

Monday 23 January 2017

respectability to a monumental failure of their making. It is obvious that they want to draw this upcoming election back to their comfort zone of a battle between green and orange. From what I am hearing — I suspect that the DUP are hearing it as well — an angry Northern Ireland public will not be falling for that trick.

During an Economy Committee meeting, I pointed out to the Minister the dilemma that many people had signed up to this scheme in good faith and were encouraged to borrow large amounts of money from banks that Mrs Foster had written to, in glowing terms, to allay any fears they had around lending money. The Minister replied that, indeed, many people had not signed up in good faith. Surely, if people of ill intent could see the golden egg on the other side of their boiler, why did the then Minister or her staff not pick it up? When asked who requested leaving out the cost controls section contained in the UK model, the permanent secretary replied that it was a policy decision. Who makes policy decisions? It is not a Committee or a civil servant but the Minister. Why was it allowed to be left out by the Minister?

I believe that pressure was being applied by whatever means necessary to make this scheme a political flagship success. I received information from one businessman who was visited at his home by officials who told him about this wonderful scheme. He thought it was too good to be true and was politely walking them to his gate. He mentioned that, since the scheme was only open, at that point, to commercial users, he would not be eligible. They then asked him whether he ever brought work home from his business or visited his company's computer from home. They suggested that they could be creative with paperwork to get him into the scheme. He told them to close the gate behind them on the way out, as he recognised the whiff of fraudulent behaviour. Were these salesmen being judged on how many people they signed up, with weekly targets to meet? It seemed to me to be so. Was the thinking behind the renewable heat incentive scheme to make it a political success story at any price? A lot of what we know now certainly points in that direction. Had that success materialised, I am sure that we would have heard from many authors, and the kudos would not have been shared, like the blame for this scandal being thrown in every direction open to the political policymakers — in this case, the DUP.

The permanent secretary expressed his disappointment this morning that, during the spike in applications, nobody told him that it

was potentially a licence to print money, but did the whistle-blower not do that very thing some time ago and, in one case, directly to Mrs Foster?

The House is in an impossible situation today on whether or not to support the statutory rule, given the lack of information. We are damned if we do and damned if we do not. No doubt, if it all subsequently goes sour through legal action, we will be reminded that we all supported it. What a way to govern. What a way to run a country. This is all a monumental mess of the DUP's making. The taxpayers and the rest of us in the House are being asked to do the heavy lifting to sort it out. Some things never change.

Mr Frew referred to the fact that we should not attack the concept of the scheme and so forth. I remind the House of some comments that I made in a recent debate when I said that the RHI was a good concept, damaged by poor administration and lack of ministerial control.

Mr Bell: As I stand here today, another £85,000 of public money has been spent. That is in addition to the tens of millions of pounds that have already been spent: I believe that it is some £30 million. Let me address the House through the absence of a filter that Dr Paisley taught us, which was, when you speak, tell the truth should the heavens fall. That is how I will approach the regulations that the current Minister is bringing forward. I will examine them against the truth of what occurred in the past and see what we can do to take devolution forward in Northern Ireland.

People sometimes criticise politicians for looking at the issue of morality. I believe that it is at the core of RHI. I think that there were practices and procedures at significant and serious levels that were fundamentally immoral and wrong, and for those out there who say to us that morality should not influence your politics, I refer them to one of the greatest politicians, Mahatma Gandhi, who said:

"Morality is the basis of things and truth is the substance of all morality."

A lot has been said and done, and, with your permission, Mr Deputy Speaker, I will examine the regulations against the truth of what has occurred, and I want to reveal further information before a public inquiry.

When I spoke, I set out two objectives. The first one was to achieve a judge-led public inquiry with the ability to compel witnesses and evidence. My real fear — it was borne out over

Monday 23 January 2017

the last several weeks — was that, if we did not have a judge-led public inquiry, a series of allegations, counter-allegations and misinformation would be put out there, and it aggrieved me that, for weeks, I watched while no public inquiry was brought forward. If it is the case that we are now going to have a judge-led public inquiry under the Inquiries Act, everything that they have put me and my family through will have been worth it.

