal with the abuse that arises from postal and proxy votes. Surely, realizing the importance of a referendum and of an Assembly election, they must provide the necessary resources to deal effectively with this matter. The recent Omagh by-election showed clearly that fraudulent applications can be detected.

The Committee is also considering systems for Westminster elections. Yesterday Lord Jenkins and his Commission were in Belfast, though the first we heard of it was from a discussion with Lord Jenkins on 'Good Morning Ulster'. I am pleased to say that I met him and his Commission yesterday afternoon. During a very worthwhile discussion I put forward the Committee's views on electoral abuse. Some members of the Commission were very well versed in our report. I also mentioned today's Forum debate.

The Committee recognizes the urgency with which proposals for a Westminster election must be dealt with. Indeed, it is having extra meetings, with a view to having a report prepared for the Forum in three weeks' time. I am hopeful that Sir John Chilcott, the Northern Ireland representative on the Jenkins Commission, will be able to come and tell us about that body's work.

No one should be surprised that there was not total agreement in the Committee. Any party will favour the system that maximizes its strength. But this report is valuable, and I hope we will shortly have a meeting with the Government to discuss our proposals. Following our last report we had discussions with Mr Murphy.

I look forward to hearing Members' views.

**The Chairman:** I am very glad that you managed to meet Lord Jenkins and that the Forum's debate on electoral abuse was brought to his attention.

**Mr Weir:** On behalf of the Ulster Unionist Party I welcome this very valuable and timely report, which, for the benefit of those who are not familiar with electoral practices, illustrates how various systems work.

It is clear that no system is perfect. Each has advantages and disadvantages, hence the wide variety of proportional representation systems world-wide. It is not surprising that there



was not consensus in the Committee. Parties tend to propose the system that best serves their interests — with perhaps one exception, to which I will refer later.

The Committee did, however, agree on four important principles which should guide the choice of an electoral system for an Assembly: the need for proportionality; the necessity of a link between a Member and his constituency; the desirability of the widest possible choice; and the virtue of simplicity.

My party, like most others, favours STV (the single transferable vote) as we believe that it fulfils these criteria. The system that was used for the Forum election has rightly been castigated as a dog's dinner. People were denied the opportunity, for example, to vote for independents. It is bad for democracy to limit choice. STV allows the electorate to choose between candidates from the same party, thereby strengthening the link between public representatives and their constituents. The Forum system required parties to rank candidates. This meant that the electorate were one stage further from the equation. With a list system, a candidate has to satisfy his party rather than the people, and that is not good. STV has been used here for 25 years in both council and European elections, and it is readily understood.

I now turn to top-up systems, of which there are two types. First, there is the corrective system, which is suggested for the Scottish Parliament and the Welsh Assembly. It provides for additional Members to be appointed, the numbers being in proportion to the parties' shares of the vote. The other type is the one that was used in the Forum election.

For several reasons the Ulster Unionist Party has grave concerns about a top-up system. There would be two tiers. Some Members would be elected, and there would be a voting procedure for appointing the rest. Like the Forum system, this would be a dog's dinner.

It has been argued that the top-up system is more proportionate, but even the concept of proportionality can be somewhat subjective. For example, in the west and south of the province there is a tradition of high turn-out. This inflates the level of support for parties popular in those areas. The overall vote may not then accurately reflect the wishes of the electorate. Top-up also diminishes the opportunity for representatives to be directly linked with constituencies — which is bad — and it reduces choice, many people coming off party lists rather than being elected.

From a partisan viewpoint we oppose top-up because it would not be to the advantage of mainstream Unionism — the Ulster Unionist Party and the Democratic Unionist Party. If the DUP is concerned about maximizing its electoral advantage it should look again at this system.

*11.30 am*

STV has several advantages for Unionists, for a number of reasons. First, because of the difference in turn-out between the west and the east, Nationalist parties tend to garner a higher percentage of the regional vote than of the votes in most constituencies. Secondly, there is more transference between Unionist parties than between Nationalist parties. Thirdly, Alliance votes, when transferred, tend to favour Unionist parties more than Nationalist



parties. Thus Unionists tend to get a higher percentage of seats than of votes, as is clear from any STV election.

If STV had been used in the Forum election mainstream Unionism would have won approximately 60% of the seats, whereas under the system that was used the main Unionist parties got about 57% of the first 90 seats. With top-up their share was about 51%.

The DUP may well suggest that what it proposes would be fairer and that it has no interest in the number of seats secured by mainstream Unionists in any future Assembly. If that is the view of Democratic Unionists they are entitled to it, but if they feel that the system they are proposing would benefit their party, or Unionists in general, I urge them to look again at the figures.

It is on the question of top-up that there is least consensus. The system that was used in the Forum election — allocating an additional two seats to the top 10 parties — is a mongrel device that I have not come across anywhere else in the world. It is profoundly undemocratic to give parties with a very small mandate representation at the same level as parties with a significant mandate, and I am glad that the support for such a system is very limited.

It has been suggested, appropriately perhaps, that the number of seats in an Assembly be between 90 and 100. In a province the size of Northern Ireland it would be difficult to justify the level of representation that has been proposed by some parties. If it were to be in line with the Scottish Parliament and the Welsh Assembly our Assembly would have 50 or 60 Members at most, but there is widespread support for a larger number — about 90. One hundred and eight or 128 Members would be far too many.

One party has proposed that there be a second Chamber. That would be utterly superfluous.

Other aspects of the report, such as the references to the need to educate voters about the electoral system and the need to clamp down on electoral fraud, have merit. As a vehicle for stimulating debate the report is very valuable, and I commend it to the Forum.

**Mr Peter Robinson:** Mr Neeson and Mr Weir were able to muster a degree of enthusiasm that I find difficult to match because, while the report is to be welcomed so far as it goes, it is very limited. Clearly agreement could not be reached on the crucial issue of the type of election for a new Assembly. That is not at all surprising since the type of election will determine the number of Members from each political party.

I could suggest a system that would do my party a great deal of good. On the other hand, it might be hard to get a system that would do the Women's Coalition much good, as a party must get votes in the first place. There are systems that would allow the Women's Coalition to be represented, and there are systems that would ensure that it was not represented. The one chosen could have a profound effect on the complexion of any Assembly. During the Committee's deliberations every other party was in there pitching for itself. The Democratic Unionist Members were probably the only ones who stood back and looked at the matter objectively to see what was best for Northern Ireland.



I disagree with some of the points made by Mr Weir. What he said about top-up shows that he probably does not understand the electoral systems. We never advocated a top-up system; we advocated single-Member constituencies and a regional list. The Member is probably too young to know that that system was agreed between the Democratic Unionist Party and the Ulster Unionist Party in the Northern Ireland Convention. The very thing he is now attacking was suggested by his party and was widely accepted in the Unionist community as something that would benefit the people of Northern Ireland as a whole.

**Mr Trimble:** I remember serving with Mr Robinson on a UUUC committee on electoral matters, and I remember arguing with him for something along the lines of what is now called the additional-Member system, but — unless I am very much mistaken — the Convention recommended the first-past-the-post system.

**Mr Peter Robinson:** Obviously the Member was not listening. If he looks at the Record he will see that I was talking about the system advocated by the Democratic Unionist Party and the Ulster Unionist Party in the Northern Ireland Convention. *[Interruption]* Mr Trimble can disown his party if he wants, but he is its Leader.

We called it the modified-list system, and the Vanguard Party, of which he was then a member —

**A Member:** Progressive.

**Mr Peter Robinson:** One could question whether he has progressed. Anyway, he was tied into the suggestion as much as I was.

The proposition took into account the benefits of each electoral system. The first-past-the-post system has distinct benefits. Each Member is identified with a constituency, and people know that they can go to him with their problems. The link between a Member and his constituency is an important part of the democratic system. Proportionality is also important. It is desirable for voters to have a wide choice, but the system should be easy to understand.

But there is another very important aspect of any electoral system, and it should be referred to in this report. It is essential to have stable government, and in this regard some proportionality and top-up systems cause great difficulty.

