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Northern Ireland Assembly

Tuesday 2 February 2021

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

Members observed two minutes' silence.

Assembly Business

Ministerial Resignations and Appointments

Mr Speaker: I have received notification from the First Minister and deputy First Minister that, at midnight on 1 February, Mr Edwin Poots resigned the office of Minister of Agriculture, Environment and Rural Affairs and Mr Gordon Lyons resigned the office of junior Minister. I have also been informed by the nominating officer for the Democratic Unionist Party that Mr Gordon Lyons has been nominated as Minister of Agriculture, Environment and Rural Affairs. Mr Lyons accepted the nomination and affirmed the Pledge of Office in my presence and that of the Clerk/Chief Executive this morning, Tuesday 2 February 2021. I also received correspondence from the First Minister and deputy First Minister that Mr Gary Middleton has been appointed to the office of junior Minister. Mr Middleton accepted the nomination and affirmed the Pledge of Office in my presence and that of the Clerk/Chief Executive today, Tuesday 2 February 2021.

I am satisfied, therefore, that the requirements of Standing Orders have been met.

I take this opportunity to wish our colleague Edwin Poots a very speedy recovery. Our thoughts and prayers are with Edwin and his family at this time.

Committee Business

Committee Deputy Chairperson Appointment

Mr Speaker: I have been notified that Ms Karen Mullan has resigned as Deputy Chairperson of the Committee for Education with immediate effect. At the same time, I received notification from the nominating officer for Sinn Féin that Mr Pat Sheehan has been nominated to fill the vacancy of Deputy Chairperson of the Committee for Education, also with immediate effect. I am satisfied that the requirements of Standing Orders have been met.

Matter of the Day

Condemnation of Threats to Workers at Border Control Posts

Mr Speaker: Mr Stewart Dickson has been given leave to make a statement to condemn threats to workers at border control posts, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called to speak, they should rise in their places and continue to do so.

All Members will have up to three minutes to speak on the subject. I remind Members that I will not take points of order on this or any other matter until the item of business has finished.

Mr Dickson: Thank you very much, Mr Speaker, for the opportunity to speak this morning. Before I commence on the Matter of the Day, I want to add to your words about former Minister Poots and to wish him well on the difficult health journey ahead of him, some of the aspects of which I am personally all too aware of.

We will all be aware of the news today and, indeed, over the last week about the unacceptable threats made against staff at the port of Larne. The matter escalated yesterday, when Mid and East Antrim Borough Council, together with the Department, had to take action to withdraw environmental health and DAERA staff from the port of Larne and the port of Belfast. First and foremost, my concern is for the staff, who have been placed under that totally and utterly unacceptable threat. What we need to do today is ensure that a calm atmosphere is created so that the council, DAERA, the PSNI and all those involved in the safety and security of the staff can work together on the issues around the threats to provide an opportunity for a proper and safe return to work for the employees. Sadly, I know all too well what happens when there is unrest in somewhere such as East Antrim. I have received personal threats, and my office, as Members will be aware, was attacked on previous occasions. I sincerely hope that we are not heading back into that situation.

I, for one, want to work hard to ensure that we have calm, cool, collected thoughts on the issue. That is my appeal and my pledge today. Over the last number of weeks, on public media and social media, we have seen a situation that could perhaps be described as being "heated up". Today, I want to hear the Assembly cooling all the rhetoric to ensure that people can go

about their daily duties in delivering for us in Northern Ireland. The last thing that we want to do in the Brexit debate is add further barriers. My appeal today is that we have a calm and rationale discussion and work to ensure that all those employees can return to work as soon as possible.

Mr Irwin: First, I offer my best wishes and prayerful support to my good friend and colleague Edwin Poots, as he takes what, I hope and trust, will be a short break from ministerial duties to undergo emergency surgery. I also pass on the good wishes of many of my constituents who have enquired about his health in recent weeks.

On the Matter of the Day, the threats to staff at Larne port must be condemned. I ask those behind that sinister activity to desist immediately. People going about their daily work should not have to face such sinister attention. I support the council decision to remove staff from those positions, given the real and obvious safety concerns. I understand that it was a unanimous decision taken by the entire council. I was contacted on Saturday by the PSNI on the back of social media misinformation and a veiled threat against me. That, too, is unacceptable and amounts to an attack on the democratic process and politics.

All that being said, there is also an important and very real issue in the unionist community at this time, and that is the absolute rejection of the Northern Ireland protocol. The protocol is viewed in the unionist community as completely negative and distasteful. Sadly, as we know from many years of troubled history in Northern Ireland, there are those at the fringes of the community who will use those opportunities to flex their muscles. That is the sad reality of these circumstances. I urge unionism to unite and deal with the protocol in an exclusively peaceful and democratic fashion and focus on the source of the problem. That is the only available path to removing what has been foisted on us. East-west trade and the movement of goods must be restored immediately, but it must be achieved peacefully and democratically.

Ms Dillon: My thoughts are with the members of staff who have been threatened and with Stephen Farry, whose constituency office was attacked and daubed with the words "RIP Good Friday Agreement". We all know that that is not the case. That is why we are here. I want to be clear that the source of the problem is Brexit. The Brexit that you argued for, the Brexit that you wanted, the Brexit that you paid millions of pounds to campaign for in the North and that

lost the vote in the North. Let us be very clear. The source of the problem today — a real and live threat around getting food into this place — is the threat, not the protocol.

I thank Mr Dickson for bringing this to the Floor of the House today. As he said, we need to have cool heads, we need to temper our language and we need to know that the tone that we set in this place is what will happen outside. For us to not take full responsibility for that is disingenuous. What we say and do in here will have a massive impact on what happens out there. If people in the unionist and loyalist community do not feel that you are representing their views in this place, you need to speak to them, meet them, talk to them, listen to them and represent their views properly, in the proper fashion in the House and in a democratic manner. You should not allow threats to be made against staff or allow attacks on Stephen Farry's, Stewart Dickson's or anyone else's constituency office. It is not acceptable, and we all have to be careful. That includes social media. If people do not have cool heads, they should keep their hands off their phones. That is my advice to everybody. Be careful, be temperate, watch your tone and keep cool heads because we have big responsibilities to look after people here.

I sincerely hope that any threats made against any member of staff, at the ports or anywhere else, will be withdrawn immediately. We all have to accept responsibility for our tone and those whom we may influence outside this place. That includes me and everybody in the House, including the Members opposite. I ask you to seriously think before you speak.

Mr McGlone: Like others, I condemn the threats against staff at Larne port. I just heard William Irwin mention a threat against him: William, that is reprehensible as well and is to be roundly condemned, as is the attack on Stephen Farry's office that we have just heard about. This behaviour is despicable; it is disgraceful. We all have a duty to calm things down. Today is not particularly a day for politics. The type of politics that today is about is paving the way ahead.

We know what the problems are. The problems are there, and they will be there for the foreseeable future if we continue to crank it up. The politics that we are about today and should be about is calming down the atmosphere, looking at the individual problems and seeing how we can resolve them one by one. We need to go about the business that we are elected to do: to be there for the betterment of society and the community.

With specific regard to the threat at Larne, those young women — they mostly are young women — have been left there in that dilemma. I have been contacted by some of the families, and it is despicable and disgraceful. The council has a duty of care to its employees, along with the PSNI and us, as elected Members, to work collectively to bring calm to the situation and address those issues. If people are engaging in illegal behaviour by collecting car registration numbers, spraying threatening graffiti and that type of stuff, they have to be identified and brought before the courts. The duty of all of us is to bring it down, calm the situation, identify the issues and address them collectively and calmly, to pave the way forward for the society that we are here to represent and to bring about a spirit of accommodation and reconciliation, not a spirit of division.

To conclude, I will use the occasion to send my best wishes to a good friend of many years, Edwin Poots. I wish him well in his post-operative recovery. I hope that it will not be too long before he is back holding the reins at the Department.

10.45 am

Mr Beggs: I, too, send my best wishes to Edwin Poots. Hopefully, he will have a speedy recovery.

I unreservedly condemn the threats against all border control staff at Larne and, indeed, Belfast harbours. Let us be clear: there should be no place for violence or the threat of violence, but, for that to happen, we all need to look carefully at what we do and at what we have advocated. The British Government have reached an agreement with Europe and set themselves in terms of the Northern Ireland protocol. However, those protocols are not set in stone. Already, we have seen adjustment. There needs to be a clear reflection on those protocols, and we need to make sure that they are proportionate and reasonable. What has been introduced, however, is not proportionate or reasonable. There is growing discontent within the unionist community, and I can see that only growing as more and more people recognise that they have difficulty buying seeds and plants and in being able to get a small parcel or goods delivered to them. Therefore, there needs to be adjustment and reflection. I plead to all parties that may have fought hard against a hard Brexit: we have what we have. I ask all those who then pressed for a hard, full introduction and implementation of the Northern Ireland protocol to think carefully about what they have done. They are causing discontent and instability. I urge a rethink. There are the

interests of the EU, of the Republic of Ireland and of everyone who lives in Northern Ireland to be reasonably accommodated.

The Ulster Unionist Party has always advocated freedom of movement, North/South and east-west. A hard border in the Irish Sea is causing significant problems, and the protocol needs to be changed. Again, I say that all of us need to reflect on what we have advocated. We need something that the entire community can buy into.

The Belfast Agreement indicated that Northern Ireland's position would change only with the agreement of the people of Northern Ireland. The hard border down the Irish Sea has changed that and has the potential to create economic and political instability. We all have an interest in avoiding that, so I ask everyone in the Chamber to reflect on where we go from here and to urge for changes in the disproportionate, hard Northern Ireland protocol.

Mr Speaker: The Member's time is up.

Mr Allister: I join in the best wishes to Edwin Poots at this difficult time for him and his family.

Violence is wrong and always was wrong; threats of violence are wrong and continue to be wrong. I have been very clear that, even though this is an iniquitous, damaging, hateful protocol that is unstitching the union between Great Britain and Northern Ireland, it needs to and must be fought politically. It is the failure of effective political action that opens the door to have other miscreants with wrongful motives fill a resulting vacuum.

Last night, DAERA withdrew staff from the ports. If it had done that, not in face of threats, but as a bold political move, saying, "We're not going to enforce the partition of the United Kingdom", there would have been less scope for anyone to issue threats and make trouble to staff. That is a lesson in itself. It is political action that is seen to be effective and determined that is the best antidote to threats of this nature.

Before people get too sanctimonious, let me say to the House that the border between the EU and the United Kingdom is in the Irish Sea because of threats of violence if it had been put in the place where it should be. It was the implicit — nay, sometimes explicit — threats that violence would return to the island of Ireland if ever there were a border, such as it even would be, on the island of Ireland because

of Brexit. Let people remember that some were happy to ride in the shadow of that threat to force the border to the Irish Sea.

As for Sinn Féin, I will take no lectures from a party that, to this very day, justifies the most heinous violence of the IRA's terrorist campaign. Let us be clear: violence can only sully a just cause. Violence, or the threat of violence, has no contribution to make, and —

Mr Speaker: The Member's time is up.

Mr Allister: — it must be given no place but —

Mr Speaker: The Member's time is up.

Mr Allister: — instead be faced with active political activity.

Mr McGuigan: I thank Stewart Dickson for bringing the Matter of the Day to the Chamber. I also send my best wishes to Edwin Poots and his family through this difficult time. As Deputy Chair of the AERA Committee, I look forward to working with Gordon Lyons in what, hopefully, will be a short time frame.

I condemn the threats against workers at Larne and Belfast ports. There can be no place for threats such as these, from wherever they emanate. They need to be lifted immediately. Everyone should be able to go to their work free from fear and intimidation. I spoke to the police this morning and requested further meetings. The PSNI needs to identify and establish quickly who is responsible for the threats and to take action against those responsible. The workers from Mid and East Antrim Borough Council and DAERA need to be back at work as quickly as possible to carry out the necessary checks so that further frustration is not caused at our ports.

My colleague Declan McAleer, the Chair of the AERA Committee, has also requested meetings with DAERA so that we can establish the facts and get the issues resolved as soon as possible.

Politicians in the Chamber must use language responsibly and draw the heat out of the situation. I am curious about what Mr Allister said. He seemed, on the one hand, to be condemning those who were issuing threats, but, on the other hand, asking the AERA Minister and officials to break international treaties and the law in some way. The Member needs to clarify that.

Brexit is a reality and so is the protocol. Threats at Larne and Belfast ports, or against elected representatives and others, will not change any of that. In the Chamber, we need to use our time wisely and calmly to resolve any issues that we can in the Irish protocol to allow freer trade east-west and along this island. We need to stand collectively against these threats and deal with the issues at hand through the mechanism of politics and nothing else.

Ms Bailey: I also wish Edwin Poots well. I am pretty confident of his speedy recovery.

I thank Stewart Dickson for bringing this Matter of the Day. It is 2021, and it is absolutely shameful that, in Northern Ireland, people are being stopped from going to their work. No one should be put in that position. We will, of course, await the PSNI's assessment of the situation.

It is equally shameful that elected reps are being targeted. All this is being done in the name of the protocol, but nobody likes the protocol. The House voted against the protocol and the withdrawal Act. Brexit is absolutely the problem. Brexit split the regions of the UK, and Brexit remains the problem. There is no good Brexit for Northern Ireland; there was never going to be a good Brexit for Northern Ireland. Those calling for the removal of the protocol need to come forward with credible solutions before whipping up tensions and marching people to the top of the hill and leaving them there all by themselves.

We almost look back to the halcyon days of Theresa May's withdrawal agreement and the deal that she was able to propose as a solution. When people in the House speak of breaking delph, nooses tightening and acts of aggression, we become part of the problem, rather than giving solutions. Let us look at where we are and at creating solutions in the best interests of all the people in Northern Ireland, not just at some people's interests and at maintaining divisions.

Mr O'Toole: First, I send my best wishes to the Agriculture Minister, Edwin Poots, as others have done. I hope that he is back at his job soon. I also stand in solidarity with any workers who have been affected by what has happened at Larne, and with Stephen Farry, on whose constituency office graffiti has been daubed.

As others said, it is extremely important that we approach the issue with extreme sensitivity of language. I have always endeavoured to do so. It is important that we understand what is

happening here. Yes, it is important that, first, we acknowledge that Brexit is the root of the issues that we face, but I do not want to completely rehash all the debates around Brexit. It is important that we focus on the situation in relation to the Northern Ireland protocol.

First, many of the checks that are being carried out at Larne and Belfast are a continuation of some that were happening long before Brexit, and, indeed, long before the Good Friday Agreement, as plant and animal products entered the island of Ireland. The fact that the UK has left the EU sanitary and phytosanitary area means that, unfortunately, there have to be certain controls on plant and animal products. Do we want to see easements, greater information and the protocol being made to work? Absolutely. I agree with a lot of what others have said about that. However, let us be clear about what that means: this is a continuation of checks that, in many ways, have already happened. That is not to say that Brexit and the protocol have not brought real changes; they have.

Secondly, it is also worth saying, as people talk about the political context, that the withdrawal agreement renegotiated by Boris Johnson — it is not, I have to say, to my or my party's liking — includes a consent mechanism. Therefore, the people who talk about the lack of consent in relation to the Northern Ireland protocol should reflect on the fact that there is a consent mechanism. People who are feeding into the idea that this is somehow happening in an anti-democratic way or in a way that is without people's consent should reflect on the fact that a consent mechanism is built in.

Finally, I go back to what others have said, which is that this is a unique society. It is important that we all speak carefully and in even tones about the challenges that we face — and we do face challenges. We are in no doubt about that. We want to make it work. Furthermore, the rule of law is completely sacrosanct. None of us can talk out of both sides of our mouth when it comes to the rule of law, saying that it should be upheld but then saying x, y and z. The law is the law is the law.

Mr Speaker: The Member's time is up.

