



Northern Ireland
Assembly

Committee for Infrastructure

OFFICIAL REPORT (Hansard)

Brexit: Department for Infrastructure

12 February 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Miss Michelle McIlveen (Chairperson)
Mr David Hilditch (Deputy Chairperson)
Mr Roy Beggs
Mr Cathal Boylan
Mr Keith Buchanan
Mrs Dolores Kelly
Ms Liz Kimmins
Mr Andrew Muir

Witnesses:

Mr Ciaran Crosbie	Department for Infrastructure
Ms Jackie Robinson	Department for Infrastructure
Mr Donald Starritt	Department for Infrastructure
Mr Jim Sutherland	Department for Infrastructure

The Chairperson (Miss McIlveen): You are all welcome to the Committee this morning. If you would like to make an opening statement, members will follow up with some questions.

Ms Jackie Robinson (Department for Infrastructure): Thank you very much, Chair and Committee members. Thank you for the opportunity to speak to you today on the Brexit-related issues that face the Department. If you are content, I will start by introducing the team, and then we will spend a few minutes giving an overview of the work that we have done and continue to do on EU exit.

First, I will introduce myself. I am Jackie Robinson. I am the director of gateways and EU relations in the Department. Jim Sutherland heads up the EU relations team, and his focus is on Brexit and EU funding streams. Donald Starritt works in the safe and sustainable travel division, and his specific issue relates to Brexit legislation. Ciaran Crosbie is head of bus policy.

On Brexit, you will be aware that the Northern Ireland Civil Service (NICS) established central structures, led by the head of the Civil Service, to manage the implications of EU exit in Northern Ireland. The Department for Infrastructure (DFI) is an active participant at all levels. The Minister is a member of the Executive's Brexit subcommittee. The permanent secretary is a member of the top-level EU exit preparations and future relations project board, and officials at all levels are involved in the many cross-departmental working groups established to consider specific issues.

Internally, the Department established robust EU exit project management structures, with oversight by the permanent secretary. A central Brexit planning team was established to support the Department's preparations, with additional resource directed to the areas most significantly impacted.

In preparing for EU withdrawal, the Department's efforts have broadly and logically focused on two main areas. First, it is working to ensure a post-exit regulatory and legislative environment that will support the delivery of our services and statutory responsibilities. Secondly, it is testing the resilience and efficiency of the infrastructure networks on which all those services are delivered and on which our supply chains operate and depend. We have undertaken extensive engagement with stakeholders to communicate and, where necessary, advise on key issues and messages from government. That engagement has allowed us to fully understand the issues that are important to our stakeholders. It has been a very positive engagement, consolidating existing relationships. As well as engaging with local stakeholders, officials have engaged with colleagues in London and Ireland. Again, that engagement built on well-established relationships.

The environment in which DFI works is highly regulated: transport, water, sewerage and drainage. As a result, extensive work has been done in the area of legislation to ensure that it is fit for purpose to ensure continuity of service. I mentioned water and drainage. We are aware that concerns were raised about how the potential disruption to borders could impact on supply-critical chemicals and spare parts required to treat drinking water and waste water. The water industry, as a whole, led by Water UK, has put in place a cross-sector programme to prepare for and manage any issues that may arise. That has allowed NI Water to enhance contingency arrangements to address specific NI issues. We hope that it will not be a problem in the future.

No major issues are expected for public transport during the transition period, but we will continue to work with counterparts in the Department for Transport (DfT) during the negotiations on the future transport agreement with the EU. Again, for the haulage sector, there will be stability this year, but we recognise the need to consider a number of critical issues moving forward. Those include identifying competent authorities and registrations. The Department has an established freight forum that includes representatives from the local freight and logistics industry, as well as the PSNI.

For drivers, the main issues are around licensing and insurance. During the transition, there will be limited impact, but some practical issues will need to be resolved. Importantly, we will need to ensure that we communicate effectively with the public.

You will be aware that the Department has regulatory responsibility in relation to some ports. Any changes to the current regime for checks and inspections at ports will, obviously, impact on them. It will be important that we have clarity soon to allow them to prepare.