How can we meet all these criteria and at the same time come up with an understandable system? For the DUP the balance is between the single-Member constituency and proportionality through a regional list. Everybody recognizes the importance of having correlation between the representation in an Assembly and the views of the electorate generally. But every spoonful of medicine produces side-effects, and you can end up with what has been described as a dog's dinner. Inclusion of the extremes means having a top-up system such as we had for the Forum. The DUP's proposals would meet all the criteria that are set down and would provide stable government. There is no party advantage in them. Given the regional-list aspect to ensure proportionality, the system would reflect the wishes of everyone. Every party's share of the seats would be the same as its share of the votes.



The Committee's report on electoral abuse was first-class, and it was supported not only in the Committee but in the Forum as a whole. There were three reports. The Forum's led the way. Then there was an internal report, commissioned by the Secretary of State, on foot of the issues that we raised. Some of us have seen it and noted elements in common with our proposals. Thirdly, there is the report which, I am happy to say, was approved by the Select Committee on Wednesday. It is now being printed and will be tabled in the House of Commons. There too we will see many common features. I do not think I am breaching the Rules of the House of Commons seriously in saying that the Select Committee regarded the Forum's report as important and acknowledged it.

The Electoral Reform Committee has done valuable work, but, while its Chairman has made the best he can of its report, we have to acknowledge that we did not achieve agreement on an electoral system. That has been left for another day. Perhaps the members realized that there is no great rush as we are unlikely to have an Assembly in the near future. Maybe that is why the matter was not brought to a head.

**Ms Sagar:** The Northern Ireland Women's Coalition welcomes the report and pays tribute to the Committee's Chairman and other members for their work. We would also like to thank Ms McKibbin, who serviced the Committee — no mean task, as can well be imagined.

I want to draw attention to the underpinning values of STV. It is important to balance the need for proportionality with the need for a link between a Member and his constituency and the need to have a straightforward system which is easy to understand. According to Dr Sidney Elliott, more votes are spoilt when STV is used than were spoilt in the Forum election — 17,000 in the 1993 council elections, compared to 4,000. People need good information and advice.

We appreciate the Committee's difficulty. No one knows how many Members an Assembly would have, as has been pointed out. The Women's Coalition recommends that there be at least 100 to ensure proportionality. All parties want to see a wide spectrum of opinion in the Assembly that I hope we will have in the very near future. I think that we could justify 100 Members.

*11.45 am*

I will not jibe at other parties for I believe in including everybody. We should not try to exclude people through some form of voting system.

**The Chairman:** I was interested in Dr Elliott's comment about the Forum election, which has been described as a dog's dinner:

"the Droop quota was used at the front end, and D'Hondt was used at the back end."

That explains how 17,000 votes were spoiled under another system. But people seemed to understand the Forum election system, for there were fewer than 4,000 spoiled votes. Perhaps the dog's dinner had some appetizing parts.



**Mr Hugh Smyth:** I am not so sure that the 17,000 votes to which Ms Sagar referred were genuine spoiled votes. From my experience in Belfast City Council, which, unlike some other councils, looks at these things, I suggest that many of them were deliberately spoiled. People who did not feel that any of the candidates or parties were worth voting for came out to ensure that their votes would not be stolen. There is proof that this happened in Belfast, where one does not expect many spoiled votes. Sometimes we do not give enough credit to the people who do turn out to vote.

Proportional representation in local-authority elections was first used in 1973, following the reorganization of local government. Everyone said that it would not work because people did not know how to use the system. In the event it was very successful. Northern Ireland probably has more elections than any other place in the world — Westminster elections, council elections, European elections — so we need a system with which people are comfortable.

For nearly two years, at the Stormont talks, I have been trying very hard to get agreement on an Assembly. All of us are good out' girners. In the Forum and in councils we shout and argue. Whether Tory or Labour, the Government are never right. It is very easy to sit in opposition — that is what we have been doing for 27 years — but my party believes that the people of Northern Ireland deserve something better. That is why we are pushing very hard for an Assembly that can represent the views of everyone.

Because of the nature of the Forum election we have been subjected to constant jibes about not having been elected. But we have proof that the system that was used cost my party at least three and possibly four seats. With ordinary proportional representation we would have had at least six seats, as would the UDP. So nobody should think that the system was designed to give seats to the unelected. That is far from the truth. As Ms Sagar said, the wider the representation in an Assembly the better — better not for the political parties but for Northern Ireland. My aim is to have six representatives from each of the 18 Westminster constituencies plus a top-up of 20. We can be certain that the Ulster Unionist Party, the DUP, Alliance, the SDLP and, unfortunately, Sinn Féin would each get two of the 20. That would leave 10. Of these, Labour would get two, the Women's Coalition two, and each of the two smaller — smaller at this stage — Unionist parties two. After an Assembly election we would see which was the smallest party.

**Mr Bolton:** Hear, hear.

**Mr Hugh Smyth:** The Member is right.

What I am suggesting offers the people of Northern Ireland the best opportunity. At the very least there should be six representatives from each of the 18 Westminster constituencies, on the basis of proportional representation because that is the system people are used to. You do not mend something that is not broken.

The system about which Mr Peter Robinson spoke has many attractive features, but we do not have time to introduce it. However, my party and I would be keen to discuss it with the Member to see if it could be introduced in the future.



Today, for the good of the country, I ask all parties to consider seriously the system which I have outlined. It would give everyone an advantage, though to hear the big parties you would think that they would lose out. In fact they would be guaranteed two additional seats each. There are those in the Forum who shout at the smaller parties "You are only here because of the top-up." As I have already explained, the top-up cost us seats, yet each of the parties doing the shouting has two additional seats because of it. The system is fair to all the political parties, but most important of all, it is fair to the people of Northern Ireland.

**Mr McBride:** I agree with what Mr Hugh Smyth said about spoiled votes. I too have seen many cases over the years. A large number of votes were spoiled not because people unintentionally filled in their ballot papers wrongly but because they chose to reject all the candidates. It was a political choice. That is an altogether different issue, which points to the need for a proper choice.

The Committee has done a good job in identifying the issues and providing information. The conclusions that it has drawn are very important, as are the values that are stressed. We need to go back to first principles. What are these?

We all want a result that is proportional and democratic. We want to see the views of the community properly reflected in the political process. That is fundamental.

The link between a Member and his constituency is vital to the proper functioning of the democratic process. It is important that people know who their representatives are and can relate to them. Political accountability is essential. People should be able to express their views on local issues. They should know where the decisions are being made, and they should be able to say "These are the people who represent my area on that body. I can go to them and make my views known, and if they do not do what I want I can vote against them at the next election." That is political accountability, which is what matters.

Mention has been made of the advantage of single-Member constituencies. The problem is that many constituents feel disaffection. That is why multi-Member constituencies are needed, especially in Northern Ireland, where various views and traditions have to be reflected. People should be able to say "There is someone I can talk to, someone whose political beliefs are not alien."

Let me return to some of the things that Mr Hugh Smyth said. We favour five representatives for each constituency. As Mr Peter Robinson said, there could be too many. However, in the interests of democracy and inclusiveness there is a case for extra Members, and we would have no fundamental objection to a six-Member constituency. That would ensure a broad reflection of public opinion.

There are some other things to be said in favour of STV. As other Members have said, it is left to the electorate to decide which members of a party are elected. Under any other system the decisions are made in party caucuses, and electors do not have a say.

Transfers are also very important in Northern Ireland because they provide proportionality and proper representation. In the Forum election Alliance got no transfers. In



Foyle five Nationalists were returned, in West Belfast five Nationalists were returned, and in Lagan Valley five Unionists were returned. There is no representation for people from other traditions. Mr Hugh Smyth will understand exactly what I mean when I say that under a system of transfers the Unionist votes in West Belfast would have come together, probably behind him, and would have elected a Unionist. A transfer system offers flexibility; it allows people to choose a number of parties and to indicate preferences. The rigidity of a single choice is not acceptable in Northern Ireland.