Dr Aiken: I thank Mr Dickson for bringing the matter to the House. I join others in sending my best wishes to Edwin Poots. Having been in a similar situation to his and Mr Dickson's in the past, I know that he has a long journey ahead. I also send my best wishes to Gordon Lyons and Gary Middleton as they assume their duties.

As leader of the Ulster Unionist Party, I condemn wholeheartedly the graffiti daubed on Stephen Farry's office and, indeed, I understand, on the office of Kellie Armstrong, and the threat against William Irwin. There is no rule anywhere in Northern Ireland that says that politicians should be threatened in any way. It undermines the democratic process. One of the reasons why we believe strongly in being British and in being in the Union is that we abide by the rule of law and, indeed, we ensure that we do not accept threats, no matter where they happen to be. The Ulster Unionist Party completely condemns any attacks on workers. Any attempt to stop people going to their work is unacceptable.

11.00 am

However, there is an issue here, and you are quite right, Mr Speaker, that we need to be very careful with the language that we use. The issue here is with the Northern Ireland protocol. Yesterday, the Ulster Unionist Party put forward very sensible solutions to try to deal with the situation in order to reduce tensions so that we do not have these issues of rising anger from people across Northern Ireland on everything from seeds to the movement of armed forces. Somewhere in the region of 2,500 pieces of legislation will be imposed upon us in this Assembly that we will have absolutely no say in whatsoever.

I understand that the vice president of the European Union and Michael Gove will this week be meeting the First Minister and deputy First Minister to talk about derogations, and the EU Commission has recognised that there are some significant issues. It talks about a reset. We have put down a framework for that reset, and the way to do that is to make sure that the protocol does not completely undermine and trash the Northern Ireland economy, which, quite frankly, it is beginning to do. We need to do something about that, and the easiest way to do that is to invoke article 16 and look carefully at annex 7. Then we can spend the next two to three months renegotiating, with the people of Northern Ireland at the table and the elected representatives from our Executive being full and equal partners in those discussions to make sure that we get those derogations across the line because, no matter what we say, we have to move on from this issue.

Mr Blair: Before I say anything about the Matter of the Day, I add my support to that expressed for Edwin Poots and send him every good wish for a full recovery.

I echo the words of others who have said that all threats to staff are serious. That includes threats to Members of this House and their staff. I want to make it clear that I stand with Kellie Armstrong, Stephen Farry and their staff in that regard. The safety of those working in Northern Ireland ports is also a matter of absolute priority as we navigate a resolution to current issues. Everyone has a right to go to work without fear, and I condemn intimidation or threats made to staff carrying out their important work at our ports. In my capacity as a member of the Policing Board and as a member of the AERA Committee, I support the staff of both organisations and will work with political colleagues to reduce tensions.

As we discuss the implications of actions today, we must be aware that any disruption caused to our supply chains, with physical inspections of products of animal origin being temporarily suspended, will impact everyone in our society. Senior Ulster Farmers' Union officials have already expressed their concern today that the supply of food may be affected by the suspension of checks. Supply chains were already strained with increasing pressures as a result of the health pandemic and Brexit complications, but trade must continue to flow. Further delays will have associated complications and increased costs. I am aware that preparations are being made for the AERA Committee to be updated fully at the earliest opportunity on those matters, and I put on record my thanks for the swift response by the Committee Chair and officials to my request late last night in that regard.

Speaking as a member of the Policing Board, I fully expect that members there will be briefed as soon as possible, and, hopefully, members of that body will resolve to offer full support to the police as they brief on and handle these issues, police the pandemic and police the community, all against the backdrop of dissident terrorist threats. In closing, with growing tensions reported in the community, I appeal to everyone to remain calm, dial down the rhetoric and follow police advice.

Mr Speaker: Members, time is up. I thank all the Members who have contributed to this Matter of the Day in relation to threats. I thank them for their contributions, for the moderation in their remarks, and for their condemnation of the threats to workers in the Larne port area and in the offices of a number of Members of this House.

Assembly Business

Public Petition: Ballycastle to Ballymoney Greenway

Mr Speaker: Mr Philip McGuigan has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak. For the avoidance of doubt, that means up to three minutes.

Mr McGuigan: I am presenting this online petition, which was created by a group of concerned citizens who title themselves the Ballycastle to Ballymoney Greenway Supporters' Club.

As I said, the petition is online and contains 1,123 signatures. I am submitting it today for the attention of the Infrastructure Minister, but it will also go to Causeway Coast and Glens Borough Council, as both have a part to play in shaping funding and realising the project.

The petition states:

"We are signing this petition as a demonstration of our full support for the development of a Greenway linking Ballycastle and Ballymoney.

We believe that development of a Greenway ... will result in a range of economic, social and environmental benefits.

A Greenway ... will produce economic benefits for both, resulting from the increased footfall the Greenway will stimulate from local residents, domestic visitors and international tourists.

Furthermore, with a creative design, the Greenway could include a variety of entry and exit points to include the tourist popular Dark Hedges and linkages to rural villages including"

Dervock as well as:

"Armagh and Stranocum. This would catalyse additional economic opportunities. Benefits will include new employment opportunities such as cafés and refreshment breaks at entry and exit points, walking and cycling tour guides and the maintenance of the Greenway."

A further benefit would be bicycle hire shops.

The people who are responsible for organising the petition understand that the greenway project is about much more than creating a 30-kilometre route along the old Moyle railway line. The 1,123 people who signed the petition know the potential value of the greenway to them, the community in North Antrim and the current and future businesses in the towns and villages on its route. They know the potential for children and families, who will have a safe, clean and green place to exercise their physical and mental health. It is because they know all that that they want to translate that potential into action. They want the Department for Infrastructure to work closely with the council in order to make the greenway a reality and to do so without delay.

We in the Chamber often talk about active travel and our commitments to it but, in reality, not enough happens beyond that. When we see the other side of the COVID pandemic, we will still need to do more to tackle our health and to implement the practices that we talk about in the Chamber in order to create a healthier population and relieve pressure from our hospitals and NHS staff.

We also agreed in the Chamber that we are in a climate crisis, but we still prioritise infrastructure for cars over walking and cycling. If we are to match our ambitions, we need action, serious intervention and serious funding to do so. In the South, greenway projects received over €100 million in 2018, and, a week ago, the Government announced funding for 248 new jobs to create walking and cycling facilities.

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

Mr McGuigan: How about we match that ambition and funding?

Mr Speaker: The Member's time is up.

Mr McGuigan: OK.

Mr Speaker: As the Member knows, I would normally invite him to bring his petition to the Table and present it. However, in light of social distancing, I ask the Member to remain in his place, and I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister for Infrastructure and send a copy to the Committee.

I ask Members to take their ease for a moment or two before we move on to the next item of business.

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

Ministerial Statement

Alternative Awarding Arrangements for CCEA Qualifications in Summer 2021

Mr Deputy Speaker (Mr McGlone): I have received notice from the Minister of Education that he wishes to make a statement. Before I call the Minister, I remind Members that, in light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear the statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called. They can do so by rising in their place; just give us a wee bit of notice before doing so.

I remind Members to be concise in asking their question. This is not an opportunity for debate, and long introductions will not be allowed. I also remind Members that, in accordance with long-established procedures, points of order are not normally taken during a statement or the question period after it.

Mr Weir (The Minister of Education): With your permission, Mr Deputy Speaker, I wish to make a statement outlining to the House arrangements for awarding Council for the Curriculum, Examinations and Assessment (CCEA) qualifications this summer in the absence of examinations. I will set out the arrangements for GCSE, AS, A-level, occupational studies and CCEA entry level and vocationally related qualifications.

As Members will be aware, it was my intention that exams should go ahead this year if at all possible. I previously announced a range of adaptations to the planned examinations to ease the assessment burden on students and take account of the disruption that they have experienced. There is no doubt that examinations are the fairest and most robust method for awarding qualifications. It was, therefore, my hope and expectation that we would be able to deliver these. However, I had to announce, on 6 January, that it was no longer possible for exams to proceed as planned due to the worsening public health situation.

I am very aware that our young people have been affected by the situation and that many are anxious about their future. My priority, therefore, is to ensure that those taking

qualifications in 2021 will not be disadvantaged by the COVID-19 outbreak. I hope that the details that I lay out today will ease some of those anxieties and provide the clarity needed so that students can move forward.

However, there is a careful balance to be struck between facilitating progression and ensuring that learners are fully prepared for the next stage of their lives, be that in education, training or employment. Of equal importance to the awarding of grades is that we find a way to maximise the remaining time in the school year for learning and teaching and that we support young people to acquire the knowledge of content, skills and understanding that they need to advance to their chosen next stage. It is, therefore, vital that schools continue, as far as possible, to teach the content essential for progression. I encourage every young person to remain engaged in their education, whether face to face in the classroom or through remote learning, right up to the end of the academic year.

Earlier in the academic year, my officials instructed CCEA to prepare contingency arrangements that would be deployed should exams be cancelled. Since 6 January, my officials have been working closely with CCEA to refine those proposals for alternative awarding arrangements. In doing so, they have engaged with the Education and Training Inspectorate (ETI), as well as a wide range of stakeholders, including school leaders, trade unions, managing authorities, parents and, very importantly, young people.

While I had hoped that we would not be in this situation this year, it should be recognised that we are in a far better position than we were last March. We have the experience of last year to draw on, and lessons have been learned.

As Members will be aware, I proactively commissioned an independent review of the 2020 awarding arrangements, which was recently completed by Deloitte and which I published on 8 January. The lessons learned in this report have been taken into account in finalising arrangements for 2021. They include more weight being given to the professional judgement of teachers. This year, there will be no statistical standardisation using an algorithm. There will be a direct link between the grade awarded and the actual work completed by the learner. There remains alignment with the approaches across the other UK jurisdictions. Equity and fairness are at the core of the approach that has been developed. There will also be moderation of centre assessments in and across centres.

In refining arrangements, my officials and CCEA have been working to a set of underlying assumptions. All students, including private candidates, who are in their final year of study and due to progress to the next stage of learning or work will receive a grade. Focus will be on the establishment and implementation of robust processes so that students can receive a fair and accurate grade to allow them to make the right choices in relation to progression.

Additional training and support will be provided to teachers, heads of departments and heads of centres to assist them in undertaking the assignment of grades. That will also assist with the internal and external quality assurance processes, with the aim of having more consistency in approach across centres. Finally, no student should be penalised for being unable to complete any part of the course, including a non-examination assessment, during a period of school closure or self-isolation.

11.15 am

CCEA will not set a statistical ceiling on grades. Each school and college will determine outcomes for its students based on the evidenced standard at which the student is performing. It is likely, however, that, across our system, overall grade outcomes in 2021 will be broadly similar to those awarded by centres in 2020. Last year, we asked schools and colleges to make a judgement as to the grade that they expected their students most likely to have achieved in their examinations had they gone ahead. At that time, learners had almost completed their courses of study and were well advanced in their preparation for timetabled examinations. It has to be acknowledged that the cohort this year has experienced significant disruption to their education across two academic years. It would, therefore, be unreasonable to ask teachers to make a judgement about a learner's grade had an examination taken place. Centres will, therefore, be asked to use a range of evidence to arrive at a judgement of the standard at which each learner is performing in the context of the specification being studied.

CCEA will provide guidance, support and training to help teachers to make holistic judgements to deliver centre-determined grades. We are asking teachers to use the full breadth of experience that is available in the context of the specification to arrive at a judgement about what each learner knows, understands and can do. Due to the different degrees of disruption experienced by

individuals and across different schools, it will be important that teachers have the flexibility to draw on a wide range of experience to inform their judgement. They will, therefore, be able to draw on evidence generated that relates to any part of the specification. To assist teachers in that process, CCEA will also make available to all schools and colleges assessment resources that may be used as part of the broad portfolio of evidence. Those resources will be repurposed papers, which will provide unseen questions and an associated mark scheme.

I stress that the use of those resources will be optional for schools. They can be used to support their judgements. They are not exams and should not be treated as such. The assessment resources can be used alongside a range of evidence. The emphasis should be on a broad portfolio of evidence, not a single source. If a learner indicates that they want to take an assessment in circumstances in which the school is not providing that generally, it is recommended that the school facilitates that request, provided that the school feels that the subject content has been covered in a way that enables the learner to complete all or part of the assessment resource. Although assessments using those resources should not be the sole evidence used to support a judgement, there may be exceptional circumstances in which it is the only evidence available, such as, for example, in the case of a private candidate. Examination centres should ensure that private candidates can be facilitated to take any necessary arrangements to ensure that there is sufficient evidence on which to award a grade.

There will be five stages to awarding GCSEs, AS and A levels. In stage 1, training, support and guidance will be provided by CCEA to schools. Guidance will be provided on how to arrive at holistic judgements and the evidence that may be used. Schools will develop internal moderation processes, and CCEA will provide schools with best-practice exemplars. Before moving on to the next stage, the processes that schools intend to deploy this year will be reviewed. CCEA will issue guidance to heads of centres throughout February, with training commencing during the same period. Schools and colleges have already begun to enrol for that training.

Stage 2 is the provision of assessment resources and the evidence-gathering process. In that period, schools will wish to give further opportunities to candidates to demonstrate what they know, understand and can do. Schools can use evidence of students' performance against the specification. In order to promote ongoing engagement by candidates

in teaching and learning during the coming months, schools can utilise evidence from the current period of remote learning, as well as when candidates return to school. In April, to support the evidence-gathering process, CCEA will provide schools with assessment resources digitally for all students. That will enable schools to begin the process of gathering evidence, including making use of the assessment resource as necessary.

Stage 3 is the process of determining grades and internal moderation of those grades. During the month of May, schools will complete the process of determining grades and undertaking internal moderation in line with the plan set out at stage 1 and the guidance provided by CCEA. There is no prescribed weighting for any piece of evidence. Rather, the centre-determined grade is the holistic judgement of the standard at which the candidate is performing in the context of the specification that is being studied. Centre-determined grades must be submitted to CCEA towards the end of May. Those are not the candidates' final grades, and centres will be subject to an external quality review.

The fourth stage is the external review of evidence. We want young people, parents, universities and employers to have confidence that grades awarded by different schools and colleges are of the right and consistent standard. In order to ensure fairness and consistency across centres, CCEA will undertake a process to review the process used by centres to determine grades. Throughout June 2021, CCEA will carry out an external quality assurance process to look at the grades submitted by all schools and colleges and will review samples of candidates' work to make sure that the grades submitted accurately reflect the outcomes provided. Work from every school and college across Northern Ireland will be reviewed. Where there are any concerns that the evidence does not support the grades submitted, CCEA will undertake a more extensive review of the centre's evidence, engage in professional dialogue with the centre and, in some cases, may require the centre to rerun its grading process.

The final stage, stage 5, is the distribution of grades and post-award review. As previously announced, the date for results to issue remains 24 August for AS and A levels and 27 August for GCSEs. However, it is important that results are issued to students in Northern Ireland on the same date as candidates in other jurisdictions that share the GCSE and A-level brand, especially in relation to A-level results that are needed for university admissions. The Office of Qualifications and Examinations

Regulation (Ofqual) has been consulting on bringing forward the date for issuing results to early July. We have made it clear with colleagues in the Department for Education in England that that will not suit Northern Ireland schools, and we have urged them to take that into account. CCEA is working closely with awarding organisations and qualification regulators in England and Wales to agree a date and, as soon as it is agreed, will let centres and students know.

Finally, there will be a post-award review service to enable any candidate who is dissatisfied with their grade to appeal the outcome. Candidates will have a right of appeal to their school or college around the centre-determined grade. Challenges to the processes and whether they were followed or implemented correctly or consistently and in line with guidance will be processed by CCEA. CCEA will be working with other examination boards over the coming months to make sure that a similar appeals process is put in place across all examination boards, and further details will be provided in due course. However, I can confirm that I will put in place the same indemnity arrangements as last year to protect schools should they face legal challenges in relation to their role in the alternative awarding process.