DFI has been very successful in the past in getting EU funding to support many transport- and water-related projects. We have secured over £130 million of EU support through seven different funding streams in the last 10 years. We are working with counterparts here and in the UK to explore every option available to continue that level of support. In particular, we are looking at the opportunities that may be available under Peace Plus.

With the Prime Minister's deal and agreement on the withdrawal agreement legislation, the focus has now turned to the transition period and implementation of the agreement and the protocol. The robust management that we have in place will, I believe, assist us through that stage in the process.

That has been very much a whistle-stop tour, but we are happy to take any questions that you have for us. If there are any issues that we cannot address today, we are happy to respond in writing later.

The Chairperson (Miss McIlveen): Thank you very much, Jackie, for your presentation. I know that it is really early at this stage and that you have had a period of real uncertainty about having a deal or no deal, and, obviously, there was the absence of an Executive and Minister, but, as we move through the transition period, are you in a position to give the Committee any idea about the type or amount of legislation that we are likely to look at in the coming months?

Ms Robinson: We are still looking at how the protocol and the withdrawal agreement Act will impact on the Department's legislative needs. One of the things that concern us is the powers under section 2(2) of the European Communities Act 1972. I will ask Donald to provide a bit more detail on that.

Mr Donald Starritt (Department for Infrastructure): By way of background, we have contributed to about 40 pieces of transport-related legislation over the last year. There is a possibility that some of that legislation may have to be tweaked now, depending on how the negotiations go. We are keeping an eye on that and working closely with DfT on it.

Jackie mentioned the section 2(2) powers. The background to that is that a lot of our departmental legislation, particularly to do with transport, was created using powers under the European Communities Act 1972; in particular, section 2(2) of the Act gives us a power to legislate to implement our EU obligations. Those powers remain during the transition period but will disappear once that finishes and the formal withdrawal takes place. There is a body of legislation there, and our concern is that, once we lose the power, our ability to change it, however we may want to change it in future, may be compromised. We have been working with DfT, NIO and TEO to try to understand that. We are not the only Department affected by that, so we want to see whether there are any wider plans to take powers and, if not, to take powers for ourselves. If some of that legislation needs to be changed and we have lost the section 2(2) power and do not have anything else that allows us to amend it, our only recourse would be primary legislation, which is, obviously, a longer route. We may not always have that amount of time. That is an important thing for us to look at.

The Chairperson (Miss McIlveen): Will that be regularised at Westminster?

Mr Starritt: We are not sure about that. It may be possible to do UK-wide legislation, or it may be possible to legislate through the Assembly for devolved matters.

The Chairperson (Miss McIlveen): Have you been given any indication of how long it may take before you have clarity on that?

Mr Starritt: We have not. I asked again last week, and there seems to be uncertainty about it. One of the Department's concerns is that we have used those powers so extensively, possibly more than DfT has, so we continue to press for something on that.

The Chairperson (Miss McIlveen): What had DfT been doing, if it had not been using those powers?

Mr Starritt: From a transport perspective, DfT was considering taking specific powers to allow it to change legislation in policy areas that, it thought, would be critical. At the time — that was just in the months before the Assembly returned — DfT was working with us, in the event that it took that legislation, to give us the opportunity for Northern Ireland to be part of that and take the powers on a UK-wide basis. However, that work was suspended at the time of the Westminster election and has not been resumed.

Ms Robinson: I want to reassure the Committee that we are on top of that. We are doing all the negotiations that we can, and we keep the matter very much at the forefront of our attention. It will not slip through the net in any way.

The Chairperson (Miss McIlveen): Are you in a position to give us any idea of the type of legislative programme, specific to Brexit, that will be in front of us?

Ms Robinson: Not at this stage in relation to the section 2(2) powers.

Mr Starritt: At the moment, we have fortnightly teleconferences with DfT. To the extent that it identifies any issues there, that gives us a bit of a prompt, but we are, obviously, doing our own work as well.

The Chairperson (Miss McIlveen): You said that you do not expect any issues in relation to freight capacity and so on. Are there likely to be any anomalies in and around that, perhaps if additional freight comes from the Irish Republic, for example, if they think that that is a better route, or is that an internal issue for freight companies?