Mention has been made of top-ups of various sorts or additional-Member systems. Let us try to clarify what we are talking about. There are various ways of increasing the number of seats held by a party if, through the vagaries of local results, it has not won as many as it should have. Such a system is used in Europe, but it is very complicated and not very satisfactory. People making crucial decisions may have no constituency base and, in that sense, are not answerable to the public.

The model that we have seen in action — this has been raised by a number of parties — is the extraordinary one that was used for the Forum election. The top 10 parties were each given two additional seats. Why 10? Why not 11 or nine or eight or five? I know that Europe now has a strong influence on the lives of us all, but must we have a metric political system? There is no logic in it, and it is fundamentally out of proportion. You can have a top-up system which rounds off an election result to make it more proportionate, but just giving two extra seats to each of several parties makes it less proportionate and, therefore, less democratic.

Mr Hugh Smyth said that under the single-transferable-vote system the Progressive Unionist Party would have won three Forum seats instead of two. The United Kingdom Unionist Party would have got one seat but ended up with three. That result was undemocratic and very unsatisfactory. Such a mechanism encourages very small parties and causes splits in parties, and in a future Assembly election it would open the door to small, extreme groups. It is entirely unsatisfactory.

The simple, understandable system that we have is one that people know and respect. It produces a link between the constituency and the representative and yields a fair and proportionate result, and it is the model that we should build on for the future. The Ulster Unionists share that view, as does the SDLP, although its Members are not here. STV is the way forward.

Finally, I want to endorse the points that Mr Neeson made about the importance of dealing with the issue of electoral abuse. There are not many matters on which I agree with the former MP for Mid Ulster, Rev William McCrea, but I do agree with what he said here some time ago about what happened in his constituency and what goes on in other constituencies. This is an issue that must be addressed.

12.00

**The Chairman:** Mr McCrea has just come back to the Chamber. I hope he will recognize the plaudits, in which I join.



**Mr Dodds:** First of all, I want to thank Ms Gail McKibbin for her assistance in the preparation of the Committee's report.

One of the most important principles of any election system is that it should be simple — people should understand it. You, Mr Chairman, noted an interesting fact to which Dr Sidney Elliott drew attention: despite all the brickbats that have been thrown at the Forum election — and we all understand that — fewer people spoiled their votes in that election than do under the system that has been around for so long and with which they are familiar. I do not subscribe to the view that people spoil votes deliberately. There may be some cases of that, but I do not know of any evidence, and none was produced by Mr Hugh Smyth or Mr McBride. Certainly Dr Elliott, who is the expert in this matter, made it very clear to the Committee that, by and large, votes are spoiled because people do not fully understand the system. It is wrong to say that people deliberately spoil their votes when there is absolutely no evidence to back up the allegation.

**Mr McBride:** The evidence is in what I have observed at counts. There is no doubt that many ballots are spoiled deliberately.

**Mr Dodds:** As a member of Belfast City Council I look pretty closely at spoiled votes — I think we all do. If, for example, there are three candidates from one Unionist party, people supporting that party tend to vote for all three by putting down three Xs or three 1s. This suggests that they want to vote for the party — not that they want to destroy their vote. It is a misunderstanding. Very often members of the public going into the polling station will ask how they should vote and are told to vote for all three Unionists or all three SDLP candidates or all three Alliance people. (Actually very rarely are there three Alliance candidates.) They take that as meaning that they should put down three Xs. There is no evidence that people deliberately spoil their votes.

**Mr Peter Robinson:** I have fought 23 elections so far. When the votes are being counted we watch every box and go through all the spoiled votes, and I can say that at least 90% of those are multiple-party votes. Multiple-party voting does not indicate that people do not see on the paper the name of anyone else they want to vote for. On the contrary, it shows that they want to vote for a number of candidates or a number of parties at the same time. The spoiled papers in the next-largest group are those that have something written on them — anything from a rude comment about a particular candidate to some political view. Then come the papers that have not been perforated. Only after that do you get those with a mark through the whole ballot paper or a comment such as "No candidate of my choice" written on it.

**Mr Dodds:** Mr Robinson is absolutely right. His experience corresponds with mine and, I think, with that of most Members who have fought elections and looked at these matters carefully.

Those who advocate STV should come up with something better than invented and false arguments. There are merits in STV, but there is no merit whatsoever in coming up with an assertion for which there is no evidence. People who use this argument do their own case great harm. Such are the lengths to which they will go to get the system they favour accepted.



I fully agree with those Members who have spoken very strongly against the top-up system, particularly the one used in the Forum election. There may well be a case for some sort of top-up for the sake of proportionality, but the one used in the Forum election does not stand up when measured against democratic standards — it is totally undemocratic. How did the Government arrive at 10 as the number of parties? I believe they calculated that that was the only way to ensure that certain groups would get in. The process was more important than anything. They wanted those who represent paramilitary organizations to be at the table, and the electoral system had to be twisted to ensure that they would be there.

Some of the things that I have heard in the Electoral Reform Committee and in the Forum worry me greatly. Systems that were suggested, particularly by some of the smaller parties, were designed not to ensure that principles listed in the report would be adhered to but to ensure representation in any new Assembly. The most blatant example is to be found in the evidence of the Labour Party representative, Mr Wilson, who made no bones about the fact that the Labour Party would have to be there. He named the parties that should be included.

We must have a system that allows the people to decide in a free and fair way who will represent them — not one that is rigged to ensure that persons who are simply unelectable under any ordinary, fair system get seats.

Mr Hugh Smyth has said time and again that the Progressive Unionist Party would have achieved at least six seats under STV. The number creeps up every time he speaks. Soon he will not need the Ulster Unionist Party in the talks — he will have sufficient consensus of his own. The facts do not bear out what he says. It is not necessarily the case that the PUP would have won three seats. Mr Smyth could well have lost out under STV. There is no guarantee that the top Unionist in West Belfast will end up taking the last seat. Mr Smyth needs to be very careful when arguing that point.

It is interesting that, in spite of all that has been said about it, the system which has been drawn up for Scotland and Wales is very similar to the one that was used in the Forum election, apart from the top-up aspect. The electorate will be asked to vote for parties — not candidates — and the parties will each draw up a closed list.

When we talk about an Assembly of 128 Members — six from each of 18 constituencies plus top-up — we need to be very careful not to get so out of sync with what is happening in Scotland and Wales that we are simply laughed out of court. Most of the parties on the Committee accept that 90 — 100 at most — is a reasonable and fair number. In fact, it is more appropriate than what is proposed for Scotland and Wales. Wales, with its bigger population, will have an Assembly of only 60. Those who advocate up to 128 or 130 Members for a Northern Ireland body are doing so only to ensure that they get in. I was amazed at Mr Smyth's point that the bigger parties should not complain as they will get some of the top-up seats. We do not need top-up seats; we can get elected directly. We are not worried about the possibility of having two fewer seats because of the absence of a top-up system. The only people who are worried are those who cannot get elected in any other way.



**Mr Coulter:** I wish to associate the Ulster Unionist Party with the tributes paid to the staff. When one looks at the tremendous amount of material that was provided for us one begins to realize the background work that has to be done. In particular, I want to pay tribute to Ms Gail McKibbin, who was so helpful in every way. Indeed, I am tempted to say that at times we felt like the nervous bridegroom who was called upon to make his speech. In paying tribute to his bride he put his hand on her shoulder and said "Without you, my dear, I could not have achieved what we have achieved today."

It is true that this report is truncated. It would have been valuable to go on to discuss the possibility of consensus. The subject is vast, and time was against us. Every party had its own proposition to make, yet we did find some common ground — proportionality, a link with the constituency, voter choice and a system that is easily understood. I hope that the Government will take these values on board. Tinkering with the electoral system in Northern Ireland has left us with three different systems. The frequent misunderstandings at the ballot-box cannot go on indefinitely. The Government must have the courage to deal with Northern Ireland in a proper and democratic way.

Much has been said about spoiled votes. I agree with Mr Dodds that people are not sending a message by spoiling their votes. We in Ballymena, as Dr Paisley knows very well, do not like to give anything away — not even our vote. There are people with perverted ideas about elections who do deliberately spoil their votes, but they are a tiny minority. This is not part of a concerted campaign to achieve a particular result.