All those planning to complete and cash in their qualifications this summer will be awarded a grade. That includes those completing their A-level and GCSE qualifications — mainly year 12 and year 14 learners and those in further education and training — as well as those taking AS qualifications. Grades will not be awarded for individual GCSE units or modules. I have decided that, in years 11 and below, those who may have been planning to cash in GCSE qualifications this summer may not be entered or awarded GCSE qualifications in 2021. There are two exceptions to that, where awarding the grade early may facilitate access to extended learning in the same area. First, those taking GCSE maths who plan to progress to GCSE further maths in year 12 will be awarded grades, and, secondly, grades will be awarded to GCSE Irish students who may progress to GCSE Gaeilge or require it for progression to other courses delivered in Irish. That decision is in line with the statutory duty to encourage and facilitate Irish-medium education.

Candidates in years 11 and 13 will wish to have more information on the arrangements for qualifications in 2022. Therefore, CCEA has been asked to look specifically at the arrangements for years 11 and 13 and the

implications for awarding in 2022. As I mentioned earlier, GCSE units or modules will not be awarded grades this summer, and work is ongoing to consider whether AS grades might be carried forward to the A-level award in 2022. That is quite a complex matter, and I am not in a position to confirm arrangements on those specific issues today. However, CCEA is continuing to explore all options, and I hope to be able to provide clarity by the end of March, or as soon as practical thereafter, concerning the arrangements for awarding GCSEs and A levels in 2022.

I am conscious that these learners have also experienced significant disruption this year, so I will be looking to take steps to reduce the assessment burden in 2022, similar to the adaptations that I have announced for the 2021 examinations.

Alongside the qualifications that I have mentioned, CCEA offers six pathways through occupational studies levels 1 and 2, 14 entry-level qualifications and 26 vocationally related qualifications. Those qualifications have no examinations and are, therefore, not affected by the cancellation of the GCSE and GCE summer examinations timetable. However, the award is based on internal written assessments and practical assessments, which are subject to an external moderation process.

While some public health adaptations were put in place already, with the ongoing disruption, completing the full quota of practical components and other formal internal assessments for those qualifications will be challenging. Therefore, for CCEA's occupational studies, entry-level and vocationally related qualifications, there will be no formal assessment in 2021. Instead, teachers will be asked to use their professional judgement and the evidence available to them in order to reach a centre-determined grade. A moderation process, similar to that for GCSEs, will also be incorporated. I have listened to feedback from teachers and further education colleges and can provide assurances that CCEA will provide detailed guidance and support to help teachers to make those judgements.

I recognise that some learners may be working towards other entry-level or vocational qualifications provided by an awarding organisation other than CCEA. Those qualifications fall under the remit of the Department for the Economy. The Minister for the Economy recently announced the cancellation of all external vocational examinations for the remainder of the year,

including essential skills. Adaptations to assessments will also be required, where possible, for the wide range of vocational qualifications relating to occupational competence, such as a licence to practise. I understand that the Minister has instructed CCEA Regulation to ensure that awarding organisations put in place suitable alternative awarding arrangements that are reflective of this year's particular circumstances and will ensure that those learners receive fair and timely results.

I understand that Minister Dodds expects clarity on the alternative arrangements for the majority of vocational qualifications to be provided by awarding organisations as early as possible in March 2021. In relation to essential skills and other Northern Ireland-only qualifications, the Minister expects clarity on the alternative arrangements to be available by the end of February 2021.

I thank the House for the opportunity to address Members on these important issues. Fairness to pupils is my priority, and that will continue to be at the forefront of every decision I take. In these exceptional circumstances, I have taken exceptional and unprecedented steps to ensure that our young people are supported to progress in education, training or employment.

Again, I commend the work of all our school leaders and teachers for their efforts in these difficult times.

Mr Lyttle (The Chairperson of the Committee for Education): The consequences of last year's algorithm-based grading fiasco continue to be felt across Northern Ireland. I know of at least one pupil who, shockingly, remains engaged in the appeals process for 2021 even at this stage.

What is the Minister's assessment of the impact of 100 days of out-of-school learning on pupils? How will he mitigate that impact in advance of assessments? Has he given any consideration or scoping to the viability of a return to this school year in September 2021 for any pupils?

Mr Weir: Just to clarify, I assume that the Member's last question refers, effectively, to repeating the year. I am just checking. I will deal with that. There is provision, I think, in current guidance that is given to schools and, indeed, to boards of governors, where, for a small number of pupils, the year will be repeated. That was already in place, and there is the opportunity to use that. Doing an overall repeat of the year across the sector would simply not be practicable from a logistical or

financial point of view. It would also mean that levels of education would be held back. There is a strong need, and the Member rightly mentions the days of disruption that have taken place.

It is important to note that there is greater readiness and ability during this phase to provide remote learning. However, it undoubtedly creates disruption for pupils. I am sure that the Member and, indeed, the whole House, would agree that face-to-face teaching is the best possible means of teaching compared with remote learning.

To that extent, when I put to the Executive the paper dealing with the situation between now and March, one of the elements of that was to look at a catch-up scheme, similar to the Engage programme, which would take place in 2021-22 and be funded via COVID money. I will bring the details of those proposals to the Executive, but I have received their agreement in principle for that scheme.

11.30 am

On the broader levels of mitigation within the results side, because we are asking schools to make assessments of the learning profile of our students, it is not a question of making second guesses about what they would have done in examinations, because different pupils will have had different levels of disruption. As such, schools are in a holistic position to mirror out what they believe the abilities of their pupils to be. Consequently, undoubtedly, not only will different schools be in different places but we know that individuals will be in different places. Some, particularly during the first period, will have missed a relatively small amount of time; others will have missed a more extensive amount. The more holistic opportunities are ones that will be able to take account of that and be able to tailor those needs to individual pupils.

Mr Newton: I thank the Minister for coming to the Chamber. He is probably in the Chamber more often than any other Minister.

Minister, I note that your statement indicates that there will be training, support and guidance for schools. The conclusion to your statement outlines:

"Fairness to pupils is my priority, and will continue to be at the forefront of every decision I take."

I do not think that anybody would disagree with that.

What assurances are there that the higher education sector will accept the process of awarding grades that you have outlined?

Mr Weir: I thank the Member for his question. It is important that we ensure that, from that perspective, there is fairness across the system, particularly when it comes to the higher education system, where there is competition between pupils for university places, for instance. It is important that they can compete on a level playing field with others, not just throughout the UK but in the Republic of Ireland and other places. As such, if the slope — if I may put it this way — were to be made steeper for our pupils, making it more difficult to achieve the same grades, it would disadvantage them. Similarly, perhaps the less-considered position is this: if circumstances were such that pupils received grades that were perceived to be an awful lot easier to achieve than in other jurisdictions, it would create a level of suspicion. It is also the case that a number of our pupils, particularly at A level, take exams with examination boards outside Northern Ireland.

The level of demand means that higher education providers will see these as valid qualifications. Work has been ongoing between CCEA, as the regulator, and higher education providers. The providers recognise that this is an extraordinary context in which qualifications have been put in place. As such, there is recognition from universities that we have a system here that is within the ballpark of what the other jurisdictions will do. That is the case for UK higher education. Similarly, for those who will seek to continue their studies in the Republic, the Irish Universities Association has been apprised of the Northern Ireland approach and confirmed that it will accept UK results by the exam boards. The regulator has also confirmed that. Hopefully, none of our students should be in any way disadvantaged.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis anseo ar maidin. I thank the Minister for his statement here this morning. I welcome the statement from the Minister, particularly the fact that he has abandoned the failed algorithm and is prepared to put more faith in the judgement — the professional judgement — of our teachers. However, the devil is in the detail, particularly with the assessment models and how moderation will take place.

It is fair to say that the Minister's tenure has been characterised by dithering and delay. Last

year's failed assessment process and the transfer test fiasco are just a couple of —.

Mr Deputy Speaker (Mr McGlone): Gabh mo leithscéal, an bhfuil ceist ag an Chomhalta Tionól?

Mr Sheehan: Tá, tá mé ag teacht chuig an cheist anois.

Like the football manager who has lost the changing room, the Minister has lost the confidence of teachers, parents and children, and, according to the most recent opinion poll, there is also a lack of public confidence —.

Mr Deputy Speaker (Mr McGlone): Gabh mo leithscéal; I have given you a fair bit of latitude already, a Phádraig, but we need a question.

Mr Sheehan: Given all those issues, will the Minister tell us what steps he is taking to address the poor communication and complete lack of transparency that were highlighted by Deloitte in relation to last year's assessment fiasco?

Mr Weir: I was going to welcome the Member to his new role. He has come to the Education Committee via the January transfer window.

Mr O'Dowd: It was a free transfer.

Mr Weir: I do not know what the transfer fee was for the Member.

In terms of the broader issues, we have taken, across the board, in relation to this —. Indeed, I suppose that these announcements, in terms of details, because there is still consultation happening elsewhere, probably predate other groups within that. The Member talks about coming to a conclusion on some of the issues, and he is right about the detail being there. Moderation itself will essentially be internal to the school. There is then, as I outlined in the statement, a level of external assessment on the basis of an iterative process between the schools and CCEA. I gave an assurance that algorithms would not be used. Last year, to be fair, algorithms were used initially in every jurisdiction. It is like seeing the internal workings of a clock; algorithms would normally be used for standardisation every year, but the circumstances of last year made them a concern.

On the broad issue of communications, detailed work will go on between CCEA and the schools. I hope to issue detailed information directly to schools later today. As part of that, over the

next few days, the Department's website will have a "frequently asked questions" section that people can delve into. We will also, hopefully tomorrow, issue a version of that information directly to parents so that they can avail themselves of it. The Deloitte report highlighted the issues with communications quite late on in the day, rather than what was being done in March and April on the policy side. Every effort will be made to explain as much as possible and communicate as clearly as possible.

Mr McCrossan: I thank the Minister for his statement, which will bring some relief to teachers, young people and parents and will finally help to curb much of the lingering uncertainty that he has continually presided over. I am glad that he has finally put the dodgy algorithm tool in the bin, where it should have been last year. Last year, he did not trust teachers' judgement and he ignored all the warning signs. Will he now admit that he and CCEA got it very badly wrong and that he added to the hurt, stress and anxiety of our young people and their parents and teachers? He left tears in the eyes of a lot of young people last year because of his failure to listen and act. Will he now, given that he has admitted in the statement that it was wrong, apologise to those young people so that we can move on and learn from those lessons?

Mr Weir: I am not going to simply play to the gallery on what is quite a serious issue. Some of the Member's remarks are made for a certain level of effect rather than reality. The Deloitte report deals with the full detail of the situation. It is clear that circumstances were such that a lot of problems were created for our young people. The indication from that, with regard to the role of the Department and of myself, was that the policy decisions that were taken last year — this is highlighted by the Deloitte report — were got right. Indeed, on that basis, the situation was around some of the implementation issues.

The Member mentioned the algorithm. As I said, algorithms have been used in normal years. I indicated previously that the arrangements that, potentially, were being put in place for examinations would not have used algorithms. That was adopted not just today but quite a period of time ago. I believe that we have as sound a basis as possible.

You mentioned judgements. I have made this clear, and I think that it will be shared by many: if there were normal circumstances and we were in a position to simply go ahead with examinations, we would do so. Examinations represent the most objective way to assess an

individual, and I think that everyone accepts that. I think that we have found a route that, again, is consistent with what is going to happen elsewhere. We have that judgement, and it is one that will be put in a robust context to make sure that there can be fairness across the board and that external users, be they employers, universities or others, can be provided with a high level of trust in the qualifications that will emerge.

Mr Butler: I welcome the paper, albeit that we will have to look at the detail behind it, Minister. I am sure that it is a relief for you to be able to bring what may be some good news for teachers and students across Northern Ireland today. I have three points that I would like to draw out very briefly. First is the indemnity arrangements for schools; the second is on the centres being asked to use a range of evidence; and the third is on moderation between centre assessments in and across centres.

Minister, there are 16,000 P7 pupils who are in a similar position to A-level and GCSE students, and I believe that today's announcement on the process for the allocation of places in schools is deeply unfair to those 16,000 pupils. I hope that that is taken on board and that there will be a contingency and a better plan for next year's P7 group. Those three things could have been used for those P7s this year.

Of last year's GCSE and A-level pupils, I think that there were —.

Mr Deputy Speaker (Mr McGlone): Does the Member have a question, please?

Mr Butler: Yes, I am coming to it now, Mr Deputy Speaker. Last year, I think that 240 GCSE and A-level pupils were awarded a U grade. Minister, there are a few comments in your paper today that I hope will give some comfort to anyone who is engaged in any course this year, whether at GCSE or A level, that no U grades will be handed out this year. You said that no student should be penalised —

Mr Deputy Speaker (Mr McGlone): Can I ask the Member for a question?

Mr Butler: — for being unable to complete a course. Thank you.

Mr Weir: That was a bit like one of those examination questions where they add the word "discuss" to the end.

Every student will be treated fairly. They will not be unfairly penalised because of levels of disruption, but, as with any grading, there is always the possibility. Indeed, last year, I think that a total of eight people got a U grade at A level, which was massively down from normal years. Given that the grades will range down to U grades, the U grade cannot be taken off the table. Whether in a school context or as a private candidate, for someone who, for example, has not engaged whatsoever there remains the possibility of a U grade, but they will be fairly judged. I indicated that I believe that the standards will be largely on the same basis as the end results in 2020. Therefore, I anticipate that there will be a very small number of U grades, but, if we were simply to rule out a particular grade, that would indicate that the system is not a proper one. U grades will be few and far between.

The Member is wrong in that you are not comparing like with like when you are comparing P7 students with students in years 12, 13 and 14. As part of this, we are able to have, for instance, assessment resources. Pupils are not competing against each other, so it is about how people are comparing within schools. A small number of schools, for instance, will use some form of academic tool in their post-primary transfer as some degree of gateway mechanism, but a lot of schools will have received advice that suggests that that is not necessarily the most robust system. It is up to each individual school. The difference is that transfer is legally and directly the responsibility of the boards of governors of the authorities of each school. To change that would require a change in legislation. I have looked —.

Mr Butler: You could give indemnity to the school.

Mr Weir: Indemnity does take place at times with post-primary transfer.

We give a range of criteria for indemnification. However, by its nature, it does not remove the legal responsibility and authority of boards of governors to make that choice, although it may incentivise particular routes. Legally, whether it is via previous legislation, such as the Coronavirus Act, the Department does not have the power to impose, and that has been looked at in great detail.

Essentially, one of the differences is that a private organisation runs transfer testing but public examinations fall squarely under the remit of the Department of Education. CCEA has direct control of public examinations for

Northern Ireland students, but that does not cover every student, as some use examination boards based outside Northern Ireland. From a legal point of view, from the point of view of public examinations and from the point of view of the quality of information, there is a clear distinction between this and what will happen to P7 pupils. I am sure that is a debate we will come back to, but today is about the public qualifications that happen towards the latter stages of students' academic careers.

11.45 am

Mr M Bradley: I thank the Minister for his statement. Mr Speaker, you will be delighted to know that I have a question. Can practical examinations, controlled assessments and completed coursework form part of the consideration of a student's qualification results?

Mr Weir: Yes. As I indicated, practical circumstances will mean that some of that will be more challenging. However, it will depend on the subject matter. For example, certain elements of practical coursework will be particularly relevant to certain courses. The idea is that CCEA will give guidance and training on awarding, but there is no barrier to the level of evidence that can be produced. Consequently, assessment can take place on a practical basis. In many instances, schools will have already banked that knowledge, particularly from the first term. As we move forward, I hope that there will be other opportunities to bank that as well. There is the flexibility for a holistic judgement to be made rather than it being based specifically on one test, so those things will be able to be taken into account.

Ms Mullan: Minister, I also welcome the statement and the alternative arrangements presented today. Following on from the Chair of the Education Committee, I ask for further clarity on the details of COVID-specific allowances for young people, specifically those whose education was disrupted from September to December. My daughter missed seven weeks of school when remote learning was not in place. I also want to ask you to detail the allowances that will be made for those who are still without an IT device, data or broadband connection.