4.15 pm

The second objective that I wanted to achieve was to stop the haemorrhage of public funds. Let us not pretend that the money is still to be spent: tens of millions of pounds of taxpayers' money has already been spent — £85,000 a day, day by day, as we go along. It is the greatest financial scandal that Northern Ireland has had to deal with since its conception. If it is the case that, prior to my speaking out — I speak as an avowed unionist — £1.18 thousand million of British taxpayers' money was to go into the scheme, you know why I speak.

People ask why, in 20 years, this was the first time that I had broken ranks and spoken out. Looking at these regulations, I will tell you why. It is because I genuinely believe that, if I had not spoken out, these regulations would not be before you. They were not before us at the beginning of December. When I spoke out then, we were not told that we could reduce the cost to the taxpayer to zero, so why did I speak out, break ranks and speak to the press? I spoke to the press because, day after day, broadcast, print and digital journalists were requesting interviews with me on the truth of these matters, yet the DUP press office told them that Jonathan Bell was not available to speak. They never once asked me whether I was available to speak. I spoke out after journalists provided me with conclusive proof that they had asked that I be contacted, and the reply was, "Jonathan Bell is saying that he is unavailable". Let me tell you this: Jonathan Bell never once said that he was unavailable — never once.

I thank the DUP MLAs — I will not single them out — and the MPs who have contacted me. MPs have come and sat in my home and encouraged me to speak out and tell the truth. I will not embarrass you. I know that you do not want to face what I have had to face. I thank them for coming and talking to me and encouraging me, because we had to achieve two things: the public inquiry and stopping the haemorrhage of public funding.

I understand that this puts everybody in an invidious position. I was placed in an invidious position. I think that the Speaker was placed in an invidious position. He is a man whose integrity and honesty I knew within only a very short time of knowing him. Having known him now for three decades, I can only stand over the Speaker's integrity and honesty, and that is on the basis of those 30 years of knowing him.

Let us look for wisdom in these regulations. It was Thomas Jefferson who said:

"Honesty is the first chapter in the book of wisdom."

Let us look to wisdom to see how we can get to the bottom of this.

Let me say for the record that, when I made my concerns known, a DUP MLA came to me and was able to prove to my satisfaction that special advisers John Robinson and Andrew Crawford — in their words, not mine — had said, "Try not to get Arlene called before the Public Accounts Committee, but under no circumstances allow Jonathan Bell to be called to the Public Accounts Committee". Those are the words that were given to me by one of my colleagues. I stand suspended from the party for, as far as I can see, telling the truth on this issue. That was the information given to me: prevent him from coming before the Public Accounts Committee. It was on that basis that I spoke out. Why? I did so because terminally ill children were being prevented from getting a hospital place in my area. While attempts were being made to prevent me from coming to the Public Accounts Committee, a terminally ill child was told, after being seen by doctors, that they could not have a hospital place and that, if they needed one, they would have to go to Craigavon, some 40 miles-plus, I estimate, from their home. A terminally ill child was prevented from getting a hospital place.

While attempts were being made to prevent me from coming before the Public Accounts Committee, these regulations were not in place, the £85,000 was still being spent and the Maynard ward in the Ulster Hospital, through some nurses taking sick, was closed. We did not have regulations like these today whereby we could have stopped the £85,000 haemorrhaging. These regulations were not in place. Do you know what happened? The ward was closed. There was no money to pay for bank nurses, but there was £85,000 a day to pay for this.

Maybe, by speaking out and supporting these regulations, we can find ourselves in a position

Monday 23 January 2017

— it is too late for that terminally ill child; it is too late for all the children that needed the Maynard ward, and they did need it — where we can finally get regulations in place and we can do better for future generations of seriously ill children and offer them a better way forward.

Mr Swann: Will the Member give way?

Mr Bell: Yes.

Mr Swann: I want to make it clear through the Deputy Speaker that the Public Accounts Committee had intended to call you, previous Minister Foster, previous Minister Wilson and the former Chair of the Committee for Enterprise Trade and Investment Patsy McGlone. Unfortunately, due to timing and the events in this House my Committee inquiry was cut short, but we would have truly liked to hear all four testimonies given in front of the Committee.

Mr Bell: Thank you for that, and I thank the Chair. I did receive the invitation and I am more than willing to appear at that or any future inquiry. People have said that I have used the cloak of Assembly privilege. Mr Deputy Speaker, every word I have said in the Chamber will be repeated with my hand on the Bible under oath in front of the judge-led public inquiry — just in case anybody is in any doubt about that.