*12.15 pm*

If we are to have stable government we must adhere to the principles of democracy. In the Forum election, democracy was put on the back-burner. People had a choice of sorts, but as a result of all the manipulation and gerrymandering this body is not truly representative. The people's choice matters more than anything else, and we need to persuade the Government of the need for a simple, easily understandable system.

**Mr Neeson:** Mr Robinson suggested that a criterion should be added to the Committee's list, and I agree. As he said, it is important that whatever electoral system we agree on produces stable government.

With regard to the controversy over votes spoilt at the Forum election, I shall give an authoritative explanation. It is widely accepted that electors were told in the polling station the type of election and what to do. I quote from the Committee's report:

"The Committee agrees that an obligation should be placed on the Government to educate the electorate effectively regarding whatever system is being used for any election. The Committee therefore recommends that the Government should effectively promote and produce education material about whatever electoral system is adopted for a Northern Ireland Assembly."

People must be reminded what sort of election they are voting in. In elections for Westminster we use the first-past-the-post system, but in all others it is the single transferable vote.



This has been a worthwhile debate. A number of issues have been raised that were not brought up in the Committee's deliberations. The report should therefore be read in conjunction with the Record of Debates.

I commend the report to the Forum, and I look forward to meeting the Government at the earliest opportunity, along with other members of the Committee, to discuss the issues that have been raised.

*Question put and agreed to.*

*Resolved:*

That the Forum adopts the report on an electoral system for a Northern Ireland Assembly and endorses the Electoral Reform Committee's request that the Secretary of State meet with the Committee to discuss its recommendations.

### **FORUM: MINUTES OF PROCEEDINGS (20 FEBRUARY 1998)**

**Mr Hussey:** On a point of order, Mr Chairman. The Minutes of Proceedings for 20 February do not record that a motion on social services was debated and resolved. Can the omission be rectified?

**The Chairman:** Certainly. Thank you, Mr Hussey.

*The meeting was suspended at 12.19 pm and resumed at 12.33 pm.*

### **DISABILITY BENEFITS**

**Mr Dodds:** I beg to move the following motion:

This Forum is alarmed at suggestions about cuts in disability benefits, which will have a grave impact on many citizens of Northern Ireland.

The Forum calls on the Government to end the present climate of speculation and leaks, which is proving extremely alarming to the most vulnerable section of the community.

Further, the Forum is opposed to any proposal to impose income tax on disability benefits or subject the recipients to means-testing.

I am glad that this motion is before the House. We are dealing with an issue which is very important in that it directly affects tens of thousands of ordinary people in difficult circumstances. Some of the matters that we debate may appear to be somewhat academic, but this one makes a fundamental impact on the lives of many people. Thus it is right that we should be having this debate, which will send a signal to the Government about how we as elected representatives feel about their approach.



Many Members are also councillors. They will have received representations from constituents and will know of the rumour and speculation that have been rife since the Government's recent announcement of their intention to carry out a comprehensive spending review, which will include an examination of payments to those claiming disability or incapacity allowances. Now that the Labour Party is in power, people are beginning to worry about what the future may hold for them — whether they will be able to survive on whatever benefit they receive. This is ironic, for in opposition the Labour Party was constantly accusing the Tories, with their attitude to the budget for health and social services, of turning people into second- and third-class citizens.

Now the Labour Party, led by Tony Blair, is going to look at this issue. It is clear that Labour will target the most vulnerable in order to save money for other areas of expenditure. Some people might say that this is not a money-driven exercise. Tony Blair said as much in replies to letters from my party Leader, and, having written to Tony Worthington, I was given all sorts of assurances that it was not about cuts but about targeting benefit at those who need it most and reducing the amount given to those whose need is not so great.

I recently received a memo from a disability organization. Ministers say they have not seen a letter sent by one of the most senior officials in the Department of Social Security to several other Government Departments in early December 1997. Here is a direct quote from the leaked document:

"The Government have made it clear that its aim is to release resources from social security in order to spend more on health and education" —

certainly health and education are important and deserve extra resources, but not at the expense of the most needy —

"and it is likely that a high proportion of the necessary savings will have to come from benefits paid to sick and disabled people. My Secretary of State" —

Harriet Harman —

"is clear that it will not be possible to make savings from sickness and disability benefits unless Government as a whole has a coherent and convincing story to tell about its strategy towards sick and disabled people, and she has asked officials to consider what sort of action would be needed elsewhere to support a package of substantial benefit changes."

That letter sums up what the exercise is all about: releasing resources from the social security budget to pay for other programmes. What I — like other Members, I am sure — find distasteful is the pretence of Mr Blair and his Government that this is being done in the best interests of disabled people. The exercise has created a climate of fear and concern about the future among people living on a very low income. I find that reprehensible. The Government should at least be honest about their objectives.

The Tory Government, when Ken Clarke was Chancellor, budgeted for a real-terms increase of 5% to 7% in expenditure on disability benefits over the next two years. Now we have a Labour Government, supposedly committed to the interests of the less well off,



announcing a spending review with the hidden agenda of making savings from the social security budget and diverting the money elsewhere.

This should come as little or no surprise considering what has happened since Labour came to power. In another debate here a Member said that while he had been critical of the Tories, he wished they were back in office, given what the Labour Government were up to. Look at their record. Since they came to power lone parents have been attacked and Housing Executive rents have been increased by almost 5%. When I raised this with the Minister I was told "You should regard yourself as well off. If we were to introduce the increase that we should, it would be far more than 4.8%. If you compare rents here with those in the rest of the United Kingdom you will see that Northern Ireland does very well. We are bringing Northern Ireland into line with the rest of the United Kingdom." I wish they would bring us into line on electricity prices and the cost of living generally, but they are not so keen to do that.

This is another case of people whose incomes are at the lower end of the scale being asked to pay an increase that is far above the rate of inflation. The rise in prescription charges is another example. When the Tories increased prescription charges the Labour Party — then in opposition — said that they were taxing the sick, yet Labour is doing exactly the same thing.

One of the most amazing propositions put forward recently is that there should be charges for non-residential care. The Minister, Tony Worthington, referred to this last week. He said that proposals on the table would mean higher charges for meals on wheels, respite care and home helps. Many of the people who need these services could not afford to pay for them. The situation is very serious. It is clear that the Labour Party intends to go down a road that many doubted even the Tories would take. The Government should clarify their intentions. There is nothing worse than having a constituent coming to you and saying "I am worried. I have no means of support other than my disability living allowance. I need this money." or "I simply could not survive without my transport arrangements." or "I am worried that this is all going to be taken away because I have some savings and a part-time job." At the moment there is nothing that any of us can say to reassure such people. The review is so open-ended that no definite information can be provided.

**Mr Carrick:** On the matter of transparency, openness and honesty on the part of the Government, I am sure Mr Dodds is aware of Age Concern's initial response to the Royal Commission on long-term care. Age Concern in Northern Ireland has demanded that any proposed changes be debated publicly, openly and honestly. It believes that provision for older people's health and social care needs are being continually eroded, and it wants the Government to recognize that.

**The Chairman:** Members may be interested to know that the Business Committee has agreed to a request from Age Concern and Help the Aged for permission to hold a senior citizens' forum here on 22 April. I have no doubt that many of the points that have been raised today will be emphasized.

**Mr Dodds:** I warmly welcome that news.



**Mr Shannon:** Mr Chairman, do you qualify for that?

**The Chairman:** I certainly do.

**Mr Dodds:** As do a number of other Members. We are all interested in this issue.

Mr Carrick's point about openness and transparency is important. It is good that we can raise in this democratic Chamber issues that affect our constituents. Age Concern, in its response, made the point that the Minister should not make any decision on the introduction of such charges until the Royal Commission which has been set up to look at long-term care has made its report. My party has made representations about this matter. It would be nonsensical to take this step in advance of that report. I hope that the Minister will bear that in mind.