Mr Weir: Schools will have the opportunity to make allowances. I appreciate that the Member makes cogent points about where we are with the COVID allowances. When we were looking specifically at a COVID allowance, we were

looking at something that would embed a mathematical formula into this. Previously, when we looked at basing it on reduced course content and an examination, you would have had a mark that was then adjusted. That will not be the case with this. Schools will be able to draw on their own experience, not what, they believe, students would achieve if they were suddenly flung into an examination room but where, they believe on a wide range of evidence, the balance of a pupil's abilities in a subject would be. I think that schools will be able to do that. For example, if it is something that has happened not across the school but only to particular individuals, that can be taken into account when arriving at a holistic judgement. The assessment that the school will produce for a child who has been massively disrupted by COVID may be on a different scale. However, because it is holistic in nature it will not be a formulaic process that says that a certain period of time off means that you will achieve a certain mark. The school will be in a good position to make judgements, and that will be taken into account in any assessment.

When CCEA does external assessment, it will not be on the basis of whether an individual student's result is right; it will be about whether the school's broad range has been pitched it at the right level. CCEA will be able to take into account the very specific circumstances facing individuals.

Mr Humphrey: I thank the Minister for his statement to the House this morning. Minister, like others in the Chamber, I welcome the jettisoning of the algorithms, which caused great concern to parents, teachers and, in particular, to pupils. I welcome and congratulate you on that announcement.

Can the Minister assure the House that students from Northern Ireland will not be negatively affected in their exams and qualifications as compared with their counterparts on the mainland?

Mr Weir: Yes. The issue has indicated that, arguably, there are three levels of fairness that we need to ensure. The first is fairness between centres, so that, regardless of which school a student goes to, they will be treated fairly and on an equal basis with one another; that is with regard to Northern Ireland examinations in particular. Secondly, there should be a level of fairness between students from Northern Ireland and students from other jurisdictions, particularly those who will use their qualifications to compete for a place in further or higher education or employment. Thirdly, there needs to be a level of equity between

Northern Ireland students who are doing different courses.

Work has been ongoing with CCEA and Ofqual, and what is being announced today will mean that England, Wales and Northern Ireland should be on a level playing field. It may be that the details of arrangements are not exactly the same, but we believe that there can be a direct comparability and portability. Students will want to be in a position that, either immediately or later in life, whatever destination they take to get what they want to achieve, there will be no barriers. Similarly — this is one of the areas in which there is further work to be done — that is why the Joint Council for Qualifications (JCQ) is looking to make sure that any mechanisms that are put in place across the jurisdictions and between boards for appeals are of a roughly similar nature.

As I said, there are two dangers. It is not simply the danger of making things more difficult for our pupils by having a higher tariff to gain grades; if the CCEA results were seen as some level of easy route or soft touch, that would create a danger for our pupils as well. It would mean that, in some circumstances, universities and others may take a view that our qualification is not worth as much as one from another jurisdiction. This is about trying to maintain, as much as possible, a level of fairness across the board so that there is no disadvantage to our pupils.

Mr O'Dowd: Minister, COVID-19 has accelerated and will accelerate many changes in our society. We now enter the second year without high-stakes examinations in education. Perhaps it will accelerate the debate about the purpose of high-risk examinations in education, but I do not want to test the patience of the Leas-Cheann Comhairle at this moment.

What consultation have the Minister, his Department and CCEA had with the teaching unions in regard to the changes that he is announcing today?

Mr Weir: We have gone through this. In one sense, part of the reason was to try to front-load consultation, rather than back-load it, in order to give people certainty. There would have been the option of simply doing some form of entirely internal process, coming up with a set of proposals and then putting them out to wider consultation for a period of time. However, that only creates a level of uncertainty, so we have been working with a stakeholder group of post-primary principals drawn from all sections: non-academic selective; academic selective; and different sectors. We have also consulted the

teaching unions directly on their position on it. We have had the opportunity to have a level of road testing on this, just as we did with announcements on examinations, with groups of students. That has been done by officials with the idea that, whilst there is no perfect solution, broadly speaking, this is a route that people are content with. One of the obstacles to this is that a couple of aspects require further work. The issue is to get, if you like, the 90% announcement out at this stage, while working on the final details, rather than wait until the end of February or March before we make a picture that covers everything.

Yes, consultation has taken place and will be ongoing as we move towards implementation. The next stage is that guidance will be issued and training will be done in February. It is a cooperative process between schools and CCEA.

Indemnification will not provide a level of protection not only directly for schools, which is needed, but for teachers so that they can exercise their professional judgement without the fear of a looming court case hanging over them. That is the right way to do it.

Mr McNulty: Minister, I am concerned about the omission of the oral element from the languages assessment, especially for Gaeilge, our land's native tongue. I am also concerned about some students who take subjects modularly and may be disadvantaged and feel a little bit dizzy and overwhelmed by the proposed measures, complex and all as they are. Some solutions may have been provided, but I am worried about teachers and teaching staff, who are already overwhelmed, and how they and their unions have been consulted.

Fundamentally, Minister, we are talking about examinations when we should be focusing elsewhere. We should be focusing on a recharge. In Children's Mental Health Week, what measures are you taking to help children to prepare for the exams? What are you doing to recharge their mental health? What are you doing to recharge them emotionally? What are you doing to recharge them physically? What are you doing to recharge them in terms of their socialisation? What are you doing to recharge them academically?

Mr Deputy Speaker (Mr McGlone): There are a number of questions there, Minister, so it is your choice.

Mr Weir: A paper would need to be produced in relation to that. The best cure for dizziness is to

sit down after a while. I admire the ingenuity of the Member in bringing the discussion back to a range of issues, and I share his concerns.

I have indicated, particularly on the academic side — there is an opportunity for further bids to be made for next year's COVID funding — that, when the proposals were made and the Executive looked at the situation in one of their more recent meetings, we tried to give certainty to students, teachers, parents and beyond for the period after half-term and there was an extension to 5 March. Without breaking any Executive confidentiality, I can say that there was a paper that scoped out the options, made a recommendation and looked beyond that. As part of that, a recommendation was also made that, in 2021-22, a level of support would be required for pupils, particularly on the academic side. That is why we got a commitment directly from the Executive about bringing forward papers in relation to that.

The point about mental health is well made, and COVID recovery money was made available this year for well-being. Again, I would look to the Executive for an extension of that. Even prior to COVID, there was money secured this year in the budget to expand the support that was available for well-being and mental health issues. Mental health will be a growing issue, and a lot of it will not be immediately apparent on day one.

The Member mentioned the oral element specifically, and, as part of that, when working with CCEA and public health, there are particular issues with levels of assessment. There will be classroom evidence that has been banked and can be used, but a formal oral test was felt, from a public health point of view, to be one of the components of an examination that would leave things at most risk in terms of the spread of COVID. It was about trying to balance that out as well.

As I announced, there will be a broader holistic element, so for languages, for example, schools will be able to use whatever evidence they have gathered on, for instance, an oral basis, and feed that into their assessment of the centre-determined grade. There is no barrier to that.

Mr McHugh: Minister, you alluded to this in two previous answers, but we all know that equality of opportunity is uppermost when it comes to applications for further and higher education. What conversations have taken place — particularly with Dublin, given that it has alternative procedures in place for the leaving cert, but also with Scotland, England and Wales — to ensure that not only will students travelling

to the North of Ireland have equality of opportunity but that students from the North of Ireland going to the Republic or the other jurisdictions will have that equality of opportunity?

12.00 noon

Mr Weir: The Member makes a valid point. With regard to examinations and qualifications, Scotland tends to be in a slightly different place to the rest of us; it has always had very different education and qualifications systems. We have conversations with Scotland, but it is probably on a slightly different plane to other UK jurisdictions.

We try to maintain the system of three-nation comparability, so that we are on a similar plane with England and Wales on those issues. That is not simply comparing students in Belfast with those in Birmingham or wherever. It is also the case that, roughly speaking, 20% of our qualifications come from examination boards based outside Northern Ireland. There has to be fairness. As I indicated, there have been discussions with the higher education authorities. They are content, provided there is a broad similarity among jurisdictions.

As I mentioned, there have been direct conversations between CCEA and the Irish university authorities. As a former Minister, Mr O'Dowd can testify that, in the past, there has been friction, North/South, over recognition of qualifications. However, we are assured that the Irish university authorities will recognise our qualifications.

I suspect that there has not been much broad international discussion beyond that, because relatively few of our students seek a university place outside Great Britain and the Republic of Ireland. Broadly speaking, universities across the world will recognise the unique circumstances that we have been in with COVID. They will make allowances for that.

Mr Deputy Speaker (Mr McGlone): Before I call Kellie Armstrong, let me express the condemnation of the entire House at the graffiti attack on your premises, Kellie. We stand in solidarity with you.

Ms Armstrong: Thank you very much, Deputy Speaker. DUP members experienced similar attacks last night — namely, Mr Weir and Jim Shannon MP. It is sad to see, but, hopefully, we will share the paint thinner, Peter, and get it cleaned off quickly.

I declare an interest as the mother of an A-level student who hopes to get grades this summer. They will be good grades, I hope. I am a governor of a post-primary school.

Minister, you stated:

"That is quite a complex matter, and I am not in a position to confirm arrangements ... today."

I absolutely understand, and I would not expect you to do so. However, a key principle of grading is understandability. Can you help us, and the learners, to understand exactly how internal and external moderation will work this year and whether it will be included in the documents that are to be released to them? For example, will it be confirmed in those documents how long a COVID-related absence needs to be in order to get grade allowances, and what the marks could be?

Will you give assurance to those learners who are sitting Welsh board exams that this does not interfere with them? I know that there is a ban on that. We are not clear why that ban is there. However, will you assure those who are due to take such exams this year that they also will get results?

Mr Weir: There are a couple of issues there. Everyone will get a result, whatever the examination board. However, to give you more detail, there are concerns over the direction of travel of WJEC as regards its qualifications. It is also the case that WJEC uses Eduqas as an awarding body. That is largely designed for the external market to Wales, and no restriction has been placed on that. That will be an issue across the Welsh boards and it will be kept under review. That issue does not impact on any current learner, and any action that is being considered will impact only on those seeking to do a course from September 2022 onwards. Anyone currently looking at AS or A levels will be given grades. The maximum amount of detailed information will be given to schools and frequently asked questions will be answered for parents, because I understand that there are concerns.

As I outlined, the process of grading will start with initial assessment in school, and then there will be internal moderation in school. There will always be concern among students as to, "Does my teacher rate me? Do they like me?". We want to make sure that there is no favouritism. A high level of professional judgement will be used, but internal moderation will also happen in schools. The next stage is that the provisional positions will be given to

CCEA, and it will do sampling across every school. To provide reassurance, that will be on the basis of, largely speaking, one unit per school. If CCEA finds a sample that is beyond the levels of tolerance, it will do deeper sampling. The next stage is to engage with the school directly. There will be a professional discussion, and it may well be the case that CCEA says, "Look at your processes. If there are problems with your processes, you may need to rerun them". It is about a professional conversation taking place, and we are happy to spell out that level of detail in any correspondence or communication that is put in place.

Mr Boylan: I welcome the Minister's statement. Under stage 5, the distribution of grades and post-award review, why would issuing results earlier here not suit schools in the North?

Mr Weir: The issue is the practicalities involved. If the initial work is done towards the end of May and a process of external assessment then needs to take place, the issue is, largely speaking, the practicalities of trying to make sure that all of that can be processed in a practical manner. Also, the longer that you have to assess things and ensure that they have been got right, the more you reduce the risk of any errors occurring. To that extent, the key driver is to make sure that the results of external public examinations are allocated by boards according to the same timescale. That is the issue. It is about trying to ensure that, across jurisdictions and across different boards, all results are issued at the same time. We do not want a situation where, for example, somebody who was studying for a CCEA exam is given their award long before or long after somebody in the same class who did a different subject gets their grade from a different board. It is about trying to ensure that it is the same across the boards. That is why, to a large extent, we try to ensure that, although Scotland has a slightly different time frame from everywhere else, GCSE awards and A-level awards are provided at the same time every year. That is the reason for that.

Mr Catney: Thank you, Minister, for coming here today and presenting your statement, which I welcome. Given that CCEA prioritised the algorithm over the well-being of our children and young people, will you today promise the House a full, independent review of CCEA, its processes and its leadership team? Our young people should not pay the price for CCEA's mistakes.

Mr Weir: Deloitte has published the report of its independent review of what happened last year, and the full details are there. To be fair, while mistakes were clearly made on the implementation side, I do not want to characterise the professional judgement of CCEA on the basis of, "We don't care about pupils' welfare. We support the algorithm, no matter what". We have to be fair to people about the assessment that they made, particularly in what were quite tight time frames.

I will make three other points. First, no algorithm is being used this year. Generally, algorithms are used every year. A particular problem arose because the algorithm results were not backed up by the examination results. Standardisation happens every year, although that is not necessarily realised or known. Although there were issues with the algorithm, such issues happened in pretty much every jurisdiction. We found that in different jurisdictions. A good deal later, there were issues with, for example, the leaving cert in the Republic of Ireland, the results of which were issued a month or two after the UK jurisdictions issued theirs. Clearly, we have tried to ensure that lessons have been learned, and there has been a full examination of what went on last year. Let us not fall into the trap of scapegoating people who tried to use professional judgement and tried to get what appeared to be the best possible outcome. People deserve fair judgement, and the Deloitte report covers that in a fair amount of detail.

Miss Woods: I thank the Minister for his statement. I join in the condemnation of the graffiti attacks on Kellie Armstrong and all other political representatives and their offices. The Minister mentioned evidence a number of times and said:

"Centres will, therefore, be asked to use a range of evidence to arrive at a judgement of the standard at which each learner is performing in the context of the specification being studied. CCEA will provide guidance, support and training to help teachers to make holistic judgements to deliver centre-determined grades."

When exactly will teaching staff be provided with the necessary guidance and support as to what evidence can be used? When will they get this clarity and will it ensure consistency?

Mr Weir: The idea will be to drive as much consistency as possible. There is always going to be a certain element of subjective judgement. Can you have absolute, pure consistency? We

will strive to have it as much as possible. Both the guidance from CCEA and the training will take place during February. At the moment, and for the rest of February, good work is ongoing in schools with remote learning. There will be a level of flexibility because there will be that opportunity for the training. We want to make sure that that is done as quickly as possible but also in a thorough manner.

Mr Deputy Speaker (Mr McGlone): Before we conclude, Minister, I was unaware of any attacks on your party offices but, likewise, I condemn those. I am sure that I reflect the view of the entire House in that condemnation. I ask you to also convey my best wishes to Jim Shannon.

That concludes the questions on the statement. Members, please take your ease while we move to the next item of business.

Executive Committee Business

The Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020

Mr Deputy Speaker (Mr McGlone): Members, please resume your seats.

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate.

Ms Mallon: This statutory rule will increase the number of penalty points for the offence of using a handheld mobile phone while driving. As it stands, the offence attracts a £60 fine and three penalty points. This has remained unchanged for over 13 years. I am proposing to increase the fine to £200 and the number of penalty points to six. This is in line with the penalty in Britain, in place since March 2017, for the same offence. Implementation of these changes will require the making of two statutory rules, one to increase the fine and the other to increase the penalty points. The increase in penalty points is subject to affirmative resolution and is the focus of our debate today.

12.15 pm

It is fair to say that most people accept that use of handheld mobile phones while driving is distracting and dangerous. Glancing at your phone for just two seconds doubles your risk of crashing. However, for too many drivers, the desire to stay connected at all times seems to override that knowledge. Drivers know that they are breaking the law, yet they continue to do so. In order to turn that situation around, we need to put a penalty in place that will be an actual deterrent. That is not just my view; I am happy to say that it is a view that is shared by the majority of people who responded to the consultation on the issue.