The latest of the thousands of messages I have got, confirm it for me again today. I will not give Teresa's surname, but it is from your colleagues in the NHS, and this is why I believe these regulations have to be supported —

Mr Deputy Speaker (Mr Kennedy): Can I encourage the Member to stick to the issue before the House which is the regulations.

Mr Bell: If I did not explain correctly, I apologise. It is from Teresa and my other former colleagues in the NHS, and it is why these regulations need to be supported today. They need the £85,000 a day. Sick children need the £85,000 a day.

Ms S Bradley: I appreciate what the Member is saying. I believe he is saying it in good spirit, but I ask him to consider if he has given any cognisance to the fact there are other permutations that may roll out. Mike Nesbitt alluded to it earlier, but the possibility exists whereby a judicial review could and may happen and, if it is won, we could end up not just returning this money but creating a further loss to the public purse. That will not aid the

hospitals he refers to or the wider community who are so desperately looking for this money. Is it time for a more cautious considered approach, because, in good faith, we are all walking on a road that could prove to be very costly?

Mr Bell: The Member makes a very interesting and valuable contribution. Mr Chambers made a similar one in the last couple of minutes. There are serious concerns about these regulations, and we have to address them the best we can. It is my considered view that it is best to support these regulations. They have gone through in this limited time because we are in a very difficult situation whereby if they are not supported we cannot get the figures down.

I do have serious reservations about people who say they can get this down to zero; media have advertised that we can get this down to zero. I do not agree with a lot of what has been said about the media. If it were not for the media and the BBC, I could not have got my points out.

I doubt very much, had it not been for them, that we would be in a position today where we have, we are led to believe, a public inquiry and proposals to stop the haemorrhage. It is a balance. That is the best that Members can be asked to do: make a balanced judgement on what has occurred.

I look at the regulations to see, truthfully, how they can help us get out of the mess that we are in. I spoke to the permanent secretary and made known my concerns about closing the tariff. I said:

"When it was coming to me to close it, had it not been interfered with by the higher Department, I could have closed this on 1 October and halved the bill. Isn't that right?"

The permanent secretary told me, "Well, that's right".

We now have regulations on the table that were not on the table when I tried to close the scheme on 1 October, before I was interfered with. I asked, "Is it right that we could have closed it?". Had we closed it then, I believe, as Mr Lunn said in his contribution, the cost to Northern Ireland would have proved to be minimal. Mr Lunn is entirely correct in his assertion. I say to you again:

"When it was coming to me to close it, had I not been interfered with by the higher

Monday 23 January 2017

Department, I could have closed this on 1 October and halved the bill. Isn't that right?"

Dr McCormick replied to me, "Well, that is right". But history did not turn out that way.

Mr Deputy Speaker (Mr Kennedy): Order. I have cautioned Members and reminded them that they should not refer to officials by name.

Mr Bell: I ask for your indulgence: can we refer to them by title, Deputy Speaker?

Mr Deputy Speaker (Mr Kennedy): Yes.

Mr Bell: OK. Let me read that into the record, and I will obey your instruction. This is what I asked — verbatim:

"But when it comes to me to close it, had I not been interfered with by the higher Department, I could have closed this on 1 October and halved this bill. Isn't that right?"

The permanent secretary replied, "Well, that is right".

There were no regulations on the table when I spoke out. There was no suggestion that we could reduce to zero or even significantly reduce the costs, and we had no legal procedure, that I was aware of, that we could have followed.

In preparing to speak today, I sought from the Department for the Economy and the permanent secretary all the information that was made available to me as Minister. I understood that a Minister could see all the stuff that was there before. I have to inform the House that, on the first occasion when I went to do it, I agreed to call down at 2.00 pm. I was told that the permanent secretary was not available. I then went to the Department. I was left for, I think, hours on end while nobody came to see me. I had asked for all the information, so that I could inform the House properly in the debate. I was left for hours. Eventually, another official came to see me to say, "Look, the permanent secretary is somewhere in Parliament Buildings. Do you want to go and look for him?". I said, "No, I will stay in the Department until I get the information that I have requested". It is with regret that I inform the House that I still have not seen the information that was before me as Minister.