It has been suggested that means-testing may be introduced for disability benefit. What is the purpose of disability benefit? What is the purpose of the care element? What is the purpose of the mobility element in the disability living allowance? It is to put people with severe impairment on a par with everybody else, so far as that is possible. I do not believe that the benefits are sufficient, but that is their purpose. They are designed to meet the extra costs of living that arise from disability, to help people with simple things that you, Mr Chairman, and I take for granted, such as getting out of bed in the morning, washing, going to the toilet and getting about on public transport. It would be totally immoral to tax such benefits, for that would be to tax disability. It would be iniquitous.

*12.45 pm*

**Mr Shannon:** The Government talk about reviewing the benefits system. Does Mr Dodds agree that we all have many constituents whose claims for disability living allowance (DLA) were refused? In fact, the Government now seem to have adopted a policy of disentiing many people. Several constituents have come to me with this problem. An allowance that they had been receiving for a number of years was withdrawn, and they have had to appeal. One person who had been turned down and whose appeal was refused is dead today — three months after the appeal hearing. If anybody ever qualified for DLA he did.

The Government's true policy is now clear.

**Mr Dodds:** We could all cite deserving people who have been turned down. While the press make all sorts of allegations about massive over-claiming — and no doubt there will always be those who abuse the system — a recent audit showed that there are many people who are not receiving benefits to which they are entitled. This fact is sometimes overlooked. Some disability organizations estimate that the rate of under-claiming is as high as 10%. Mr Shannon has raised a very important point.

Another Government suggestion is that these benefits should not be taxed but should be means-tested. I am opposed to means-testing too, for it would hit hardest the prudent people who had saved throughout their life. They would be robbed of their savings. Clearly, those who had not made or could not make such provision would be treated differently. That



is not an acceptable way forward. I repeat that since the Royal Commission is looking at this issue it would be wrong to rush into a decision.

Some opponents of the motion may argue that it is high time the Government took some action because of the spiralling benefit budget, especially provision for disability benefits. Some people say that the situation has got out of hand. We all accept that this is a very big drain on public funds, but I believe — and I hope that Members will agree — that needs must be met.

When people talk about spiralling costs they should remember that today's social security budget covers many items that were in a different budget in 1979 or 1980. The overall cost has not gone up; it is just accounted for in a different way. For example, in 1979, before the Tories came to power, many people of the sort now living at home on benefits were in institutions. But the far greater cost of that care did not come out of the social security budget. So it is wrong simply to say, as some people do, that this budget has spiralled out of control and that something must be done about it.

Another argument is that there are far more claims for disability benefits today than there were years ago. This, it is argued, cannot be right as the number of disabled people has not increased. That is not correct. Studies by organizations involved in this area indicate that an ageing population has increased the extent of dependence on social-security benefits.

Also, in the past the rate of under-claiming was much higher than the current 10%. Many people were not getting benefits to which they were entitled. Nowadays folk are much more aware of their rights, thanks to community organizations and others who give advice. This partly explains why much more is being spent on social security.

The great increase in the number of benefits — for example, allowances for the blind — has also led to higher expenditure.

There is a mistaken impression that money is being doled for little or no reason, that people are doing very well out of DLA and incapacity benefit. The reality is that for the vast majority of ordinary dependent people these benefits are the only lifeline. When the benefits are threatened the recipients understandably become worried about their future. It is a sobering fact that 65% of disabled people have an income below the poverty level. This is not something about which elected representatives or the Government should be complacent. Poorer people are now worse off in real terms than they were 15 years ago. The United Kingdom spends less of its gross domestic product on benefits than most other countries in the European Union. So away with the notion that taxpayers are being taken for a ride. I do not accept that. We must look at the facts objectively. Where there is need it should be met.

By adopting this motion the Forum would be sending the Government a very strong message not to target disabled people in order to make savings. We believe that these proposals are money-driven. That is totally unacceptable. We should send to the most vulnerable people the signal that we do care, that they matter and that we are going to do everything in our power to safeguard their future and their quality of life.



*The meeting was suspended at 12.56 pm and resumed at 2.05 pm.*

**Mr Foster:** Mr Dodds made many vital points with which I concur. Any suggestion that disability benefits are to be cut is very upsetting for those who are disabled, frail or elderly. I trust that this is no more than a suggestion. The Government must assure us that these benefits will not be cut, taxed or means-tested. Ill health is the cause of many problems, and we must never forget the needs and expectations of the many people who are disabled. Various types of handicap bring a great deal of inconvenience and distress to both the disabled and their carers.

The disability living allowance is necessary to people who need help with personal care and mobility. The amount depends on the severity of the disabled person's condition. It is tax-free at present, and it should stay that way. It is not means-tested; recipients need not have paid any national insurance contributions; and it is almost always paid in full on top of other social-security benefits. For instance, if a person is already getting income support, that is not taken into consideration. Disability living allowance is paid indefinitely to those between the ages of five and 65 who qualify for it and claim it. People over 65 can claim attendance allowance instead, but in their case there is no provision for mobility assistance.

Disability living allowance was introduced by the Conservative Government in 1992 as a necessary source of income for the disabled. It would be quite a paradox if a supposedly compassionate Labour Government were to withdraw it. This is the Labour Government that so many Members of the Forum, including members of the Democratic Unionist Party proposing this motion, wanted. Disability living allowance and attendance allowance can be used in whatever way the recipient considers best helps him to cope. It is sad and grossly unfair that these benefits should be looked upon as a means of cutting the home-help budget.

Disability working allowance is also tax-free. It is paid to people on low wages whose disability has put them at a disadvantage in getting a job. It is means-tested. In other words, it takes into account a person's assets, his income, the number of hours he works and his family situation. It is intended to encourage disabled people to return to work by topping up low earnings.

We have a plethora of benefits: severe-disablement allowance, disability-living allowance, attendance allowance and invalid-care allowance. This last benefit interfaces with the others and entitles someone who gives up 35 hours weekly to care for a disabled person to £50 or more per week so long as he or she — the carer — has no income from another source. It is a very important benefit.

It would be grossly incompassionate and a crying shame to tamper with disability benefits. The Government must be aware that disability means extra costs. It is far more difficult for someone who is disabled than for an able-bodied person to manage on a given income. That must never be forgotten. A range of benefits and other help are available to disabled people, but not everyone manages to work his way through the jungle to claim his full entitlement. I must emphasize again that it would be punishment for such people to have their benefits interfered with.



The Community Relations Council has money to subsidize so-called residents' associations on the lower Ormeau Road and in the Bogside — people who create strife and disruption and are corrupt. It is a sad reflection on the Government that they spend money in this way yet talk about taking from the disabled.

There are still profound inequalities in society. Ill health and disability exacerbate the difficulties of everyday life. The disabled must not be further disadvantaged by such a Draconian decision.

I support the motion.

**Mr McCarthy:** As the Alliance Party's spokesman on disability, I very much welcome the motion. I would fully support any lawful action by the Forum to improve the position of those who have the misfortune to rely on benefits.

Many people are disabled in one way or another. Some are born with a handicap, while others are disabled by accident, by illness or, sadly, by terrorist activity — bomb, bullet, hurley stick or baseball bat. Such people are simply unable to earn a living, so the state is obliged to ensure that they have the financial means to feed, house and clothe themselves and that they have access to proper health care.

We have all been alarmed by recent rumours about cut-backs in and tax deductions from disability benefits. Indeed, it seems that staff in the Social Security Agency have been instructed to withdraw or reduce awards that have already been granted. There has recently been an increase in the number of disabled people having their benefits cut. They have to endure appeals and further assessments — a great deal of hassle and distress that they could certainly do without. I understand that there is a new, easy-to-read booklet which should make the completion of the complicated claim forms less daunting. This is a step in the right direction.

As one who has hands-on experience I say that people with a disability, of whatever nature, must be treated fairly. The Government have a duty to ensure that their needs are met and that they can enjoy life in exactly the same way as able-bodied people. They should not have to endure extra hardship because the authorities need to save money. As elected representatives we have a duty to ensure that disabled people are treated fairly.

My party and I fully support the motion. We hope that the authorities will listen and take the appropriate action.

**Mr Hugh Smyth:** I will be brief, for Mr Dodds, who is to be congratulated on his moving of the motion, has probably covered the subject better than most of us could.