Today, we are not talking about a minor offence. Too often, the consequences of the offence change or even end a life. That, in turn, impacts on the lives of families and loved ones, and the penalty, at its current level, does not reflect that stark reality. I want to introduce a

penalty that is in keeping with such a serious offence. That penalty will send a clear message to drivers: caught once, you will get a significant fine and six points on your driving licence; do it again, and you will lose your licence. However, there will be no second chances for our newly qualified drivers, who have a ceiling of six points for the first two years after passing the test and are at particular risk of the effects of distraction. For those drivers, the rise in penalty points will mean an immediate ban. I believe that that will send a clear message to new drivers that such behaviour is very dangerous, unacceptable and will not be tolerated.

Last year, as part of the policy development process, I met the Chief Constable, and he confirmed his support for my proposed way forward. Also, in late September the Infrastructure Committee had the opportunity to examine the proposal, and it, too, signalled its support. Given the Department of Justice's specific interest in the overall network of offences and penalties, I invited Minister Long to consider any wider implications that the proposal might have. She confirmed that it is commensurate and proportionate.

To sum up, the illegal use of a mobile phone while driving is a selfish disregard for the law. It poses a serious threat to not just the driver who made the selfish choice but to many other innocent road users. The consequences can be devastating. Today provides us with an opportunity to intervene and to make a real difference to road safety in 2021. With Members' agreement, the statutory rule can, from tomorrow, come into operation alongside the increase to the fixed penalty fine. That change will have no impact on drivers who are already choosing to stay safe and legal in their use of a handheld mobile phone, but six penalty points will provide the necessary consequences for those who deserve it, that is, those drivers who refuse to put their phone away and are willing to risk the safety of everyone they meet on a daily basis. For those reasons, I commend the motion to the Assembly and ask that it affirm the statutory rule.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): I welcome the opportunity to speak as Chair of the Committee for Infrastructure in support of this important statutory rule. As the Minister outlined, the statutory rule is one of two considered by the Committee for Infrastructure that will increase the penalties that are incurred by drivers who are found to be using a handheld mobile phone whilst driving.

It is well established that using a mobile phone while driving is a major factor in serious and fatal road accidents. It is, therefore, the intention of the legislation to improve road safety by deterring drivers from using their phones while driving by increasing the fine and the number of penalty points for the offence. Although there are two aspects to the penalty, a fine and penalty points, the statutory rule concerns only the increase in penalty points. However, so intertwined are the fines and the penalty points that the Committee for Infrastructure discussed both. That will be reflected in my comments.

The Committee for Infrastructure considered the proposals for the legislation on 30 September 2020 and weighed up the undoubtedly seriousness of the offence with any possible negative consequences of the increase in the penalties. To that end, the Committee sought assurance from the Department that the penalty fits the crime. The Committee deliberated on whether an increase to the fine from £60 to £200 was prohibitive for those on low income and would, therefore, lead to a failure to pay and the consequential impacts of that. The Committee also considered whether increasing the penalty points from three to six could cause individuals who rely on driving for their livelihood to lose their licence.

Despite this deliberation, the Committee had no hesitation about supporting the aspiration of this legislation, as was noted during the Committee's consideration. During its consideration, it called on departmental officials to explain the rationale for the increase in the penalty and how the Department came to the new higher levels. Departmental officials advised members that there had been no change in the level of the fine since the introduction of the initial offence in 2007, despite the fact that mobile phone ownership is so much higher now and that they are so much more integral to everyday life.

For those reasons, the use of handheld phones while driving has increased far in excess of what was foreseeable in 2007. The Committee was reassured that this increase in penalties has already been introduced on the mainland, in 2017. In fact, the Committee noted that, last year, the Department for Transport announced plans to review the mobile phone offence again with a view to tightening the legislation even further. The Department for Infrastructure has also advised the Committee that it plans to carry out a similar review in the future with the possibility of primary legislation being introduced. The Committee has indicated to the

Department that it will fully support it in any measures to improve road safety.

The Committee considered with interest the consultation carried out by the Department. It was reassured that the majority of respondents to the consultation recognised how dangerous it is to oneself, to passengers and to other road users to be distracted from driving by a mobile phone, even if only for a split second.

As we are all aware, the technical advancements in phones have made the device an indispensable addition to our lives. However, it is the urge to check messages and respond to the sound of a notification that makes them so dangerous whilst driving. The only way to reinforce the danger that they pose is to make the penalty severe. To that end, the Committee for Infrastructure supports the Department in initiating a review to create a more comprehensive definition of using a mobile phone while driving. I go further: the Committee for Infrastructure has an acute interest in road safety and a determination to assist, where it can, in reducing the number of accidents on our roads, all too many of which are fatal.

The Committee has emphasised to the Minister and her officials on many occasions that it will not be found wanting when she brings forward proposals to improve safety on our roads. The Committee has supported new speed limits being introduced outside schools and requested that such measures be broadened to more schools. It has championed and fought for increased financial support for the local road initiatives that have been rolled out through the road safety safe travel grants scheme. Indeed, last week's announcement by the Minister for Infrastructure to upgrade the A1 dual carriageway to improve its safety has been long sought and is welcomed by the Committee. That road has a history of road fatalities, which, hopefully, will not be repeated with the new improvements.

The Committee has also supported the development of a new road safety strategy and has been critical that the current strategy has only been extended, rather than replaced, by the Minister. The Committee has also expressed its disappointment that the funding for road safety has been reduced in recent years. For something so vital, it has been surprising to the Committee that road safety seems to be one of those areas that are cut when money is tight. Indeed, in the Committee's discussions with the PSNI about road safety this was a major concern.

Mr Deputy Speaker, I hope that I have outlined how much the Committee encourages the Minister and her officials in their efforts to improve road safety and commits itself to working with her to that end. That said, the affirmation of this statutory rule goes only part of the way to meeting the Committee's agenda. That said, we support the rule.

Mr Boylan: I too welcome this order to increase penalties for mobile phone use while driving. Since September, the Infrastructure Committee has been examining this rule to increase to six the penalty points for people who use mobile phones while driving and a £200 fine. Sadly, 56 people tragically lost their lives on the road in 2020, the same number as the previous year, despite the decrease in traffic. It is often said that a single death on a road is one too many. We must improve road safety in any way that we can. We all know how families and, indeed, communities are affected by a death. It is incumbent on us to try our best to introduce as many measures as possible. That means that a holistic approach is needed if we are to seriously improve road safety. That includes having the right enforcement and penalties in place. It also includes improving roads infrastructure as well as rolling out effective road safety campaigns.

I would hope that the new road safety strategy fully encapsulates all the challenges and opportunities that exist to improve road safety. I would appreciate a comment from the Minister on that. I also ask the Minister what kind of communication strategy is in place on the rise in penalties. It is important that that is communicated properly. I look forward to the implementation of the measures to increase safety on roads. I support the order.

Mrs D Kelly: On behalf of the SDLP, I welcome the Minister's proposal to improve road safety and, in particular, to give out the message about the use of mobile phones and how they are such a causal factor in road traffic accidents. Tragically, there have been fatalities in my own constituency. When I speak to police about the analysis after an accident, they tell me repeatedly that mobile phone use is a factor; more so, I think, in single vehicle accidents. I was even told about a young person who had texted to say that he was on his way home, but, tragically, never got home. Therefore, it is important that the message goes out strongly from the Chamber and the Minister on the impact that the order will have not only, on a personal level, to people who continue to use their mobile phones but to wider society. I agree with Mr Boylan on trying to get the message across and would like to know how

that communication will be carried out over coming weeks.

I thank the Chairperson of the Committee for outlining comprehensively the consideration that was given to this, because road safety is a priority for all members of the Committee for Infrastructure and, indeed, I am sure, all Members of the House.

Mr Beggs: I, too, wish to indicate my support and, indeed, that of the Ulster Unionist Party for the increased penalties for use of a handheld mobile phone while driving.

The use of mobile phones has become more and more common. Many people are almost addicted to them. They forget the risks that are involved in being distracted when driving, even by considering the use of such a phone. Some useful adverts have been produced. As other Members have indicated, it is important that the message of the danger of distraction continues to get through.

Given the seriousness of the issue and the potential impact of serious injury to other drivers and pedestrians, my party views it as proportionate to increase the number of penalty points from three to six in recognition of the potential impact of such an accident. Therefore, I am content that that is brought in, finally, in Northern Ireland. As it has been indicated, it was brought in more than three years ago in GB. We have been rather slow to react since the period when the Assembly was not active. It is important that we continue to act responsibly and take appropriate action to discourage the use of handheld mobile phones.

I should have said at the outset that I am a member of the Carrickfergus Road Safety Committee. I will declare that as an interest. However, the issue is of interest to the entire population. I wish to indicate my continuing support for the increase in penalty points.

Mr Muir: I rise to support the order on behalf of the Alliance Party. The penalty for use of a handheld mobile phone while driving should be proportionate to the seriousness of the offence. The increase of the fine from £60 to £200 and from three to six penalty points is a step in the right direction. Use of a handheld mobile phone while driving is irresponsible. It is also a major problem.

12.30 pm

Not everything that we debate in the Assembly is a matter of life and death, but this very much

is. Fifty-six people died on our roads in Northern Ireland last year. Nine in 10 road deaths and serious injuries are caused by human error. That is why we must come down hard on those being reckless with the safety of others.

The steps that the Assembly is taking today are long overdue. The consultation for this order was originally carried out in 2016, but the legislation could not be passed while Stormont was on a three-year hiatus. It is yet further evidence of the severe cost of the long absence of a Government in Northern Ireland.

Whilst today's legislation is welcome, it is already outdated, and the Department needs to go further. Since the original offence for phone use whilst driving was passed in 2007, how we use our mobile phones has been utterly transformed. Far from just making calls and exchanging messages, people now use them to choose music, set directions and browse the internet.

Everyone recognises that we must update our laws so that they are fit for purpose and that the police can charge those who are using their mobile phone in whatever capacity whilst driving. I would like to hear from the Minister whether it would be possible to bring forward a formal consultation on proposed changes within this Assembly mandate. Thus far, the Infrastructure Committee has dealt only with legislation where the consultation was undertaken prior to the collapse of the Assembly. We would like to know the extent of the Minister's legislative ambition, especially on matters as important as this.

In conclusion, the Alliance Party supports today's legislation. We hope that the increasing of the penalty sends a clear message that the use of a handheld mobile phone while driving is a serious offence and should be punished accordingly.

Mr Catney: I also welcome the statement and thank the Minister for bringing it forward. People will find themselves in a very serious situation if they use a mobile phone while driving in their car. As stated, the fine of six points, as well as the monetary fine, is far outweighed by the consequences of someone ending up in an accident where there is injury or loss of life. There is no way back from that, and those are the real consequences. People should think of that before they lift their phone in a car.

I stand here because, when I was 21, my younger brother Gerard — God rest him — lost his life in a motorbike accident on the Airport

Road when he was 19. There were no mobile phones then, but I know the devastation that that caused to our family. I welcome what the Minister is trying to do, but I make the plea here for zero tolerance in the same way that we have for drink-driving.

Mr Deputy Speaker (Mr McGlone): Agus anois iarraim ar Nichola Mallon, Aire Bonneagair, an rún a chríochnú. I call Nichola Mallon to conclude on the motion.

Ms Mallon: I thank the Committee Chair and all Members for this very constructive debate. As the Chair of the Committee outlined, and as a number of Members who spoke brought home to us all, mobile phone use is a key element of driver distraction and is a major causal factor in accidents and death on our roads. The Committee gave consideration to the level of increase in the fine and is supportive of the level that we are increasing to. I think that that is only right because it is important to make the point that you will only be fined if you break the law. As the Chair said, there has been no change in the fine since 2007, and that is despite the fact that we are seeing much greater use of mobile phones. It is a phenomenon that we all see every day when we are out and about on our roads.

As the Chair also highlighted, DfT in England is currently consulting on a review of its legislation in respect of the definition of use of mobile phones. I want to make it clear that I have already signalled and asked my officials to scope out work with a view to bringing forward legislative change through primary legislation to make sure that the definition of mobile phone use is as all-encompassing as possible. Mr Muir referred to that in his speech.

While it may not be possible to secure the passing of that primary legislation within the remainder of the mandate, we are committed, as a Department, to progressing it as much as we can. I welcome the fact that the Committee is signalling its support for that piece of work, and I look forward to continuing to work with Committee members on the agenda for change in the area of road safety. As the Chair indicated, we are rolling out 20 mph zones outside 100 schools. While I have not been given the budget allocation for the next financial year, I have made it clear that my intention is to roll this out to more schools. I believe that we should do everything that we can to make it safe for our children and their parents to walk to and from school. I have also taken action on drink-driving.

The Chair mentioned the A1 improvements, but we are also very conscious of the A5. That is a strategic corridor, and it is also hugely important in the area of road safety. We rolled out road safety grants for communities this year, and work is ongoing on the road safety strategy. I have been very clear, Mr Boylan, that the road safety strategy should align with PFG, and it should be outcomes-based with regard to accountability to make sure that we have the maximum effect. I assure Members that I hold regular meetings with the Chief Constable on road safety to ensure that I am doing what I can as the Minister who is responsible, while working in partnership with the PSNI and communities.

Mr Boylan spoke about the high and unacceptable number of deaths on our roads, and he is right. I agree with him that one death is one too many. It is incumbent on all of us to do everything that we can through education, enforcement and interventions, such as those that I have listed, and road improvement schemes, so I share that ambition with him.

I share Mr Boylan's view on the importance of making sure that we clearly communicate those changes to the public. Mrs Kelly and Mr Beggs also raised that issue. If Members are supportive of our efforts on the communication strategy, I will send out a clear signal to society that we will no longer tolerate such dangerous behaviour. I want everyone to know why we are doing what we are doing and that this new penalty is needed to reduce the number of people who think that it is OK to use a mobile phone while driving, despite the harm that this dangerous behaviour can cause. I will issue a press release to communicate the increased penalty level for the offence, to which the PSNI has contributed. I have also arranged for a media campaign with a re-edit of one of my Department's existing mobile phone information campaigns — Missing — which will incorporate the new penalties. The campaign will air and will inform the public about the changes to penalties, and it will provide an opportunity to reinforce the campaign's messages:

"What are you afraid of missing today? A two-second glance means that you miss what really matters. Everything else can wait."

Supporting messages to create public awareness of the changes will also be delivered using social media, through outdoor advertising and through a radio campaign. The public will be reached and left in no doubt that this is a serious offence, as are the penalties.

Mrs Kelly spoke about the tragic deaths in her constituency, along with the role of mobile phone use. My thoughts and sympathies are with all those who have suffered injury and death on our roads. I extend my personal sympathies to Mr Catney, who spoke passionately about the loss of his brother.

I welcome the fact that Mr Beggs agrees with the increase in penalty points and fines and that they are proportionate. When the consultation was carried out, 87% of respondents indicated their strong support for an increase in penalties. It has been a long time coming, but I made it very clear that improving road safety was a commitment for me when I took up the post of Minister for Infrastructure. I am pleased to be able to stand here today, and I hope that Members will support me in making this vital change.

Mr Muir expressed frustration around the delay in getting to this point. I assure him, as I did in my initial comments in response to the Chair, that I am committed to reviewing the definition. I agree that we need primary legislative change, and we will advance that agenda as far as we can within this mandate.

It may seem harmless to some, but holding or using your phone at the wheel risks serious injury, or even death, to you and other road users. As I said, glancing at a phone for just two seconds doubles the risk of crashing. At just 30 mph, a vehicle will travel 100 feet in 2.3 seconds. That is the length of a jumbo jet or one third of the length of a football pitch. However, as Members said, the illegal use of mobile phones is becoming increasingly common in everyday life. I am sure that each of us can see it happen every day as we are out on our roads. Unfortunately, this plays a major role in driver distraction, which is the most common cause of deaths and serious injuries on our roads. The extent of offending suggests that many drivers still refuse to take this offence seriously. Therefore, it has become clear that the current level of penalty, which has been in place since June 2007, no longer represents an active deterrent. In fact, it could be argued that, at its current level, it underplays the seriousness of an offence that has the potential to destroy many lives. That is why I am asking Members from across the House to support this important change. It will help to drive change in drivers' behaviour and save lives. As Mr Muir said, this is a "matter of life and death".