Ms Robinson: Yes, freight capacity — we are talking specifically about ferries — is a commercial issue for the ferry companies. We have engaged extensively with them, and we are confident that there are no issues there. We know that there are capacity issues on some sailings. For example, the 4.00 am sailing, or whatever it is, is normally full but that is not representative throughout the day. There is capacity on other sailings, and the ferry companies have their own commercial interests and can put on additional boats or change the boats to larger boats, should the need arise. As I say, we are confident that there are no ferry capacity issues.

The Chairperson (Miss McIlveen): The only issue you see, then, for ports and airports might be in relation to compliance and inspection practices.

Ms Robinson: Yes, and that will be very much an issue for whoever undertakes those inspections. We do not have a lot of clarity on it at the moment, but inspections at ports could be a Border Force issue or could be a customs issue; both of those are reserved matters. It could be a sanitary and phytosanitary (SPS) matter, which would be for the Department of Agriculture, Environment and Rural Affairs to address in the first instance. We are aware that there may be some issues around that. Once we get clarity, we will talk to the ports. In fact, we have been engaging regularly. There have been very few weeks when I have not had a conversation with somebody in the ports.

The Chairperson (Miss McIlveen): There has been a threat of infraction against EU directives in the past for a number of Departments. What is the status of that during this period? Is the Department aware of anything, particularly around water or any other directive, that we may be seen to have breached or be alleged to have breached?

Mr Starritt: During the transition period, we are still subject to our EU obligations, so we are still required to implement directives and regulations. Were we to fail to do that, we are still open to infraction proceedings.

The Chairperson (Miss McIlveen): OK. At this stage, are you not aware of any looming?

Mr Starritt: No. In a couple of areas — one example that occurs to me is drivers' hours and tachographs — we had to make legislation towards the end of the year — just before the close of the year — to implement our EU obligations. We initially thought that we would have left the EU by that stage, which was why the amendment had not been made at that point. When the transition period was extended, we had to rush that through, but that has been completed, and we continue to look at it.

Mr Hilditch: Jackie, you and your team are very welcome this morning. Thank you.

You mentioned communication. Communication with the public is a big issue, and, no matter what government seems to do, there is always a cry of, "We did not know about this". Are you confident that you can deal with the communication element of getting the message through to the grassroots?

Ms Robinson: Yes, I am fairly confident that we have a very good system of stakeholder engagements. Before I came to this Department, I worked in the Department of Agriculture, Environment and Rural Affairs, and I always believed that information that the Department gave out was not necessarily as well listened to as it was whenever the messages came from the key, major stakeholder groups. We are working quite hard, and a lot of the information that we give out to the likes of the freight industry will go through its bodies as well. We have multiple channels to get out to the public. I think that we are in a very good place. We had a very good communication strategy in the run-up to a potential no deal and that will continue, not only for this Department but at an NICS level. I trust that the Committee will help us as we go forward with that.

Mr Hilditch: Thank you.

On your priority one issues and some of the qualified solutions developed, there are some bread-and-butter issues that will potentially affect local constituents and which are dealt with weekly. Those issues include implications for blue badges, for taxi operators, for penalty charge notices and whatnot. How far have those issues been developed?

Ms Robinson: Donald, are you in a position to respond on those?

Mr Starritt: No, not on those specific issues, unfortunately.

Ms Robinson: If you do not mind, we will take that away and come back to you.

Mr Hilditch: That would be good. Thank you; I appreciate that.

On the ports issue, you indicated that there is no expectation of freight capacity being an issue on GB to Northern Ireland ferry routes. You say that with a degree of confidence, obviously. What sort of capacity does it sit at?

Ms Robinson: Off the top of my head, the capacity was about 60%, but I could be —.

Mr Jim Sutherland (Department for Infrastructure): Roughly. The conversations that we have had with Stena Line and P&O have given us sufficient confidence that the routes overall are running at about 50% to 60% capacity, so there is a lot of headroom on the routes. Jackie made the point about the timings in some cases. Some of the ferries are busier than others, but, overall, on the routes, there is significant headroom for any increased flow of traffic.

Mr Hilditch: That includes both freight and roll-on roll-off situations; is that right?

Mr Sutherland: Yes.