If ever a Government wanted to cut its own throat, this is a sure way of doing it. It is exactly what we expected from the Tories, but, to their credit, it was they who introduced the disability living allowance. Labour went to the people saying "New Labour, caring Labour", yet one of the first things they did in government was try to hit the most vulnerable section of society. It is disgraceful even to suggest taxing disability benefit, and every Member of the Forum must object to the idea. We must unite behind this motion.



We are told that the reason for what is being considered is that a number of people are claiming benefit improperly and that this has led to increased costs. Nothing could be further from the truth. There are people who should have been on this benefit for years but are only now, with help from advice centres and the Citizens Advice Bureaux, getting it. I do not know how anybody claims it, for you would need to have about five 'O' levels to fill in the form.

2.15 pm

**Mr Sammy Wilson:** And two 'A' levels.

**Mr Hugh Smyth:** Probably five 'A' levels — if you can get that many.

Instead of trying to cut people's benefit or discourage them from applying, the Government should be looking at changing the application process. They forget that only legal cases have enabled many people to get benefits. One lady who was caring for her mother took her case to the European Court, which ruled that she was entitled to financial help.

Thousands of people who are entitled to benefits are not receiving them. They cannot cope with the application form and the degrading way in which they are put through all sorts of exercises. It is particularly degrading for women. It is unbelievable what people have to do to get benefit, yet the Government are now talking about taking away their entitlement. Disability benefit, instead of being cut, should be increased. Perhaps Mr Dodds will add that point to his motion. The current benefit amounts to about £33 or £35 a week — almost nothing.

I do not know anybody in receipt of disability living allowance who wants to be in that position. With regard to unemployment benefit, we all know that there will always be people who do not want to work. But I do not know a single person who does not long for the day when he can hand his DLA book back and say "I am cured." Yet these are the people that the Government are going to attack. I suggest that Ministers chase some of the tax-dodgers. And let them start with their own party. If they put as much effort into going after people who are doing the country out of billions of pounds of unpaid income tax they could well afford to increase this benefit. That is what they ought to do.

I congratulate Mr Dodds on bringing the motion forward.

**Mrs Parkes:** The speculation about the Government's plans for social security is creating a great deal of anxiety in all sections of the community, but particularly among the most vulnerable.

Members are well aware of the current review of the social-security system. According to reports, the whole system, including the benefits that are available, is being examined. This morning we heard rumours that a number of disability allowances are to be abolished. Disability living allowance and attendance allowance may be replaced with a means-tested allowance, which would undoubtedly cause more misery and hardship. More



than 150,000 people in Northern Ireland receive allowances, and the Government's attack on these vulnerable members of society is deplorable. What is proposed for the disabled is disgraceful and must be resisted tooth and nail.

A survey carried out last year by the Government's own Northern Ireland Statistics and Research Agency suggested that the households of disabled people had an average weekly income of £67.20. Up to 13% of any spare cash was spent on disability-related needs. Other key findings included the following: average weekly earnings for disabled adults were about 30% lower than for able-bodied adults; 59% of families with disabled children felt that they were just getting by, and 16% felt that they were getting into difficulties; almost two thirds of families on benefits could not afford a fridge or a television; and 43% of such families were unable to afford clothes or leisure items. I have time to highlight only a few key areas, but some of the statistics in this report are alarming. For example, nearly 20% of families with disabled children cannot afford items of food. That is particularly scandalous. The report, produced by one of the Government's own agencies, clearly shows the severity of the situation of disabled people. Like other Members, I am amazed that it is the new Labour Government who are driving this forward.

There is considerable opposition in the country to proposed reductions in these benefits. We must say no to the Government on this. The Leader of my party has made his views crystal clear to the Prime Minister.

I have heard that Ministers are considering axing lone-parent benefit. That would be unfair and totally unacceptable. If the reports are correct — and I have no reason to doubt them — where will it end? Will we still have a social-security system as we know it, or will the Government introduce a pay-your-own-way scheme?

I call on the Government to review their policies and not to cut the benefits for those who are most vulnerable.

**Mr Stoker:** The Ulster Unionist Party is grateful to Mr Dodds for bringing this matter to the attention of the Forum. We too are concerned about possible cuts in and taxation of disability benefits.

Northern Ireland Departments, including Health and Social Services, Education, Economic Development and the Environment, recently commissioned a survey to gather information that they can use when planning policies and services for disabled people. The Ulster Unionist Party hopes that the findings will not be used to determine the level of benefits payable to disabled people. It is estimated that 201,000 adults in Northern Ireland have a disability — 118,000 women and 83,000 men. This is alarming, yet it is these people to whom the Government now want to turn their money-grabbing attention. Any cuts in disability benefits will have a grave impact on living standards.

To understand the outcry against cuts in disability benefits we have to understand what a disability is. It is defined as restriction or lack of ability to perform normal activities. When someone is deemed to be disabled he is automatically treated as a second-class citizen. The disabled are often denied employment opportunities, not because they do not have the talent, knowledge or ability to do a job, but because employers feel that they would not be



getting the best possible workers. I am sure all Members agree that this is a load of nonsense. It comes from the perception that disabled people are not as good as the rest of us. We must get rid of that notion.

The Government ought to realize that if disabled people were given equality of opportunity and of access to employment, the number claiming benefit would go down and the cost would be reduced. But how many firms would employ a disabled person? There is a need for education in this area. Those who will have to be educated include the Government and councils. Some local authorities have taken a very positive approach to disability, but there is still a long way to go. I hope that any future Assembly will have an enlightened attitude that includes support for the provision of adequate non-taxable benefits.

The most common type of disability is loss or impairment of locomotion, yet the Government intend to reduce or scrap mobility allowance. This will prevent people from seeking or taking up employment. The Labour Government should at least be open and honest about this. They should remove the uncertainty and worry.

The Ulster Unionist Party supports the motion.

**Mr Gibson:** The difficulty about speaking at this stage in any debate is that most relevant points have already been made.

There is one matter that has not been mentioned. Taxing disability benefit would amount to double taxation. Older people who have been prudent and frugal all their active lives are taxed on their savings; they should not be taxed also on the help they need as they become less able. Previous Governments tried the expensive alternative of institutionalizing the severely disabled, but by the end of the last decade society had generally turned against that idea. Many institutions were closed, and the former inmates became the subjects of what was termed community care.

Community care was not a new idea but an old idea revamped. The Government were told that it was not a cheap alternative, that such provision was quite expensive. A series of Administrations persuaded society to accept this very wholesome idea, but now they are planning to tax such provision. Ministers should be reminded that they opted for community care because institutionalization was so expensive. Everyone now accepts that community care is good for those who are reasonably active, including the very young.

The Education Committee has been looking at provision for young people with special needs. They encounter exactly the same difficulties as adults, particularly people who are over 65.

We are almost tempted to turn full circle with regard to caring for the infirm and the disabled. We have tried institutionalization; now we are trying community care. However, the last thing we need is for those who have been frugal, working hard and looking after their families, to find themselves doubly taxed. There should be no tax on disability.

I support the motion.



**Mr Eric Smyth:** I too support the motion.

Mr Gibson spoke about community care. We read recently about the lady who had been lying dead for four months when she was found. What happened to community care there? As Mr Gibson has said, the Government encouraged the community to go down this road, yet they are now going to tax or cut benefits. Whatever they do — and we do not know for certain, for these ideas are only being floated — there will be a good deal of hardship among those who need this money for their children or their parents.

I receive disability living allowance for my son and daughter. We will shortly need to move house because my son is getting to the stage where he cannot climb stairs — we have to carry him everywhere. I am on low wages. While the Forum continues, things will be all right, but when it stops I will have just my basic wage from the church. All the money we get goes towards meeting my son's costly needs. The benefit is helping him, yet the Government are going to cut it. We will shortly need to move house, but what will happen if I cannot afford to move?

*2.30 pm*

All these things need to be taken into consideration. Disability benefit is used for such purposes as the purchase of a suitable vehicle. Now the Government are going to put an unnecessary additional burden on disabled people and their families.