It has been confirmed to me by the permanent secretary that there is an email in the system that says that DUP party officers interfered in

the process. I do not believe that to be correct; I believe that it was the DUP special advisers who interfered. But I cannot speak authoritatively because, even after the Public Accounts Committee meeting, when I asked the permanent secretary last week whether I could come and see the information that, I believe, legally should be made available to me, I got no reply. Nothing.

That left me with those famous two roads diverging into a narrow wood. Which one would you take? Was I going to tell the truth? Was I going to stand behind Minister Hamilton, who had said in July on 'Good Morning Ulster' that Mr Bell had acted very quickly. I could have sat back and let the £85,000 per day continue to be spent, the hundreds of millions of pounds be committed, the terminally ill children be sent away and the wards be closed. I could have sat back, but I do not believe that that is the role of a public servant. That is what we are: servants of the public. The public are not our servants.

4.30 pm

I look through the actions that were taken prior to the regulations coming through. I have been suspended. For the avoidance of doubt, if people say to me that I did not speak out until very late, I have a letter to the former First Minister, Arlene Foster, dated 23 March 2016. There are three pages of A4, and I gave her my permission to put it into the Assembly Library and to make it public. The first paragraphs of that letter, after the introduction, are on the renewable heat incentive scheme and refer to the fact that the SpAds advised mine to keep the scheme open and to all of the difficulties. That is in a letter dated 23 March 2016, given to Arlene Foster. It surprises me, when I see the contents of the letter, that I am suspended from the party for telling the truth, while people on the Front Bench and those behind them are guilty of far more serious inappropriate relationships and behaviour than I am — far graver. That has been there, and it is in the public domain. I will take those forward, if necessary. I am taking legal advice with the Commissioner for Standards to see how those can be taken forward.

I believe that the regulations have to be made. I do not believe that we have the luxury of continuing to pump out hundreds of millions of pounds to take £1.18 thousand million from the British taxpayer. I do not think that we have the luxury to continue to do that. We have to do something.

Monday 23 January 2017

There are questions that I asked myself when there were no regulations in place. If I do not speak out, who will? If not now, when? If not here, where? I am glad that we have the regulations in place today because I spoke out, because nobody else was going to speak out, and because I did it in December. You can see that I laid the concerns before the First Minister — now the former First Minister — Arlene Foster on 23 March 2016. If it was not in December, when was I going to do it? If it was not here at Stormont, where were we going to do it?

We need to take action on the scheme. I asked the Department to show me all the information so that I could speak today. I asked for it last week. They have not contacted me. They have not shown me all the information. I have not seen all the information — not even emails that were sent to me personally. You may hide information from me, but you will not hide it from a judge-led public inquiry.

Mr Ford: I appreciate the Member giving way. He has announced on two occasions that he sought ministerial papers. Members may recall that there was an aside in the debate on 19 December about a possible involvement of the Department of Justice. I was given sight of the papers that day before the debate took place, because an issue had appeared in one of the Sunday papers. I was also given copies of all relevant papers relating to my time as Minister. It is certainly my understanding of normal procedures that Ministers should be given copies, with the names of junior officials and so on suitably redacted. Nonetheless, I now have copies of everything relevant in my possession.

Mr Bell: That is also my understanding, and I will take it up with Malcolm McKibbin, if necessary, by means of a formal complaint. As late as last week, I heard in a Public Accounts Committee that I was given only partial information from the time that I was Minister. When I asked for the email that, the permanent secretary told me, stated that DUP party officers had interfered at the start of the process, I was told, last week, that I would be able to see it. I asked to see all the papers, but I have not had a single communication from my direct conversation with the permanent secretary last week. That is why —

Mr Deputy Speaker (Mr Kennedy): Order. I ask the Member to return to the matter before the House: the statutory rule.

Mr Bell: I look back to the regulations —

Mr Allister: Will the Member give way?

Mr Bell: I will give way to Mr Allister.

Mr Allister: Why does the Member think he is being obstructed, if that is what has happened? Does that include the important period pertaining to 1 October and the delays relating thereto?

Mr Bell: It certainly includes that period. I will not go on to speculate on why. Perhaps the head of the Civil Service will be able to reveal it to me in the coming days. Perhaps the judge, when all the papers are laid before him, will be able to give a more definitive answer.