Mr Boylan: Thank you for the presentation. I have a number of points to make. We have moved from being a small region in a member state to not knowing who is going to do what. I appreciate there is the protocol, and we went through it. I have a number of issues to do with the transport industry, which is a big responsibility that the Committee has. There is the east-west issue, which is grand. Members have mentioned the issue of the ports. There is also the North/South issue and how we manage that.

Donald, I will go to you because you are the legislative man. We had a foothold in implementing European laws through directives. How will we ensure that we protect those directives? We have signed up to loads of them down through the years here through the Committees and the Assembly. Nobody knows what way Westminster will go. Are there any guarantees that we will be able to protect and use those EU regulations, such as the ones that protect the transport industry at the minute?

Mr Starritt: Part of our work — it was led by DfT — was to make the necessary changes to the EU regulations so that they function following withdrawal. Those have been changed and have been brought across in to UK law and Northern Ireland law, so, as things stand, they will continue to function immediately after withdrawal.

Obviously, there are areas in which the Department will be bound by the protocol, so, where there are new directives and regulations coming in, there will be an obligation on the Department to implement those changes. That is specifically in areas where the protocol requires us to do it. The Withdrawal Agreement Act gives powers to Westminster and devolved authorities to make changes to existing legislation where required to comply with the protocol. Beyond that, and this may be where the section 2(2) issue potentially kicks in, where changes need to be made to, say, comply with new EU legislation but they are not necessarily mandated by the protocol, it will be a matter of checking our existing powers to see whether we have any powers to implement those directives and regulations. If we do not, that is where the section 2(2) gap potentially emerges. That is where our work has been to try to identify specifically where those gaps are and to close them if we can, because, if we cannot close them, the alternative is primary legislation.

Mr Boylan: That is where I see the problems. Do you not see a problem with the likes of emission testing and vehicle operator and licensing, at the minute?

Ms Robinson: At the minute, we have to work through what the outworkings of the protocol will be and how that will be implemented.

Mr Boylan: I appreciate that, Jackie. I understand that, but I have been engaging with the industry, and, basically, it is down to the nuts and bolts. Those are the questions that we get. I appreciate all that, but I am just trying to get a feel for it. I am mindful of what we are saying about primary legislation here. It is OK if we adapt what is there and agreed, but, if Westminster goes and does its own thing, we may have to look at what we need to do about it.

Ms Robinson: I reiterate what I said to the Chair: officials advise and Ministers decide. That is something that our Minister will decide in due course as we go through the post-implementation period or transition period. She will decide what, if any, legislation we take on board from the EU that is outside the protocol. We will make those decisions in consultation with her. It would be unfair of us to go into those policy issues today.

Mr Boylan: No, I appreciate that, but I am mindful that we are on a scrutiny Committee, and we are putting the issues forward. I know that a Brexit joint committee has been set up through the Executive. People who need to engage — that is, the industry — will ask Committee members and MLAs

questions, and we need to ask those questions now. How do those people engage in the process? At the end of the day, we are finding out exactly what they will be hit with and their contribution will play a part in legislation or in agreement with what comes forward from Westminster.

Ms Robinson: Yes. We will happily take that evidence, whether it comes through you or our stakeholder engagement. We will take that on board and put it into the evidence portfolio for our Minister to decide.

Mr Boylan: Jackie, you said that you have had a number of engagements. Have there been no discussions of the shipping back and forward and the potential problems that lie between North and South?

Ms Robinson: I am not aware of any discussions about emission tests.

Mr Boylan: Or any other matter at the minute?

Mr Starritt: No.

Mr Boylan: OK. You mentioned Waterways Ireland. It is early days for the work on the North/South stuff.

Ms Robinson: I have a sponsorship role for Waterways Ireland; that is part of my remit. I have worked with it regularly to go through the processes. The most significant issue for it is data sharing, because it has employees on both sides of the border. It has sought legal advice, and it is very comfortable in its position that that will not be an issue. I know that representatives from Waterways Ireland will give you evidence in a couple of weeks, and they will be able to clarify that, but, at the moment, there are no significant issues for it in relation to withdrawal.

Mr Boylan: Finally, Chair, I realise that it is early days, but some of us have had discussions about how it will impact industry. We have been dealing with businesses, especially along the border.