Question put and agreed to.

Resolved:

That the Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease before we move to the next item of business.

(*Mr Speaker in the Chair*)

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Final Stage

Mr Allister: I beg to move

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass.

Mr Speaker: The Business Committee has agreed that there should be no time limit on this debate.

Mr Allister: I wish to begin, not merely because it is customary but because it is sincerely meant, by thanking all the professional staff who have contributed to the process of the Bill's getting to this point in the House. I refer, of course, to the Bill Office and, in particular, Claire McCann, who had the formidable task of keeping me on the rails procedurally and did it very well indeed, the other backup staff in that office and those in Legal Services, who were probably called upon from time to time. I thank the Finance Committee staff who facilitated all that had to happen there and did a lot of the work pertaining to the Committee's report.

Then, of course, I thank the Members of this House. I do that conscious of the fact that I am a single Member of the House and it would be easy for bigger parties to sweep aside what an individual Member thinks is important, but that did not happen. I am grateful for that. It speaks well of the House, as a legislature, that the Bill was given the fair wind that it was. All parties, with the exception of Sinn Féin, approached it with an open mind. There was engagement at different levels. Issues were discussed and resolved until we reached the point at which we have a Bill that is good for the House and can contribute positively to the functioning of government

12.45 pm

The Bill is not the answer to everything, by any means; it never set out to be. Of course, we know that it flowed from the various exposés in the renewable heat incentive (RHI) inquiry. It addresses some of the issues that are pertinent most particularly to Ministers and special advisers, but there is much more from RHI that it is not the function of this Bill to address.

There is much relating to the Civil Service that, I am sure, will ultimately manifest itself in some Executive proposals, and there will be other attendant issues. The Bill is fairly narrow in its focus; effectively, it applies to Ministers and special advisers.

I have said this before and I say it again: this is not a green or orange issue. It is not, as some have sought to suggest, some Machiavellian conspiracy to undermine the Belfast Agreement or the institutions of the House. The House knows well, without me ventilating it again, my stand in relation to all of those matters. As I have said before to the House, I live in this place. Although I do not approve of the system of government, I want a system of government — whatever it is — to function as effectively as it can. The Bill will assist that process.

The Bill is, in my terms, about bettering government. As the debates unfolded in the House, the question resolved itself down to, "Well, do you do that by codes, or do you need to do that by legislation?". That probably was the fundamental dividing point in relation to the need or otherwise for the legislation. My response to that remains that codes most certainly are important and absolutely have their place, but the experience of RHI should have taught us all that they have their limitations and are not the be-all and end-all. We remember that the codes contained prohibitions of some of the issues that caused the public to be most aghast about what happened in RHI in regard to the conduct of some spuds and some Ministers. Effectively, we come from a starting point where codes failed with regard to RHI. That causes me and, I trust, the House to conclude that we need something more binding, which is legislation. Codes are just that: they can be changed as easily as they are made, and they have been from time to time. It is the binding effect.

One of the most telling points for me in the pursuit of the Bill was the letter from the Minister of Finance to the Committee back on 27 April arguing that the legislation was not necessary and codes were sufficient. The justification for that was that codes were "amenable to interpretation". Having passed through RHI and seen how codes that insisted on confidentiality and integrity did not hold back those who wanted to defy those things, I do not think that we want something that is "amenable to interpretation". Given that experience, we want something that is binding. That is important.

I will turn quickly to the key changes that the Bill would bring in, and the House is sufficiently

familiar with them for me to not have to labour the points. I have said before that I am not against special advisers — they have an important function — but I am in favour of controlling and setting the framework within which they should responsibly operate. The first thing that I draw the House's attention to is that the Bill would bring spads under the Civil Service disciplinary code as applied to them, given that they are civil servants, albeit temporary, with all the privileges of a civil servant.

Secondly, it would bring Ministers within the competence of the standards commissioner. We had a situation where ordinary Members were subject to a Members' code of conduct that could be supervised and arbitrated on and on which findings could be made by the standards commissioner, but Ministers, although they have a ministerial code, could not be brought before any independent body. The Bill would rectify that by putting Ministers on the same footing, so that, through their ministerial code of conduct, they too could be investigated by the standards commissioner, and so it should be. It also gives an important protection to MLAs and Ministers against frivolous and groundless complaints.

The Bill would cap the salaries of spads. There were some runaway episodes in the payment of spads in the past, so the Bill would intervene to say, "We will set an upper limit", and it is the upper limit of grade 5 in the Civil Service, which is sufficiently generous, I believe. Therefore, that would put that matter to bed, so to speak, in a responsible way.

The Bill formally and in statute makes Ministers responsible and accountable for their spads. A distinction of some notoriety was made in the RHI inquiry about whether one was "responsible" and "accountable". The Bill would put that beyond doubt.

Importantly, the Bill would prevent, again from an experience exposed in the RHI inquiry, the Civil Service facilitating anyone other than the officially appointed spad with the facilities that should be due to a spad. We all recall the evidence from RHI about former abuse in order to circumvent a previous Bill that I brought to the House that prohibited persons with serious criminal convictions from holding the position of spad. The Bill seeks to deal with that.

The Bill would reduce the number of spads but, as I will frankly admit, not quite as much as I would have liked. It reduces them from eight to six in the Executive Office and would remove from office any surplus. There had been a

surplus in respect of a Sinn Féin junior Minister's spad. The Bill takes away the power of junior Ministers to appoint spads. I read in the press, however, that that individual has resigned, and therefore, I think, there are now only six. However, if there should be more than six, three months after Royal Assent, the surplus spads would lose their position.

The Bill does something that is important from the standpoint of the House as a legislature. It reins in royal prerogative powers by dealing with the situation that arose back in 2016, I think, when David Gordon was appointed as a super spin doctor for the Executive and the law was changed behind the Assembly's back by the First Minister and the deputy First Minister by a royal prerogative order to create and fill that post. The Bill does not prohibit the creation of such a post, but it makes any alteration to the legislation in that regard subject to Assembly control. If we are a legislature, the law should not be able to be changed behind our backs. That is pretty fundamental.

The Bill creates a statutory duty to make and keep proper records. We recall the jaw-dropping evidence of one spad to the RHI inquiry that, in seven years, he had never seen a note taken of a ministerial decision. That day, if not already over, will be over now and not before time. The Bill requires the making and keeping of records when Ministers or spads are lobbied, and lobbying is precisely defined in that regard. It requires the recording and publishing of ministerial and special adviser declarations of interests, which puts them on a par, essentially, with MLAs, whose declarations of interests are published and available for public inspection. That, too, would put Ministers and spads in that same regard.

The Bill creates one, and one only, criminal offence. That arises because it came as a bit of a surprise to me when I enquired of the police, after the RHI report had been published, whether there were any matters subject to criminal investigation to be told that there were not. Yet, we had evidence of spads misusing official information to the advantage of others. In clause 10, we have the creation of a criminal offence, which is necessary and proportionate. It would make it:

"an offence for any Minister or special adviser to communicate official information to another for the improper (financial or other) benefit of any person".

It goes on to provide a reasonable excuse defence, but, before you get to that, in clause 10(1) there are important provisions that make

it clear that, if the information is disclosed in pursuit of a statutory obligation — for example, FOI — it is not an offence, or if it is done:

"in the lawful pursuit of official duties,"

If a Minister says to his spad, "Brief the press for me on issue x" and that involves official information, that would not be a criminal offence, nor would briefing his own party in those circumstances.

Mr Speaker: I really do not wish to interrupt the Member's flow, but the Business Committee has arranged to meet at 1.00 pm today, and I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Minister for Infrastructure, followed by a question for urgent oral answer from Declan McAleer on checks at ports. We will then return to this item of business. Thank you.

The debate stood suspended.

The sitting was suspended at 12.59 pm.

2.00 pm

On resuming (Mr Principal Deputy Speaker [Mr Stalford] in the Chair) —

Oral Answers to Questions

Infrastructure

Translink: Financial Position 2021-22

1. **Mr Blair** asked the Minister for Infrastructure, following the announcement of the draft Budget, for her assessment of Translink's financial position for 2021-22. (AQO 1497/17-22)

Ms Mallon (The Minister for Infrastructure): I am committed to maintaining and developing our public transport network. That is a key priority for me, not only in supporting sustainable modes of transport, which is underpinned by my Department's significant capital investment in our public transport network, but in contributing where I can to the health and prosperity of our community by encouraging modal shifts towards the widespread use of public transport by our citizens.

With that in mind, over the last year, I have engaged extensively with Executive colleagues to address the future financial stability of our public transport network. I have taken action throughout my time as Minister to underline my commitment, and I have instructed my officials to explore ways to ensure that my Department continues to meet its obligations to Translink's financial viability under the current public service agreement. That work is ongoing and, to date, has resulted in over £100 million of COVID-19 mitigation funding being provided to support our public transport services and essential workers throughout the pandemic.

Our public transport and passenger numbers have been severely impacted by COVID-19. The recovery and resilience of our public transport network is a commitment that we all must share as we move through and beyond COVID to tackle the climate crisis. I will continue to work with the Department of Finance and Executive colleagues as 2021-22 unfolds.

Mr Blair: I thank the Minister for that answer. Can she give us further information and reassurance about whether the additional funding, which is, of course, welcome, can be used for the recovery plan for Translink and its

customers as well as to alleviate the current situation?

Ms Mallon: I thank the Member for his question. As a Department, we have engaged with Translink to review the impact of COVID-19 and used that assessment to inform our projected requirements. In short, we have used the most up-to-date information that is available to underpin our projections. However, one lesson that COVID-19 has undoubtedly taught us all is that circumstances can change. While I have ensured that our public transport provider is in a stable position to meet the anticipated financial challenges in 2021-22, my Department will keep that under review and will liaise with the Department of Finance throughout the next financial year to ensure that our public transport services are adequately funded.

To assure the Member, I take the challenge of the recovery of our public transport system very seriously. I have engaged with colleagues across these islands and, this week, I will again engage with my ministerial counterparts in Scotland and Wales. We will put our heads together to ensure that we can see a resilient recovery for public transport networks across these islands.

Mr Boylan: Minister, in the future, post-COVID, what steps can you or Translink take to ensure that it is on a solid footing? I know that it received money in the January monitoring round and that it provides a vital public service, but what steps can you take to ensure that it is on a solid footing in the future?

Ms Mallon: I thank the Member for raising a very important issue. Translink is very much focused on the here and now and on ensuring that we can provide a secure and safe transport system for all our citizens, regardless of where they live. The Member will be aware of the number of actions that Translink has taken and continues to take, such as the deep cleansing of fleets and ensuring that we have additional capacity on standby to meet social-distancing requirements.

As I said in my response to Mr Blair, we are looking across these islands — I am looking across the world — to learn best practices and ensure that we take whatever steps we can to increase passenger confidence and ensure that, when we get to the right point, we can encourage people to use their public transport again. It is important to get us through COVID, but, as the Member will appreciate, it is also critical in addressing our climate emergency.

Mrs D Kelly: My concerns are on the regional imbalance and rural transport in particular. I recently had to engage with Translink in order to have some bus services put on at more appropriate times. In light of the review, what assurances can the Minister and the Executive give in relation to rural transport provision in future?

Ms Mallon: I thank the Member for her question. As she is aware, Translink delivers the majority of our public transport network, supported by private transport providers, which play an important role in improving our connectivity throughout the North. Our public transport network is defined in my Department's public service agreement with Translink, and my Department has an obligation under that agreement to fund the delivery of those services.

Given the level of support that I have secured in extensive engagement with my Executive colleagues in support of that obligation, our public transport provider is in a stable position to deliver those services, which, I can assure the Member, include a large number of rural services. As I have already outlined, I am committed to maintaining a public transport network that covers all of Northern Ireland, including our rural areas, for those who need it.

Taxi Driver Financial Assistance Scheme 2020

2. **Mr Carroll** asked the Minister for Infrastructure how many taxi drivers are still waiting for a payment from the taxi driver financial assistance scheme 2020. (AQO 1498/17-22)

Ms Mallon: I thank the Member for his question. On 13 November 2020, following Executive agreement, the taxi driver financial assistance scheme was launched for two weeks and closed on 27 November. The scheme provides financial support for overheads that are incurred by taxi drivers and is in addition to other financial support such as that which is provided through the self-employment income support scheme.

Payments began issuing within one week of the scheme closing, and, by 15 January, over 4,100 drivers had received the £1,500 grant, which equates to almost 90% of the valid applications that were received. Rejection letters were issued to the remaining unsuccessful applicants on the same day. However, some of those applicants responded to the letter and have since provided the necessary information that is

required to successfully process their applications to payment.

Staff continue to work with a small number of applicants this week to successfully process their applications. To date, that exercise has increased the number of payments that have been made to over 4,200, which means that over 92% of applicants have now received the £1,500 payment. The remaining 370 applicants who were unsuccessful may be eligible for assistance under the next scheme, which is due to launch this month.

Mr Carroll: I thank the Minister for her answer. Even though some people had breaks in their insurance, they did not cease being taxi drivers and many of them were unable to work. Does the Minister agree that it is unacceptable that many taxi drivers are still without any payment? What will she and her Executive colleagues do to address that? She said that 90% of applications were valid and, therefore, those drivers received a payment, but what percentage of taxi drivers did not receive any payments whatsoever?

Ms Mallon: I thank the Member for his question. The second scheme has reflected on the learning from the first scheme. It will be based on the same principle and sector evidence base in terms of overheads as the first scheme, in that costs would still have to be incurred by the driver, thereby continuing to ensure value for money. However, payments from the second scheme will be made on a pro rata basis, which will better reflect the individual circumstances of and actual costs incurred by each driver.

Payments will be calculated on the basis of the actual number of days for which a driver can provide evidence of full insurance, which means that £250 will be paid for every 30 days of full insurance up to a maximum of £3,000 for 360 days. In practice, that means that a driver, assuming that he or she had met the criteria fully and had been paid £1,500 during the current scheme, would be eligible for the maximum support of up to £3,000 for the total 12-month scheme. Those who did not have continuous insurance and, therefore, were not eligible for the first scheme will now receive payment on a pro rata basis. That is important in terms of implementing learning and getting help to those taxi drivers who were not able to avail themselves of the first scheme.

Miss McIlveen: I welcome the Minister's announcement that a new scheme will open for private bus and coach operators. Will she give

an assurance that that will not just be an extension of the previous scheme, given the issues that have been associated with that? Will she also commit to a similar scheme for taxi operators, mindful that the Finance Minister has money to spend?

Ms Mallon: I thank the Member for her question. I met the private bus and coach operators' representatives again yesterday evening to get their views on what they felt worked with the first scheme and where they felt that there were flaws. We have committed to working with them as we devise the second scheme. I have committed my officials to a follow-up meeting with them to talk about some of the more technical issues that we discussed yesterday evening.

I can confirm that taxi operators are eligible for the Department for the Economy's part B COVID restrictions business support scheme (CRBSS). Taxi operators are eligible to apply, and their payments will be made retrospectively to the point at which their business was impacted on by restrictions. The Minister for the Economy has confirmed that in correspondence to me.

Ms Anderson: Minister, I know that you are aware that members of the Infrastructure Committee have raised the issue of the second scheme being issued on a pro rata basis. Many taxi drivers who temporarily suspended their insurance did so because they were shielding or simply had no money to work. Therefore, picking up on what the Committee Chair said about the Finance Minister asking ministerial colleagues to come forward with further bids, are you anticipating or even organising and arranging an additional bid for an enhanced scheme? I am conscious that the second scheme is coming out, but taxi drivers do not feel that £3,000 over a year is sufficient.