What I do not see in the regulations that needs to be in them in this: can records be expunged? I happened to be at a carol service in my church in Newtownards on the Sunday before Christmas while the Economy Department was sending out press releases to the media on the issue. When I again asked — I will reveal this to the judge under oath — the permanent secretary why references to Arlene Foster and the Department of Finance were taken out of emails without my permission, he replied, "Because the record was expunged". How is it that a Minister can have the email record changed without his knowledge or without his consent? How can that happen? I asked the permanent secretary, and I referred to the deputy permanent secretary — this is not in the regulations — where the instruction came from to cleanse the record of any reference to OFMDFM and the Department of Finance and whether there was evidence to the effect of this changing of records. The permanent secretary replied to me:

"There is an email to that effect, yes".

There is evidence in what the permanent secretary told me of records being expunged, and there is evidence in the permanent secretary's words that there is an email to that effect. Just to be clear — this is not in the regulations, and perhaps it should be — I said:

"If there were emails there" —

as there were —

"you said they're telling you to expunge the record".

The permanent secretary replied with one word: "Yes".

Monday 23 January 2017

Is it the case that we are here today and hundreds of millions of pounds could be saved only because I spoke out, because I told the truth, because I was prepared to take the suspension and because I was prepared to have my political career effectively terminated, albeit that, with no disrespect to any political party, it will be the public who decide if my political career is to be terminated? I have heard it said, "Jonathan, you believe the public want to hear the truth; you'll find out that they don't". I believe that the public want to hear the truth.

There is nothing in the regulations — this concerns me — in relation to how special advisers can interfere in a process and how, when a Minister makes a decision —

Mr Deputy Speaker (Mr Kennedy): Order. I think that the Member is straying beyond the topic for debate this afternoon. I ask him to reflect on that and bring forward his remarks accordingly.

Mr Bell: I will reflect on that, Mr Deputy Speaker.

How did we get to the situation where we needed the regulations? We need to regulate because the regulations that are in place are completely ineffective and have been proven to be completely ineffective. I ask the Minister to say, when he is summing up, whether the regulations will prevent a member of a party or a party collectively deciding things against the wishes of a Minister. A lot has been said in connection with the regulations. I look at the information and the evidence that I have before me, and I ask permanent secretaries whether it is right that a member of the party can do this. Then I look at the regulations. In my head, I have an understanding of the evidence of what the permanent secretary said to me: "Your special adviser, Timothy Cairns, is right: you're a member of the party, and your party decides these things collectively". Will the regulations prevent that sort of thing happening again? He said to me, "Your special adviser, Timothy Cairns, is right: you're a member of the party, and your party decides these things collectively". Therefore, a scheme was kept open. It should have been for four weeks, and I still do not have the information to tell you why it was kept open for six weeks. I cannot see the papers; I have not been allowed access to them. Why are we in a situation where we need regulations for what could have been put right had I been allowed to do what I wanted to do on 1 October? That is why the regulations, while I support them today, need to be more robust.

At that time, I said to the permanent secretary — I will quote the evidence:

"That's OK, but I don't want somebody coming back and saying to me, 'Jonathan, you had the authority to do it on 1 October and you did not do it'".

The permanent secretary replied "No" and said that everybody would recognise that every government worked by and on collective responsibility.

We are in a mess, and somebody has to shine a light on that mess. It fell to me, and I do not know why. I did not seek it, nor did I want it. I did not want to do it. Twenty years of loyalty to a party should show that I am a fairly loyal person. I am support the regulations because they are, perhaps, the first step in getting that mess sorted out. Johnny Bell does not matter. The public will decide whether Johnny Bell comes back to the House, nobody else. The public will decide whether they want their representatives to shine a light and, effectively, to be salt and light on a hill. The regulations are necessary because special advisers — is there anybody here who doubts it? — interfered in the process. They kept the scheme open, hundreds of people poured into that scheme and, as a result, contracts were issued to allow hundreds of millions of pounds — going up to £1.18 thousand million over the next period — to be spent.

Mr Lunn: I thank Mr Bell for giving way. As he knows, the total number of applicants in the end was about 2,100: does he recollect how many had applied when he made the recommendation to close the scheme in July 2015?