Donald, as far as the business advice for transport operators is concerned, at the moment, we are aligned with EU regulations and we do not know exactly what will come down the tracks. You say that you will engage with DfT. I am sure that DfT will engage with what happens in England and Scotland, but it may not be best for what happens here, because, as I said, we have east-west and North/South links. We need to give reassurance to business. We have from March to December, and the discussions will kick off shortly. We appreciate the presentation today, but those are the kinds of things that are coming at us.

Mr Starritt: Yes.

Ms Robinson: I appreciate that.

Ms Kimmins: Thank you for your presentation. If I cover anything that has been covered already, I apologise.

I have a couple of questions on import tariffs. Do we have any indication of the extent of the alignment for tariffs for vehicle imports from the EU? Will they apply equally to Northern imports from the EU, in line with Britain?

Ms Robinson: Tariffs will be an issue for the Treasury to deal with. It would not be within the competence of DFI, so I would rather not go into that space.

Ms Kimmins: OK. That is fair enough. That is grand.

Another issue that has been raised with me recently is migrant workers, and I know that there is a plethora of stuff there. Is there any indication of what way things will go for skilled and unskilled workers from the EU working in the North?

Ms Robinson: Again, it is a Border Force issue. I would not like to go into that space. For this debate, we will probably concentrate on the infrastructure issues if we can.

Ms Kimmins: OK. Fair enough.

Mr Boylan: Chair, on that point, I appreciate the answer, but a lot of those people are part of the labour market and they work within these structures. Our duty is to look at infrastructure in its totality, which is the transport industry, and that is why those questions are being asked. Last day, we talked about taking presentations. We were instructed the lead Committee in relation to this was somebody else; was it Economy? Did we make that indication? Infrastructure has a big part to play, and that is why the question about a skilled workforce has been asked. They play a big part in the infrastructure and the transport, which is our Department.

Ms Robinson: I do appreciate that, and I appreciate the overlap, but going down to the fundamental policy, it is not a policy that sits within this Department. I take your point that it affects our stakeholders.

Mr Beggs: Thanks for your presentation. You mentioned that there might be a need for primary legislation because of loss of powers. Obviously, it takes time to introduce primary legislation. So that we are not caught out by not having starting the process of introducing primary legislation, if there is uncertainty, when is your call date? When do you need to make that call?

Ms Robinson: As Donald as already said, we are engaging at lots of levels about the legislation. We have already engaged with Westminster, TEO and the Departmental Solicitor's Office (DSO). Therefore, we think there will be a solution to this hopefully in the fairly short term, and within a space which will allow any legislation to be taken through the process.

Mr Beggs: I am certain there is going to be a regulatory border down the Irish Sea, if not tariff inspections etc, and additional space will be required in our ports. What assessment has been made to see if there is sufficient capacity at our ports, or it is going to be in Scotland and England? Is it going to be in Northern Ireland? What assessment has been made of that?

Ms Robinson: It is fair to say that there is still a degree of uncertainty about what checks, if any, there will be at ports, whether here or in GB. Earlier, I mentioned who carries out the regulatory inspections. For SPS, which is live animals, food and products of animal origin, it will be DAERA. In relation to immigration, it will be the Home Office, and for customs it will be HMRC. It will be up to them to make an assessment of what space they will require at ports and to facilitate that. Our impact on ports is really in relation to the regulatory stuff. Therefore, what a port does is up to the port business, largely. I assume there will be ongoing engagement when we get to a place where we know what, if any, checks are required.

Mr Sutherland: Maybe I can add to that, Jackie. The Department has been involved with Dumfries and Galloway local enterprise partnership to discuss freight issues. Obviously, we are keen to understand the impacts in Cairnryan and Belfast. From our point of view, the discussions were very informative. The only indications we have from our conversations with ports about physical restrictions is that perhaps Warrenpoint will be the only port in Northern Ireland that could have difficulties with physical expansion. Certainly, Belfast and Larne have indicated that they have sufficient space to allow facilities to be developed. This is not the case in Cairnryan. We have been talking with Transport Scotland, Dumfries and Galloway Council and Police Scotland to discuss the alternatives. They are moving forward with the creation of contingency plans for the stacking and storage of vehicles on the Scottish side of the crossing.