Ms Mallon: I thank the Member for her question. The scheme was devised with those in the sector. I think that it is on the public record that they had requested a payment of £6,000 over a two-year period. The schemes that I am bringing forward will give £3,000 for one year, thereby meeting that threshold.

In respect of the drivers who are shielding, the Member will be aware that the scheme is based on contribution to costs. It is in addition to the self-employed scheme and to the Department for Communities' discretionary support grant scheme, which that Department specifically set up to help all those who are shielding. I am more than happy to make further

representations to the Minister for Communities to see whether we can provide additional financial support to all those who have had to shield through this difficult time.

Mr Catney: Minister, given that you have acted quite quickly to ensure help to drivers and that further assistance will now be provided, what discussions have you had with the Economy Minister regarding DFE support for taxi drivers and operators?

Ms Mallon: I thank the Member for his question. I continue to press for the inclusion of the taxi sector in the Department for the Economy-led schemes, especially given that the sector is being further impacted by the current restrictions. I remain fundamentally of the view that the Executive need to take an inclusive and fair approach to the financial support provided for restrictions through the DFE CBRSS and that all eligible businesses should be able to apply. As the Member may be aware, the Department for the Economy's CBRSS was introduced to support businesses that have been affected by the restrictions in place as a result of the health protection regulations. In addition to being able to avail themselves of previous business support grants or loan schemes, taxi operators can apply for the part B scheme, provided other eligibility criteria are met. As I said, any successful applications to the scheme will be backdated to the period in which restrictions apply to them. I remain fundamentally of the view that the schemes should be more inclusive, so I will continue to make representations to ensure that taxi drivers, as well as private bus and coach operators, are included in the scheme alongside taxi operators.

Miss Woods: Does the Minister have any information on when the new scheme for taxi drivers will be launched? How will that be communicated to taxi drivers?

Ms Mallon: We hope to launch the new scheme by the middle of February. As I said in a previous response, I always think that it is right and proper that we as Ministers reflect on our schemes and the learning from that. I accept that it was frustrating for applicants because there was no dedicated telephone line, for example, to ring up and get an update on their application. During the first scheme, all dedicated resources were focused on processing the thousands of applications received as a matter of priority, and applicants were advised to send queries to a dedicated email address. This time around, I am focused, and I have made it clear that I want to see us

doing better. While not all COVID-related support schemes have provided a dedicated phone contact, I have asked my officials to provide a telephone contact for the next taxi driver financial assistance scheme so that we can get information quickly to all applicants.

Mr Principal Deputy Speaker: We have had the question and five supplementaries. I appreciate that other Members wanted in on this, but we need to move on.

2.15 pm

Transport Decarbonisation

3. **Dr Archibald** asked the Minister for Infrastructure what measures her Department is taking to facilitate decarbonisation in transport. (AQO 1499/17-22)

Ms Mallon: I thank the Member for her question. Tackling the climate emergency is a global challenge that we all face. As Infrastructure Minister, I have made addressing climate change one of my key priorities. My officials have been working closely with the Office for Zero Emission Vehicles on the development of transport decarbonisation plans, and they are leading on the transport elements of the Department for the Economy's proposed new energy strategy.

The work focuses on four main themes: a modal shift that includes active travel options; the electrification of transport; alternative fuels capability; and the future of mobility, which looks at IT solutions, such as Mobility as a Service, and micro-mobility options, such as the use of electric bikes and e-cargo bikes for short journeys and last-mile delivery. Consideration is also being given to how alternative fuels can be deployed across the transport sector, including the use of compressed natural gas/liquid natural gas for freight; the electrification of transport, including opportunities for greening the public-sector fleet; how green hydrogen can be used to power heavier vehicles other than buses, exploring its potential use in refuse collection and in the marine and retail sectors.

To support improvements in the commercial provision of electric vehicle (EV) charging infrastructure, I have been able to support the EU INTERREG-funded Facilitating a Sustainable Transition to EVs in the Regions (FASTER) electric vehicle network project. This joint proposal with Scotland, the South and the North aims to install 73 new EV rapid charging points across the island of Ireland and the west of Scotland by 31 March 2023. I have also

made changes to the planning system, through permitted development rights, to make it easier to expand the existing charging infrastructure for electric vehicles. My officials are working with the Electricity Supply Board to assist with its plans to replace 70 charge points across the North to help to improve reliability. Three new hydrogen buses entered into service on our public transport network in December 2020. These will be followed by 100 zero emission vehicles over the next two years: 80 battery electric buses and 20 hydrogen fuel cell buses.

Dr Archibald: I thank the Minister for her very comprehensive response. Obviously, a multifaceted approach is required. Encouraging people on to public transport is also critical, and park-and-rides are one way of doing that and making it accessible. From a constituency perspective, when the A6 scheme was announced, three park-and-rides were planned at Drumahoe, Claudy and Dungiven. The Drumahoe park-and-ride has progressed, and I have engaged extensively with Translink and DFI about the Dungiven one. Frustratingly, there has been some back and forth about the location. We have been told for some time that a decision is imminent. Will the Minister give an update on the A6 park-and-rides?

Ms Mallon: I thank the Member for her question. The utilisation of park-and-rides is extremely high and continues to grow, illustrating the vital role that they can play in supporting the move to more sustainable modes of travel and reduced congestion and air pollution. In the last seven years, my Department has delivered around 3,400 additional park-and-ride spaces at a cost of approximately £16.5 million, which has encouraged a modal shift. I am focused on progressing further park-and-ride provision as a sustainable transport measure.

The Member has written to me about the Dungiven park-and-ride. Work is ongoing on the feasibility of potential sites. However, I recognise its importance, and I have asked for work to be completed at pace so that I can make a decision on the next steps.

Mr Muir: As the Minister will be aware, last year, the Assembly passed legislation to legalise the use of e-bikes on the public highway. Has the Minister considered the launch of an e-bike public hire scheme? In particular town and cities across Northern Ireland, getting up hills can be a struggle. A public hire scheme would be very popular in areas such as Shipquay Street in Derry.

Ms Mallon: I thank the Member for his question. Mr Catney is an avid user of an electric bike, and he will be able to provide testimony on the ease with which he can go up very steep hills.

We are willing to consider a public hire scheme as part of the blue/green fund and the work of the walking and cycling champion. We have engaged with councils, and I have made it clear that I would like us to work more closely with them and support the roll-out of their bike schemes. Certainly, I am up for considering whether we can also look at e-bikes as part of that wider scheme.

Mr Principal Deputy Speaker: Those steep hills in Lisburn must present a unique challenge.

Mr McNulty: Minister, I want to applaud you for your strong and composed leadership and delivery on projects like Casement Park, the A6, the A1 and support packages for taxis and bus operators — all projects that Sinn Féin failed to deliver on when it had the Ministry. If its Members spent less time standing beside potholes getting pictures taken, they might get more done. *[Interruption.]*

Mr Principal Deputy Speaker: Order, Members. I am sure, Mr McNulty, that the question is just struggling to get out. *[Laughter.]*

Mr McNulty: It is on the tip of my tongue.

If Sinn Féin Members spent less time getting their pictures taken beside potholes in an effort to attack you, Minister, they might get more done. What discussions have you had with the Irish and British Governments about tackling our carbon footprint across these islands?

Ms Mallon: The Member will be aware that we have already worked together to secure, in partnership with the EU, funding under the FASTER programme to deliver more e-charging points across this island. Just this week, I met Minister Ryan again, and we continue to work together on more sustainable all-island infrastructure, including looking at greener and cleaner options such as rail and investment in greenways.

I will also be meeting my Scottish and Welsh counterparts later this week to discuss how we can work together to aid the green recovery. I have, on a number of occasions, raised the need for investment in infrastructure with the British Government to help to deliver cleaner, greener, more sustainable ways of travel. My

officials continue to work closely with the Office for Zero Emission Vehicles on the development of transport decarbonisation plans and with the Department for the Economy on the transport elements of the proposed new energy strategy for the North. This work is intended to address strategic energy issues, including the requirement to respond to climate change and to work to deliver on our net zero carbon targets. The climate crisis does not respect borders, and it will only be effectively tackled if we work together at a local and global level.

Mr Principal Deputy Speaker: Mr Robbie Butler? No? OK, we will move on to the next question.

A5: Update

4. **Mr McHugh** asked the Minister for Infrastructure for an update on the A5 road project. (AQO 1500/17-22)

Ms Mallon: I thank the Member for his question. He will know of my commitment to tackling regional imbalance, connecting communities and improving road safety. The A5 project very much aligns with this commitment. The project has been subject to three separate legal challenges since its inception in 2007, the most recent being in December 2017 when a new decision to proceed with a scheme, made in the absence of a Minister, was challenged, leading to the quashing of the statutory orders in November 2018. Since then, my Department has been progressing the necessary work to enable a fresh decision to be made. In spring 2019, an addendum to the environmental statement of 2016, together with other environmental reports, was published for consultation.

Following a public inquiry held during February and March of 2020, my Department received an interim report from the inspector in the latter part of last year. My officials have considered the issues raised and recommendations made in that report and have taken legal advice. I have been considering the advice from officials and the legal advice, and I hope to be in a position to make an announcement for the next steps in this flagship project in the coming weeks. I assure the Member of my continued commitment to the scheme.

Mr McHugh: Thank you, Minister. You will know, as we all do, how vital the development of the A5 is, not only for the safety of those who travel on it but for the economic and social development of the north-west region itself. Given that funds are now available, when are

we likely to see boots on the ground or spades in the road and this work commencing?

Ms Mallon: I know that the Member has made a number of representations, certainly at least since I took up office, on the importance of the project. He is right that it is important for road safety reasons, but it is also a strategic economic corridor and a commitment in New Decade, New Approach. On the issue of time frames, as soon as I make a decision, that will define the time frame for the next steps, but I am making it clear that I am committed to this project and that I want to see it progress at pace.

On funding, I welcome the fact that the Irish Government have reaffirmed their £75 million commitment to the project, and also the fact that the Taoiseach has announced the shared island fund. I will continue to make representations to Executive colleagues, the British Government — to honour their NDNA commitments — and to the Irish Government, because we have a number of North/South infrastructure projects that will bring huge economic, social and environmental benefits to all our citizens.

Mr Butler: I thank the Minister for her answer, in which she referred to her absolute commitment to improving road safety. The Minister will know that the A1, about which there was an announcement earlier this week, is a seriously dangerous road. I have lost friends and former colleagues to road accidents and attended many tragic incidents there. Will the Minister update us on the improvements that are coming to the A1 and give us a time frame for them?

Ms Mallon: I thank the Member for his question and offer him my sympathies on the loss of his friends and colleagues. It is tragic that that road has seen so many fatalities and accidents, and, sadly, the Fire Service, which the Member is a former employee of, attends that location very frequently.

On Thursday 28 January, I announced my decision to proceed with the A1 junctions phase 2 road improvement scheme and to release the inspector's report. I was delighted to announce that key step in the development of that significant scheme because it will address safety issues along a 25-kilometre stretch of the A1 between Hillsborough and Loughbrickland. I am aware of how important the A1 improvements are for the many people who have expressed their support for the scheme, especially all those who have lost loved ones.

That announcement was a milestone for the project, but it was one that belongs to all the families who have campaigned on the issue for so long. As I said to them, I will do all that I can to expedite that vital scheme.

Mr McCrossan: I thank the Minister for reaffirming her commitment to the vital A5 project, on which there is a united front for delivering. I hope that the Minister agrees that the most damaging interference in the project has been from the Alternative A5 Alliance, which has derailed the project time and time again with legal battles, working against the majority of people, who want the road delivered. Will the Minister join me in calling on representatives across the House to stand with her to see that vital road project delivered and developed immediately and as a matter of urgency in order to save lives and improve economic prospects across the island?

Ms Mallon: I thank the Member for his question, and I agree that, for politicians, it can be difficult to resist the temptation of playing party politics with any issue. The A5 is certainly an issue that unites representatives from all political parties and people from all backgrounds who live in its vicinity, use it and have lost loved ones on it. I ask that we continue to stand together and work together to ensure that we deliver on that crucial infrastructure project at the earliest opportunity.

Ms Bradshaw: I echo the comments from the previous speaker on the expectation and anticipation of the road being delivered. Minister, are you confident that the money that has been allocated for the next financial year will be spent and will not be handed back?

Ms Mallon: As Minister for Infrastructure, I never set out with the intention to hand money back; in fact, in this financial year, the return from my Department is, I believe, 0.27% of its budget. That is an achievement for which I place on record my appreciation to staff, because we were operating in difficult circumstances, given COVID and the impact that has on construction works through the mitigations to ensure that workers are kept safe. I assure the Member that, at every opportunity, I will bid for money and, at every opportunity, ensure that we spend it in a way that delivers maximum benefit for our citizens.

Road Hauliers: COVID-19 Pressures

5. **Mr Buckley** asked the Minister for Infrastructure for her assessment of the

pressures faced by road hauliers throughout the COVID-19 pandemic. (AQO 1501/17-22)

Ms Mallon: I thank the Member for his question. I understand the pressures that have faced road hauliers throughout the COVID-19 pandemic. Northern Ireland needs haulage drivers and all other logistics professionals to keep supply chains moving. To ensure the continuing flow of goods into and out of Northern Ireland, last year I put in place a range of regulatory measures, including a suspension of all MOT tests for commercial vehicles and relaxations of other requirements. I also considered the evidence provided by the sector of the financial pressures faced by haulage operators because of the impact of COVID-19 and recognised that some sectors have been impacted more than others. However, the exceptional circumstances threshold required by the Financial Assistance Act (Northern Ireland) 2009 has not been met. I continue to keep financial support for the industry as a result of COVID-19 under review.

I appreciate that hauliers faced additional impacts arising from Brexit in January. However, those difficulties and financial costs relate in the main to trade and customs matters, many of which need to be resolved by the British Government working with other Departments. Everyone working in the haulage industry has rallied to take on the challenges of COVID-19, and I am thankful for everything that they are doing to keep supply chains moving in these difficult times.

2.30 pm

Mr Principal Deputy Speaker: I am afraid that we have time for only one supplementary question.

Mr Buckley: As the Minister knows, road hauliers face a deeply uncertain time on two fronts, with COVID-19 isolation costs and retail sectors closed across the GB mainland, meaning that there are no backloads coming back to Northern Ireland and additional costs. In addition, we have the Northern Ireland protocol, which was supported by your party in the House for rigorous implementation, meaning excess costs and bureaucracy for road hauliers.

Mr Principal Deputy Speaker: Question.

Mr Buckley: Will the Minister outline concrete proposals that she can put to the Minister of Finance for additional resources to help hauliers in this difficult time?

Ms Mallon: I assure the Member that I have worked extremely closely with DAERA, the Department for Transport, the Road Haulage Association and Logistics UK to understand the up-to-date picture for road hauliers at a local and UK-wide level. I keep the situation under close examination. The most recent logistics performance tracker report from December 2020, provided by Logistics UK, shows that only 1·2% of HGVs are parked up and that only 1% of drivers are currently furloughed.

I agree wholeheartedly with the Member that hauliers are being impacted by Brexit, and that is why I continue to work with all my Executive colleagues in our representations to the British Government and others to ensure that we get the easements that are required and work with the industry as a cohesive Executive.

Mr Principal Deputy Speaker: We now move on to topical questions.

Question 3, standing in the name of Mr Mervyn Storey, has been withdrawn. I am sure that all Members will join me in wishing Mervyn a quick recovery. He is in isolation because of coronavirus.