We are opposed to these changes. I hope that the Government will listen. No doubt MPs will be putting pressure on at Westminster, and we will support all efforts to stop what is proposed.

**Mr Sammy Wilson:** Over the years both parties have used the disabled as a political football. The current situation is due partly to the fact that in the 1980s, when the Government were trying to massage the unemployment figures, Ministers made it easy for people to be termed "long-term disabled" rather than "unemployed". Now that the new Government are looking for ways of cutting benefits the first people they target are those termed "disabled". Previously the disabled were used as a means of reducing the unemployment figures; now they are being used as a means of reducing the public expenditure figures. Why does a supposedly caring Government target the most vulnerable?

We do need to be realistic. Members have already highlighted some of the problems with regard to disability benefits, and we may find ourselves debating this subject at a later date. I suspect that the Government are not finished with the disabled — that there are other areas for attack.

Ministers point to the fact that there are parts of the United Kingdom where, in spite of health care, higher nutritional standards, and so on, 25% of the working population are claiming disability benefit of some sort. The result is that anybody who claims is regarded as a fraud. It may be that officials used to be expected to take the most liberal view of an application, and it is wrong to say now that we need across-the-board cuts. There is a minority of people — and it is a minority — against whom the Government need to take action, but genuine claimants must not be victimized. It seems that Government policy is to



allow the victims of crime to bear the brunt rather than to go after the criminals. The same applies to disability benefits.

It is not easy to claim. This week I filled in two booklets for someone. Mr Hugh Smyth is right: you would need 'A' levels. One of the booklets had 13 pages, and the other 15. The woman said to me "Sammy, I can just about write my own name and address. I do not understand half of those questions." I am sure that once her claim is processed she will get the benefit she is entitled to. For years she did not claim because she did not understand the forms. And it is almost impossible to get help from the agency. The system needs to be made more accessible to those who are genuinely in need. Many disabled people do not have family or outside support to enable them to claim benefits. Let us not run away with the idea that there are thousands of people just waiting to defraud the Department. Because of the way the forms are worded many who are genuinely in need do not claim.

In many cases it is not easy to get benefit in the first place. Recently I helped a woman in her third attempt. She has a child with the worst case of eczema I have ever seen. But for being bandaged from head to toe, the child would tear itself to shreds. Associated with that is very bad asthma. The woman has to give the child constant attention. In an accident at work her husband lost one eye and some of the sight in the other, so he too needs a lot of looking after. He was not born blind, so it is difficult for him to manage. This woman was turned down twice but eventually won her appeal. Let nobody say that it is easy to claim benefits, especially now that the system has been tightened up. Even in genuine cases it is jolly difficult.

The system should be made more user-friendly, and cases should be looked at much more sympathetically. And funding is not generous. Many disabled people have additional costs to meet — for a special diet or extra heating for instance. Rather than saying "This is a very generous benefit which needs to be cut or taxed", the Government ought to be looking at the costs that people have to meet. Instead, Ministers are thinking even about charging for respite care, meals on wheels and the other services which allow disabled people to live in the community. This is indeed a timely debate.

By all means let the Government deal with the people who are debasing the system through fraud, but let them not penalize genuine claimants — the 99% — who are already finding it difficult to live on what they get.

**Mr Dodds:** I am glad of the support from all sides, and I would be very happy for the motion to be amended in response to what has been said about the present levels of disability benefit.

It is important to send out the message that we want clarity and reassurance to dispel the rumour, fear and speculation. Benefits should be raised to a level which will help people to meet the extra costs associated with disability. Disability living allowance and incapacity benefit are supposed to cover such costs. This is not extra money to help with everyday expenses; its purpose is to put the disabled on a level playing-field. Therefore taxing or means-testing it would be totally unacceptable. It would clearly be inappropriate to tax disability.



Several Members rightly emphasized the fact that there are people who do not claim benefit to which they are entitled. The Government are currently getting a benefits-integrity project under way. People claiming the higher rates of mobility allowance and the care component of disability living allowance are being visited, and more questionnaires are being sent out. We have no objection to efforts to ensure that money is spent properly, but many of those visiting the disabled have very little training. The forms that people are being asked to fill in are quite complicated. Some see this as a threat to their whole way of life. For the many who do not have family support or access to some sort of advice centre, it is extremely worrying. People are being told that they are no longer entitled to benefit, yet their appeal is upheld.

We must dispel the notion that there is widespread fraud. It is not true that these benefits are easy to get and that people are, by and large, swindling the system. This is not borne out by the facts or by any objective analysis. The benefits are extremely hard to claim, as I know from personal experience.

2.45 pm

**Mr Gibson:** Yesterday evening I had to help a constituent to complete one of these forms because he had not been well enough to fill it in when the official was there. I spent an hour and 10 minutes completing it, which was far from simple. It asked many personal questions which any normal person would be loath to answer. This person suffered a brain haemorrhage in 1981 and has been beset by problems ever since.

Now the Department is reviewing the cases of all long-term claimants.

**Mr Dodds:** Mr Gibson has drawn attention to something that all of us as public representatives have come across in our work.

What I find so objectionable about the Government's review of disability benefits is that their ultimate objective is to reduce expenditure in this area and to release to other areas the money which is saved. It is dishonest of Ministers to claim that they are doing this to help the disabled. As I indicated in my opening remarks, we have a leaked memo from a senior official in the Department of Social Security to other Departments indicating exactly what lies behind this process. For the Labour Party to make a policy change of this sort is utterly despicable, given its manifesto pledges.

I am reassured by the support of so many Members. Let us hope that our views will be relayed to the Minister and the Government and that their response will be positive.

**The Chairman:** It is unique for a speech to be commended by every party present. Congratulations, Mr Dodds.

*Amendment, by leave, made: At the end add*

"Indeed, the Forum, believing present levels of disability benefit to be inadequate, calls on the Government to bring forward proposals to increase such benefits to meet the needs of people with disabilities." — [Mr Dodds]



*Main Question, as amended, put and agreed to.*

*Resolved:*

This Forum is alarmed at suggestions about cuts in disability benefits, which will have a grave impact on many citizens of Northern Ireland.

The Forum calls on the Government to end the present climate of speculation and leaks, which is proving extremely alarming to the most vulnerable section of the community.

Further, the Forum is opposed to any proposal to impose income tax on disability benefits or subject the recipients to means-testing.

Indeed, the Forum, believing present levels of disability benefit to be inadequate, calls on the Government to bring forward proposals to increase such benefits to meet the needs of people with disabilities.

### SPECIAL DEBATE (RULE 10(5))

*Motion made and Question proposed:*

That this Forum at its rising today do adjourn until Friday 20 March 1998. — [The Chairman]

**Mr Morrow:** I would like to bring to the Forum's attention a matter of recent concern which has already been investigated by the Health Committee — the ambulance service in south Tyrone.

On Wednesday 4 March at 2.00 pm a request was made for an ambulance to transport a terminally ill patient from Fivemiletown to the Erne Hospital. That person has since died. Sadly, an ambulance could not be provided immediately. It was two hours and 50 minutes before one arrived — all that time for a distance of some 26 miles. In the Clogher Valley it is not clear who is responsible for servicing where.

Fivemiletown lies about 26 miles west of Dungannon, in a sort of no man's land. Enniskillen services up to the High School, and Dungannon services up to the Clogher side of the town, leaving the town itself in the middle. This is a very serious situation to which the Health Committee should give some attention.

I would like to see a stop put to the centralizing of services, including the Ambulance Service. In particular, there should be a dedicated ambulance to service the Clogher Valley. When Dungannon is asked for an ambulance the request is diverted to the control centre in Craigavon, which in turn instructs an ambulance in Dungannon to pick up the patient.

I asked for a full investigation into the incident to which I have referred. There was an investigation, though whether it was full I do not know. Anyway, I will pursue the matter through another channel. Something very sinister is happening in the Ambulance Service. I am sure that Members could give examples from right across the country.



Mr Chairman, there is a perception that the Ambulance Service is being slowly eroded. I therefore welcome your reference at the Business Committee to the provision of a considerable sum for new ambulances. I just wish it were the amount you mentioned first.