Mr Beggs: In the briefing you have given us, it is also indicated that there could be areas where there need to be bilateral agreements with the Republic of Ireland. Is that between the Republic of Ireland and the UK, or is that between the Republic of Ireland and the Northern Ireland Executive?

Ms Robinson: In relation to what, specifically?

Mr Beggs: Just in the briefing that we have been given:

"Negotiations between the UK and the EU identified a number of areas of North /South cooperation where bi-lateral agreements between the UK and Ireland may be required post exit."

Mr Starritt: It would be international relations, and as such it is an excepted matter, so it would be between the UK and Ireland.

Mr Beggs: OK. The other area where I really do not understand how it will work and what role we will have, if any, is where the new arrangements talk of a specialist committee and joint committee to decide issues. What comes to the Assembly and what goes to them?

Ms Robinson: This will be, again, in relation to how the outworkings of the protocol. At the moment, I am not sure exactly how that is going to work —.

Mr Beggs: So that will be changes that we may not be involved in or have any say in; is that what you are saying?

Ms Robinson: I do not think that would be the case. It is more about advising. For example, those committees will look at risk assessments in relation to any checking which may happen, and they will look at the outworkings of the protocol and how that is actually operationalised.

Mr Beggs: Are you saying that there is really a fog at this stage, and that nobody knows what is coming forward?

Ms Robinson: At the minute, I do not have clarity. I am not saying that there is a fog; I am just saying that, at this stage, I do not personally have clarity on how that is going to work in practice.

Mr Beggs: Do you accept that the most important thing for the industry is that there are no undue delays at airports and that goods, perishable goods in particular, do not suffer and be a cost to industry? As such, how are those concerns of delays at ports being taken on board?

Ms Robinson: Again I refer to DAERA and its responsibility in relation to SPS checks. We will be looking at that. At the moment, there is still no clarity on what, if any checks, will be required. Once that clarity is obtained, we will be able to start working more with the ports to look at any infrastructure requirements they have or anything else that they need to support them. But it will be largely for DAERA to look at those fresh food imports and just-in-time deliveries.

Mr Beggs: I noticed previously that £2.5 million was allocated to trust ports, but none to the port of Larne. What was that money spent on?

Ms Robinson: Just on a point of clarity, that money was not given just to trust ports. It was a competition. There was a sum of money, and we allowed the ports to bid for it. Larne port was eligible to bid in that process, so it was not curtailed to trust ports. I want to make that very clear. We got several applications, which more than took up the money that we have available. When we launched that scheme, it was to allow the ports to prepare for a no-deal scenario and to give them a bit of resilience to look at future planning and increasing their business in a post-exit environment. In between launching the competition and getting the applications in to assess, we had a deal on the table. So when we did that, we looked at the applications in relation to no-deal preparedness, but also how it would impact in a deal scenario. As a result of that process, three ports were successful, and a total of just under £2.5 million in funding was given to the three.

Mr Beggs: What was delivered from the £2.5 million? What has changed?

Ms Robinson: That work is still ongoing. They have not quite delivered on that. They are due to deliver within the next couple of weeks, and what is being done is additional infrastructure or capacity to allow for areas where, for example, lorries could be parked or checking could be carried out. It is additional space.

Mrs D Kelly: Thank you for your presentation. I want to pick up on the drivers issue that is contained within your briefing and, under the legislative issues, the train driver licensing. I have, like many other members, many haulage companies in my constituency. You said that some of this might be an issue for border police, etc. Nonetheless, over the last two years, with the whole Brexit debate, many of our local companies are finding it very difficult to recruit because many foreign nationals have been employed in that sector. Have you heard this issue being raised within your stakeholder engagement? People think that, when they are talking to government, they are talking to government. Whilst it is not

an issue for your Department itself, have you communicated those issues with your colleagues in the Department for the Economy?

Ms Robinson: Just for myself and a wee bit of clarity, are you talking about the licensing issues or an immigration issue?

Mrs D Kelly: I am talking about the fact that the workforce is diminishing, so there has to be some focus by government to enable people to get their licence, looking at where the shortages are and hearing from companies that some of them do not have enough staff. Whilst some part of that might not be your responsibility, it is the responsibility of another arm of government. I want to know that you are not working in silos.