Mr Bell: Remember that this was only beginning to be discussed in July and August 2015. There was a period in September, with the McGuigan murder, when ministerial offices were not held. In rough figures, I think that there were about 1,000 in place. I have already read into the record the evidence where the permanent secretary told me that I was right. I wish that it had been read into the record at the Public Accounts Committee, but I have the record.

The situation is that we need the regulations because special advisers interfered to keep the scheme open. Members on the DUP Benches to my left came to me to say that it was kept open because Timothy Johnston's brother was installing the boilers and spoke about John Robinson: I am not going into whose family

Monday 23 January 2017

member was installing them. If the Members to my left have information, they must not try to filter it through me but must stand up and tell it like I had to stand up and tell it. It is the hardest thing to do, I can assure you.

4.45 pm

Mr Deputy Speaker (Mr Kennedy): Order. As all Members know, Members enjoy privilege in these proceedings for the purposes of defamation under section 50 of the Northern Ireland Act, but all Members must take responsibility for their remarks. I caution all Members to ensure that their views are expressed with due care.

Mr Bell: Today is not the day to have the inquiry, not least because the Department will not give me the information. I only wish that I could be like Mr Ford and have seen the information. I find it very interesting, Mr Ford, that you say that you were allowed to have copies. I was told that I could look at them but was not allowed to have any copies. That is something else that I will take up with Malcolm McKibbin, the head of the Civil Service. It seems that one former Minister is given that level of access, and this former Minister is treated in the way that he has been.

Mr Ford: I am grateful to Mr Bell for giving way again. Just to clarify, on the day that I was given sight of the documentation, when I then formally requested copies, it was agreed that I would get copies a couple of weeks later.

Mr Deputy Speaker (Mr Kennedy): Order. We are again beginning to stray away from the issue before the House. I respectfully ask the Member who is speaking and the Member who intervened to bear that in mind.

Mr Bell: Let me conclude, Mr Principal Deputy Speaker. The regulations are necessary because of the extreme mess that we have found ourselves in. The points that I made when I had to shine a light on this devastating situation were not made in December. The points were made in writing to the then First Minister in March 2016. The reason why we have the regulations now is because I spoke out in December 2016. The regulations are necessary because terminally ill children are being sent away from our hospitals, and our wards are being closed because we cannot afford bank nurses. The £85,000 could be spent there every single day. I hope that the regulations can address that. I hope that future generations of children and our health service will not be deprived of the funding needed

because of the actions that I felt led to take. I make no apology for telling the truth. I am one of these people who actually believes that there is a time to say:

"Here I stand, I can do no other".

As Martin Luther also said:

"Peace if possible. Truth at all costs."

Mr Deputy Speaker (Mr Kennedy): I call Mr Christopher Stalford.

Mr Stalford: I do not know what I did to deserve being called after that, but thank you very much, Mr Principal Deputy Speaker. Mr Principal Deputy Speaker, this is a major —

Mr Deputy Speaker (Mr Kennedy): Order.

Mr Stalford: I beg your pardon.

Mr Deputy Speaker (Mr Kennedy): Yes, I am far too modest to be a principal.

Mr Stalford: A school principal, maybe. This is a major issue that has adversely affected public confidence in the institutions of the Assembly and the Executive. It would be wrong to seek to deny or minimise the fact that that is the case. This is not a situation that any of us who ran in the Assembly election for the first time not seven months ago would have envisaged that we would have to deal with. It is not a situation that, I suspect, even some of the auld hands who have been in this place from the start ever envisaged that they would have to deal with. However, we are where we are. It is incumbent on us all, as responsible public representatives, where a problem has been identified, to do all in our power to ensure that the situation is corrected and put right.

I have sat through most of this debate, and, to be fair, it has been tempered and reasonable. Members from all sides have made reasonable and tempered contributions, and it has been conducted in a spirit of trying to put the problem right and of trying to fix the situation. Indeed, if that had been the tone of the discussion throughout, we might well be closer to a solution to the problem. Alas, that is not the way that it has worked out.

Steps are needed to put the matter right and to improve this situation. That is why I welcome the proposals brought to the House by the Minister. Other Members commented, and I absolutely agree with them, that we are not in an ideal situation to provide a level of scrutiny