**The Chairman:** I think I added a nought.

**Mr Morrow:** I think the figure you gave was £200 million. That would put a fleet of buses on the road. Of course, it is not a fleet of buses that we are looking for; we are seeking an adequate ambulance service in the Clogher Valley area. It should link up with Fermanagh and Dungannon so that people who live in Clogher, Fivemiletown or Augher will no longer find themselves in no man's land. I hope that the Health Committee will take this very serious matter on board.

**The Chairman:** Mr Smyth, am I right in saying that we shall be debating the Ambulance Service next week?

**Mr Hugh Smyth:** Yes, and I can assure Mr Morrow that the Committee will take his concern on board. He has outlined a very tragic case, the likes of which, unfortunately, are not unfamiliar to us.

**Mr Jim Rodgers:** I want to raise last Saturday's problems at soccer matches in Belfast — at Windsor Park, between Linfield and Glentoran, and at Seaview, between Crusaders and Cliftonville. I urge the Education Minister, Mr Worthington, to take immediate steps to provide the money needed to upgrade these stadia. Finance was made available in England, Scotland and Wales just months after a report landed on the Minister's desk.

Mr Paul Scott, from Belfast City Council's environmental health department, having visited quite a few grounds on the mainland, completed a report. That document is now with the Minister, but senior civil servants are deliberately delaying a decision. The money should have been received by now. We are talking about large amounts, and what is good enough for England, Scotland and Wales should be good enough for this part of the United Kingdom.

If finance had been made available, last Saturday's events at Windsor Park might not have happened. None the less, I unreservedly condemn what took place. An incident in the thirty-second minute resulted in a Glentoran player, Justin McBride, being ordered off. If the referee — Mr Frank McDonald from Newry — had sent off six or eight players, that would have stamped out the nonsense immediately. Regrettably, the team I support — Glentoran — was losing, and some fans in the lower deck of the north stand decided to show their disgust at the referee. They ripped up seats and threw them on to the running track and pitch. But the press over-reacted. There has been trouble down through the years between these two great clubs.

If a recurrence of these events is to be avoided the Minister must make this money available immediately.

**Mr Shannon:** Does the Member agree that the one good thing from last Saturday was that Linfield won by three goals to nil?



**Mr Jim Rodgers:** Mr Shannon must be a "Bluesman" rather than a supporter of Ards.

**Mr Stewart:** Does the Member agree that fans involved in last week's violence should be banned for life from matches? Television pictures will show what happened.

**Mr Jim Rodgers:** I am not sure that banning these people for life is the answer, though they could be banned for several years. The events are what we should be looking at very carefully. If we fail to do so we will be running away from the problem. We will continue to say that this and that should have been done.

The trouble at Seaview, which was shown on television, was also disgraceful. No player should ever head-butt or even lift his hands to another. But the implied threat contained in statements emanating from the Royal Ulster Constabulary in the last 48 hours is not helpful. Some terrible fighting has been witnessed at GAA matches, where no police are in attendance, but not a word has been uttered about those incidents. I remind Mr Flanagan, the Chief Constable — a man in whom I have the utmost confidence — to bear that in mind. It seems that soccer is being singled out.

Mr Worthington, like many of his predecessors, does not seem to be master in his own house. The quicker we get a Northern Ireland Assembly or Parliament the better. Only when a Northern Ireland executive of some sort takes control of these things will there be confidence that the interests of all the people of the province are being served.

**Mr Shannon:** I want to speak about the almost 7% increase in the regional rate announced this week. This is further evidence that the Government are intent on penalizing taxpayers by indirect means. The proposed increase is double the rate of inflation and a sure indication that the belt is being further tightened by the Labour Administration.

By contrast, Ards Borough Council has kept its house in order. We have just this year presented a list of projects that will provide new and better leisure centres and activities. We intend to upgrade the tourist facilities in the Strangford Lough region, which includes two areas of outstanding natural beauty. The Ulster-Scots culture and tradition is very obvious in the borough of Ards. The strong association between Scotland and the province does not just add a flavour of culture and language but also enhances our tourism prospects.

Ards Borough Council, with a domestic rate increase of approximately 3%, is able to offer its ratepayers a full and varied programme of new schemes and improvements. The Government are either unable or unwilling to keep their house in order. While my council, like others, struggled to keep the domestic rate down, the Government slapped a 7% increase on its ratepayers.

The Government have said that most of the extra money raised will be spent on education and health provision. Can we be sure about that? No one would object to extra money being put into health and education services. The Labour Party promised extra funding for those areas. There has been some additional money, but so far the amounts have



been minimal. We want to know how much of what is generated by the rates increase will go directly to education and health provision.

*3.00 pm*

The Northern Ireland Office — specifically the civil servants who set the increase above the rate of inflation — ought to take note that should an Assembly be established here, or more power be devolved to the councils, they will not be able to dictate the figures anonymously. Local representatives who are accountable to the electorate and have shown that they can keep expenditure down might be in charge of setting the rates in future. Could we do worse? No. Could we do better? Yes, we have proved that we can.

**Mr Carrick:** I want to highlight a problem which is growing throughout Northern Ireland. It concerns social order.

We have witnessed and are witnessing an increasing tendency for residents' groups and community groups to be infiltrated by people with what might politely be described as a paramilitary agenda. The social agenda of hitherto bona fide community groups is now, in some cases, dictated by the objectives of paramilitary personnel, and there are instances of dubious standards of behaviour being imposed upon ordinary citizens.

The activities of these often self-appointed community representatives include marking out territory, discrediting the lawfully constituted forces of law and order, establishing a fear culture among residents and creating an environment which is conducive to illegal activity, including drug-trafficking, racketeering and other antisocial behaviour. These things are all done with impunity. This inexcusable downgrading of social values and standards has been ushered in on the back of a destabilized society brought about by persistent, unchecked terrorist crime. The "softly, softly" approach has permeated through to social vandalism, and today, in our so-called liberal society, we are witnessing the breakdown of social order just as we have experienced the breakdown of civil order at the hands of a weak Government.

I call upon the Government and the security forces to reassert control over all areas of Northern Ireland irrespective of people's class, creed or religion. Law-abiding citizens demand an environment free from fear, where the rule of law is observed and enforced impartially and where civil rights and freedom under the law can be enjoyed by all. No part of Northern Ireland should be surrendered to bully-boys or paramilitary groups. The rule of law must apply equally in all areas.

**Mr Gibson:** I commend Mr Carrick for his thoughtful approach to something that is happening all over Northern Ireland.

I want to highlight the situation in the area west of the Bann. When those of us who live there read 'Shaping Our Future' we became alarmed at the scant regard for people in rural areas — so much so that the councils in Tyrone, Fermanagh and part of Londonderry have joined forces to commission another report. We want proper representation to be made to the Department of the Environment and the Government. To give the report added weight,



the councils would like to meet with the Forum's Economy Committee, which is already looking at this aspect of 'Shaping Our Future'.

Disaster is befalling an entire community in my part of the world. Filling stations cannot stay open because farmers are no longer buying sufficient fuel, and many shopkeepers are finding it difficult to survive. People have tried to support their neighbours but can do so no longer. The domino effect is disastrous.

Forum Members have often talked about infrastructure. With regard to transport, all that we in the west of the province have is the road network. Maps in 'Shaping Our Future' show a railway from Londonderry through Coleraine and Ballymena to Belfast, and the ports on the east coast are indicated. Where does my area figure?

It has been predicted that on the day of the green-beer festival next week — it is tragic to see our Saint's day turned into a green-beer festival elsewhere — when the Budget is announced, fuel tax will get a 7% hike. That will be a further blow.

I appeal to the Economy Committee to recognize that there is a disaster in the west of the province which must be addressed. Our needs will have to be taken into consideration. 'Shaping Our Future' is a very unbalanced document.

*Question put and agreed to.*

*Resolved:*

That this Forum at its rising today do adjourn until Friday 20 March 1998.

*The Forum was adjourned at 3.09 pm.*