Ms Robinson: We are definitely not working in silos. As I said in my opening remarks, officials in this Department have worked in a number of cross-departmental groups. We work closely with the Department for the Economy, for example, and those issues will have been raised there. One of the specific issues, maybe, is mutual recognition of qualifications. That is very much front and centre in our thinking and how we are going to deal with that.

Mrs D Kelly: My point is also about how you are communicating that message to give comfort to the haulage companies.

Ms Robinson: We are working with the haulage companies and engaging with them as much as we can. In relation to the mutual recognition of qualifications, we have not got to a point where we have a decision or know how that is going to work. It would be wrong of us, when we do not have clarity, to give clarity to somebody else. As the transition period continues and we know more, we will engage with them totally.

Mrs D Kelly: I am sure that the haulage companies will be happy for an honest approach to be taken. If you do not know, you do not know.

Ms Robinson: We do have the freight group that I mentioned, so they will be well aware of the issues and the work that we are doing. Through that, we are also well aware of the issues that they have, and we are taking those on board.

Mrs D Kelly: What impact is the wicked attaching of a bomb to a trailer on 31 January having on security? What discussions is the Department having with those agencies, including the PSNI and the port police, harbour police or whatever they are?

Ms Robinson: As I said, officials at all levels are involved in cross-departmental working. I personally am involved in a work stream that includes security, so I work closely with the Department of Justice. The PSNI and Border Force are also represented in that. It is not right in this forum to go into details on that —

Mrs D Kelly: I am not asking for that.

Ms Robinson: — but I am confident that we are on top of the potential issues that may arise.

Mrs D Kelly: That is good to hear. Thank you.

Mr Boylan: Just a wee point, and I am not sure whether Hansard is going to be able to record this or not. This is where we find the difficulty: we are getting a briefing, we have responsibility for infrastructure, and tied up in all that are past comments on the labour force. I appreciate that there has been joint cooperation, but it looks as if the silo is there, and that is why I was asking you when we made a decision a couple of weeks ago.

We need to coordinate all this, but the most important thing is that the industries have their input. Most of our questions today are trying to get answers for constituents who have been engaging with us. I appreciate that it is early days, but we have only nine months to get this right. What I am trying to explain is that we need to coordinate all this together — all the Departments. I appreciate whose responsibility it is, but we need to feed into all that because we are getting the overall picture. People

out there are not asking us which Department is responsible; they just want answers, that is all. I am just putting that out there.

The Chairperson (Miss McIlveen): I very much accept what you are saying, but to be fair to officials —

Mr Boylan: Oh, no, no, I appreciate —.

The Chairperson (Miss McIlveen): — they have been working now over the past three years in a very difficult situation [*Inaudible*] either, but at the same time —

Mr Boylan: Oh, no, Chair, I understand and appreciate that. Constituents, likewise, have been asking us questions for three years. Do you understand me? I appreciate that we work collectively.

Ms Robinson: I do totally, and if there are issues that stakeholders are raising with you, feel free. You can contact me at any time, and I will take on board anything you have been asked.

Mr Boylan: I appreciate that, but the point I am making is about government working together and us collectively. I am not picking on any individual.

The Chairperson (Miss McIlveen): There is a certain amount of information that they can share with us at this stage that is within their own competence, but I suppose we will return to this again. There is a Brexit subcommittee that has been established, and no doubt there will be further engagement as well. There is a certain onus on all of us too, because we have not been in position either for the past three years.

Mr Boylan: I appreciate that, Chair. I am just flagging that up now early days.

Mr Sutherland: I would like to try to give you a little assurance on this. Obviously, over the course of the withdrawal negotiations over a three-year period, the structures that were put in place matured and were actually very effective. There were a lot of cross-departmental work streams that this Department sat on, including the trade-related issues, the mobility issues and the issue of the movement of people and goods. We were party to all of those discussions. We were not necessarily leading those, but we had the opportunity to feed into those. We used our stakeholder involvement to try to make sure that the issues that we were hearing were finding their way into the central discussions. We are not at that stage in terms of moving into the transition phase; the structures that we have in place are not necessarily mature at this time. I think that they will get there, but a good starting point for this is the establishment of the Executive's Brexit subcommittee. I think that that could be a potentially very effective structure to allow those kinds of conversations to make sure that they are actually being centralised and considered holistically.

Mr Boylan: It is just that we are in the middle of it all, but I appreciate it.

Mr Muir: Just picking up on the previous point from Mrs Kelly on security, I thank the officials for all the work that is being done on that. It is not easy, and I know that there is quite a lot of cross-departmental working on that. It is important that we continue that to secure the safety of everyone. The briefing refers to ports and airports and says that:

"There is a recognition that the department may face demands for involvement in some aspects of physical infrastructure planning",

so it is around infrastructure. There are elements of that that will relate to the Department for Infrastructure, but also in relation to DAERA and the stuff that it is going to do. Can you provide an update on how that interdepartmental working with DAERA is occurring and how you are interacting with that Department as it is progressing with its work? There is quite a lot of crossover with the infrastructure at the ports.

Ms Robinson: This Department's responsibility is largely around the regulatory aspects of the ports. I am aware that there had been some very early work done on the infrastructure, and I am going back to my time in Agriculture, so this is not an update position by any manner or means. In that work, some thought was given to what that infrastructure could look like if we needed it, but again I go back to the

point that at the moment there is lack of clarity around what, if any, checks will be needed. We are working quite closely with Agriculture; because it is my former Department, I have very good contacts there and we work very closely. As Jim said, we are also working through the Executive subcommittee and through all the other structures that are available to us. For example, every Friday morning, we have a senior users group meeting, which I attend and where DAERA and the Department for the Economy are represented. We have very good joined-up working, and we are all aware of where we are at. There are some issues around what that infrastructure will be and how it might be facilitated going forward, but we still need some legal clarity on that.

Mr Muir: Is it about legislation to facilitate it, or is it about areas to put it?

Ms Robinson: It is really around the legal responsibilities for different Departments or different parts of government.

Mr Muir: You are trying to get clarity on that at the moment?

Ms Robinson: Yes.

Mr Muir: I think that that is quite important. I am just thinking timescales here. There is a lack of clarity, but the clock is ticking down.

Ms Robinson: I am very conscious of that.

Mr Boylan: It has been winding down for a long time.

Mr Muir: There is going to be an element of contingencies and all the rest of it around that, so I think that it is important that we continue this engagement.

Ms Robinson: Very much so.

Mr Muir: Thank you for coming along.

Mr K Buchanan: I am conscious of going over old ground, but my colleague referred to the fog lifting, and my point is on the issue of haulage drivers going from North to South, not that I am saying that one is more important than the other. When do you see that fog lifting and there being a bit of clarity for those drivers as we come to the end of the transition period? When do you see that there will be clarity for a family going for a day trip in a car — whether it be insurance, as you refer to here, or licensing — or for haulage? When do you see that fog lifting and some clarity going out to those sectors or individuals?

Ms Robinson: We know that negotiations on the protocol and withdrawal are due to start very soon, within the next couple of weeks, so I could see that the fog will start to lift and we will start to get a bit more clarity. The outworkings of that may take some time. In relation to the likes of insurance, I think that we already have a fair bit of clarity.

Mr Starritt: With regard to motor insurance, at present, we are working on the basis that green cards will be needed. The green card is basically evidence that you have appropriate insurance cover. The UK has applied for membership of the green-card-free circulation zone. If we get that, it is effectively business as usual — you do not need to do anything, you do not need to carry a green card. We are waiting on that to be ratified and implemented by the Commission. We are still hopeful that that will happen. Even if it does not, carrying the green card is the contingency option. There should be no difficulty, motor insurance-wise. We do not anticipate any problem there.

Mr K Buchanan: Fair enough.

The Chairperson (Miss McIlveen): Thank you very much for meeting us this morning. I suppose that the key issue from all this is that there is a lack of clarity. It would be useful if you came back in the not-too-distant future just to give us an update on where you are, particularly in relation to the legislation. That would be useful to us, particularly when we plan ahead what we wish to do as a Committee.

Ms Robinson: We will be happy to do that.

The Chairperson (Miss McIlveen): Thank you very much.