Planning: Ammonia Guidance

T1. **Miss Woods** asked the Minister for Infrastructure for an update on her review of the planning application process to ensure that planners have all the appropriate guidance on ammonia and are led by the science and data to mitigate emissions. (AQT 941/17-22)

Ms Mallon: I thank the Member for her question. I fully appreciate the concern about the scale and complexity of the ammonia problem in Northern Ireland and the need to protect human health and our natural environment. It is an issue of regional significance and presents a significant challenge to planning authorities in determining applications for ammonia-emitting development proposals. DAERA, as the statutory nature conservation body, has policy responsibility in relation to the impact of ammonia nitrates on the environment and acts as a statutory consultee to the planning system. Its statutory consultation input is informed by an operational protocol relating to ammonia and nitrates deposition. DAERA accepts that its protocol needs to be revised. The Member may recall from a recent Assembly debate on ammonia that I had written to the Minister of Agriculture, Environment and Rural Affairs, who advised that the work on the ammonia strategy, including a review of its operational protocol, is

in its final stages of preparation prior to public consultation. While that has led to delays in determining a number of applications for agricultural development, I hope that future DAERA advice, based on up-to-date scientific data and consistent with recent case law, will see councils in a position where they have confidence to make such determinations.

Miss Woods: I thank the Minister for her answer. Another aspect brought up during the recent debate was Shared Environmental Service. Will the Minister outline her rationale for refusing requests from Shared Environmental Service for the additional funding to carry out the habitats regulations assessment?

Ms Mallon: I thank the Member for her question. A request for additional funding was examined by my Department and by the Department for Communities, as I understand it. The issue of increased financial support is one that has to be pictured in the round. A number of councils have seen an increase in income, for example, as well as outgoing costs. Therefore, if any work were to be taken forward on that, it would need to look at all the factors. It is something that I will look at, but, as far as I am aware, the Department for Communities has replied that it would not be in a position to increase funding at this time.

Driving Tests

T2. **Mr Givan** asked the Minister for Infrastructure to outline the current position with the well-documented backlog in driving tests, with thousands of people being denied the opportunity to do the test, which is particularly impactful on young people and those who are pursuing jobs for which a driving licence is a requirement, and to state the action that she is taking to address the backlog. (AQT 942/17-22)

Ms Mallon: I thank the Member for his question. The Driver and Vehicle Agency (DVA) resumed driving tests for private cars from 1 September 2020, prioritising tests for key workers and those who had had their tests cancelled between March and June 2020.

The DVA opened its driving test booking system for all customers on 5 October, but, since then, the service has been significantly disrupted due to further COVID restrictions introduced by the Executive. Following the announcement of the Executive's post-Christmas restrictions, driving tests have ceased from 28 December to 5 March. To help to mitigate the impact on customers who are

waiting patiently to take their driving test, I brought forward legislation to extend the validity of theory test pass certificates. When driving tests resume again, the DVA is planning to reopen the booking service in phases, based on the expiry date of theory test pass certificates to give priority to those who have been waiting the longest time.

The DVA continues to increase its capacity by recruiting additional examiners and will offer appointments on Saturdays and in the evenings as we move into spring and the brighter nights. The DVA will also use overtime to rota off-shift dual-role driving examiners to provide further capacity.

Mr Givan: I look forward to the Minister championing the cause of those who have been denied the opportunity to sit their driving test and dealing with what is now a quite unacceptable backlog, given the deprivation that that leads to for those who cannot get a test.

The ability to drive on decent roads is, of course, vital. A number of weeks ago, the Finance Minister indicated that he had not received a bid or that there was not funding for Roads Service maintenance, which, annually and historically, has been a significant recipient of end-of-year moneys. Is there a reason why there has not been that kind of bid from your Department?

Ms Mallon: To address the first point, Mr Givan, I did not stop driving tests. The Executive, of which your party is a member, took the decision to stop driving tests, because they are a close-contact service, to keep citizens safe. Ever since, my Department and the DVA have had plans in place to reinstate driving tests as soon as the restrictions end. Given that the Executive have rolled on those restrictions, we have adapted accordingly, and we have published our plans. I take the situation very seriously, and we continue to do all that we can to fully reinstate services in a safe way as soon as possible.

On the issue of finance, I set aside £75 million for the structural maintenance fund, which was the same as last year. I set aside £12 million for a road recovery fund, £10 million of which is for rural roads, because I am very much committed to tackling regional imbalance. I have bid throughout this financial year for additional moneys for structural maintenance. In fact, we have seen an 11% increase in the money being allocated. Again, I take that issue seriously because I recognise that it is important to residents right across Northern Ireland.

Northern Ireland Water: Budget Allocation

T4. **Ms Armstrong** asked the Minister for Infrastructure what talks she has had with the Minister for Communities to ensure that funding allocated to Northern Ireland Water will help that Department to achieve its housing targets, albeit that, having seen the draft Budget, the Minister will agree with the concern expressed at the funding that her Department will receive, particularly when reflecting on the money that will go to Northern Ireland Water. (AQT 944/17-22)

Ms Mallon: I thank the Member for her question. She raises a very important issue. Members will be aware that a £2 billion investment is required in our water and waste water infrastructure for the next price control period. That reflects a capital requirement as well as a resource requirement. Members will be aware from the draft Budget that the proposed resource budget for my Department has been cut.

I absolutely recognise the importance of building many more new social and affordable homes. I have supported the Communities Minister in her representations on that issue to the Executive. The truth is that 116 locations across Northern Ireland are now either at or beyond their developmental capacity. If we do not invest in our water and waste water infrastructure, we will not be able to build the many social and affordable homes that we need, we will not be able to stimulate our economy, we will not be able to create the employment that our citizens need, we will not be able to tackle the climate emergency and, in fact, we will not be able to achieve the objectives that we have all signed up to in the Programme for Government.

Ms Armstrong: I concur with the Minister. Indeed, building has ground to a halt in areas of the Strangford constituency because there was not capacity in waste water treatment. I am very aware that, across councils, there are issues with planning departments and delays. How much work is being done between the Department and councils to identify where there are issues with Northern Ireland Water and waste water treatment works so that we do not keep building on the delay in planning?

Ms Mallon: I thank the Member for her question. The Member may know that Northern Ireland Water has been engaging in an extensive consultation and information exercise with all the councils to make them aware of the

challenges within their own areas. That is particularly important as councils develop their local development plans. All councils, in developing their local development plans, recognise the importance of ensuring that they provide housing for their citizens. They also recognise the economic multiplier that is derived from that, particularly for the construction industry. Northern Ireland Water will continue to engage on that front, and my Department is also working closely with the councils as they develop their local development plans. I also encourage Members, in engagement with their elected representatives and communities, to raise awareness of the issue. The Minister of Health and the Minister of Education, understandably, can point very emotively to the challenges that their Departments are trying to deal with. When you turn on your tap, you get water. When you get showered, you get water, but you do not realise how much of a challenge it is. I look to Members to help me and Northern Ireland Water in raising the importance of the issue.

Kinnegar Waste Water Treatment Works

T5. **Mr Chambers** asked the Minister for Infrastructure for an update on the progress of the innovative pilot project at Kinnegar waste water treatments works in Holywood, which is designed to separate the oxygen and hydrogen in water. (AQT 945/17-22)

Ms Mallon: I thank the Member for his question. I assume that he is referring to the Power to X project, which is a collaborative piece between the Department for the Economy and Northern Ireland Water. As he said, it is an innovative project. It is about seeing whether we can drive forward the opportunities and the potential within our economy for hydrogen. If it proves to work, and I have no doubt that it will, it will also be able to deliver efficiencies for Northern Ireland Water. Multiple benefits are to be had from it. Work on that continues, but I am happy to provide the very latest update on that project for the Member in writing.

Mr Chambers: Thank you, Minister. Could the use of the separated oxygen in the sewage treatment process help to alleviate the noxious smells that have emanated from the plant on occasions over recent years?

Ms Mallon: As I said, there are multiple benefits to be had from the project, working through to its completion. One is around efficiencies, and, no doubt, one will be on the issue of smell that the Member referred to.

When we provide you with the written update, I will make sure that we also address that issue.

Wedding Vehicles: Financial Support

T6. **Mr T Buchanan** asked the Minister for Infrastructure what help is available for people who own and operate wedding vehicles, given that, earlier, although she answered a number of questions about support schemes for taxi drivers and coach operators, she did not outline what she has done to provide for those people who are also suffering substantial losses because of COVID. (AQT 946/17-22)

Ms Mallon: I thank the Member for his question. I have engaged with representatives of the wedding car industry. I am aware that a number have been able to avail themselves of support schemes to date through the Department for the Economy. Individual drivers within the industry will also have been eligible for the taxi driver financial assistance scheme that I have brought forward.

Mr K Buchanan: Individual drivers may well be able to tap into that but not the people who own the vehicles. For example, someone in my constituency owns six or eight of those vehicles, and there seems to be no support for them. As Minister, why have you not thought about bringing forward some type of scheme to help those people, who are also suffering substantial losses as a result of COVID-19? The Finance Minister has quite a bit of money that he is looking to be spent. Do you think that it is time that you looked at bringing forward a scheme, specifically, for those people?

Ms Mallon: I thank the Member for his question. We need to first establish the facts. We need to be very clear on what the wedding car industry representatives and members have been able to avail themselves of. I understand that they have been able to avail themselves of a number of schemes at UK Government level and at Executive level. I am not responsible for administering the Department for the Economy's part B scheme, but I have had it confirmed in writing that taxi operators are eligible. It would seem to be fair and only right that the wedding car industry, which is also being impacted by the current restrictions, should also be eligible for that scheme. I am happy to write to the Minister for the Economy to establish whether that is the case and to share that correspondence with the Member.

2.45 pm

Residents' Parking Scheme: Portrush

T7. **Mr M Bradley** asked the Minister for Infrastructure whether a residents' parking scheme could be rolled out for the benefit of the people of Portrush and across Northern Ireland, given that, a few years ago, albeit not during her tenure, when he asked the Department about a residents' parking scheme for Portrush, he was informed that a pilot scheme was soon to be rolled out in south Belfast and, once the findings were known, the scheme would possibly be rolled out across Northern Ireland, including in Portrush. (AQT 947/17-22)

Ms Mallon: I thank the Member for his question. He is right. Evaluation work was carried out on the back of that pilot scheme, and I await the submission detailing the evaluation and analysis. I have not as yet received it, but I hope to receive it shortly. I have already given a commitment in the House that I will publish that report, because I am cognisant of the fact that Members have an interest in the issue and of the fact that residents across Northern Ireland have a keen interest in it, given the difficulties with parking in their areas.

Mr Principal Deputy Speaker: Mr Bradley, very briefly.

Mr M Bradley: I will be brief, Mr Principal Deputy Speaker. There is grave concern that people with health problems, and care teams that are required to visit them, cannot get parked outside their house. Will the Minister look at that issue urgently?

Ms Mallon: That is an important point. In addition to my previous answer, I make the point that, if Members have constituents who have mobility and disability issues, they should encourage them to apply to the Department for Infrastructure to be included in the blue badge scheme. That will not address the overriding problem, but it may bring some easement and comfort to constituents who find themselves in that difficult situation.

Mr Principal Deputy Speaker: That concludes questions to the Minister for Infrastructure. The next item of business is a question for urgent oral answer to the Minister of Agriculture, Environment and Rural Affairs, Mr Gordon Lyons. I ask Members to take their ease for a few moments while we change the top Table. If you are leaving the Chamber, do not forget to wipe down the surface where you were sitting.

(*Mr Speaker in the Chair*)

Question for Urgent Oral Answer

Agriculture, Environment and Rural Affairs

Checks at Ports

Mr Speaker: Mr Declan McAleer has given notice of a question for urgent oral answer to the Minister of Agriculture, Environment and Rural Affairs. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs why live animals, dairy and meat products will continue to be allowed through Larne and Belfast ports in the absence of physical inspections, given the potential damage to our agri-food industry through the spread of disease and damage to our international reputation for high quality, safe food.

Mr Speaker: I welcome the Minister to his first item of business in his capacity as Minister. I do not think that, when he signed the Pledge of Office this morning, he expected to be here this afternoon, but these things must. As I said earlier, let that be a warning to all prospective Ministers: you are on call round the clock.

Mr Lyons (The Minister of Agriculture, Environment and Rural Affairs): Thank you very much, Mr Speaker. As this is my first opportunity to address the Chamber since my appointment, I join colleagues from across all parties in sending my good wishes and prayers to Edwin Poots as he begins his treatment and recovery. We look forward to seeing him back in this place very soon.

I join my Executive colleagues in condemning any threats made against staff going about their duties at Belfast and Larne ports. As public servants, these staff should be allowed to do their jobs without fear. It is unacceptable and intolerable that threats have been made. The threats should be lifted immediately, and staff should be able to do their job without fear or intimidation. There is no place in our society for threatening anyone going to their place of work. For me, staff safety is paramount.

Last night, the Department was notified by Mid and East Antrim Borough Council that it was temporarily halting physical inspections in the Larne inspection facility. After discussions with partner organisations and the PSNI, the Department also decided to temporarily suspend physical checks on products of animal origin (POAO). That decision was taken as a purely precautionary measure in the interests of staff safety. The Department expects to receive a further risk assessment from the PSNI. DAERA continues to implement documentary checks on all consignments moving from Great Britain to Northern Ireland, and sealed checks continue to be carried out, where possible, in GB ports.

Physical checks on POAO from GB are currently suspended. Physical checks on other categories of goods will continue to be carried out where local management and staff consider it safe to do so. These proportionate measures will help to ensure that any risk from imported goods is mitigated. As a temporary measure, this response is proportionate to the lower risks associated with these consignments and is consistent with DAERA's overall approach to verification.

The Member will be aware that, of course, there has been no change to food production standards. Consequently, no significant increased risk exists to consumers in Northern Ireland or to the wider agri-food industry. We can all be assured of that safety in regard to animal, plant and public health.

Mr McAleer: I thank the Minister for his answer. I wish him well in his role and congratulate him. I hope that he does well, and I look forward to working with him in my capacity as Cathaoirleach of the AERA Committee.

We condemn these threats and pass on our solidarity with those workers. The threats need to be lifted, and the PSNI needs to investigate thoroughly to get to the bottom of them. If people need to be brought to book for this, that needs to happen.

The Minister will be aware that checks have been carried out on animal, food and plant products from Britain at Larne port for over a hundred years to protect the biosecurity of the island of Ireland and our under pressure agri-food sector. Does he agree that now is the time for calm heads and strong collective leadership to resolve these issues, get the staff back to work and resume operations at the ports?

Mr Lyons: Although I do not intend to be in post for long, I am, of course, more than happy to work with the Chairperson and the

Committee. Of course, we should all have calm heads. We should all be aware of the huge anger in the community because of the protocol and the consequences that it is having here in Northern Ireland. We have to be aware that that is the case. However, that is no excuse whatsoever for the threats and intimidation that we have seen.

Unfortunately, we have had an awful lot of temperature raising in the past. The Member's party was guilty of that in regard to threats made during and after the referendum, when we saw tensions being raised. We saw leaders of his party constructing fake walls and knocking them down with sledgehammers. We saw a lot of tension ratcheted up about a border on the island of Ireland that was never going to be put in place. Now, the real consequences of the protocol are being felt.

I understand the anger and frustration that people feel. However, there is no justification whatsoever for intimidating workers who are going about their jobs. It is important that that has been put on record not only by me and my party, but by Members right across these Benches. The most important thing for us all should be the safety of staff. That is what is important to me right now.

Mr Irwin: I welcome the Minister to his new post. I hope that the former Minister is back to health soon and able to resume the post.

Will the Minister give his assessment of the need for products that are solely for consumption in Northern Ireland to be checked at all, given that that poses no risk whatsoever to the single market?

Mr Lyons: Of course, the authors of the protocol would say that the reason why it was needed was to protect the EU single market. However, there is also the UK internal market. We need to be aware of that and recognise that it has been damaged and affected by the protocol. There does not seem to be any sense in requiring checks on items that are moving from Great Britain to Northern Ireland if they are not going to go into the EU single market. That is why the protocol needs to go. The way in which it creates those additional burdens and barriers to trade within the UK internal market, which, of course, is our most important market, is wrong.

By the way, the problems with the protocol are not just problems for unionists. It affects us all in Northern Ireland. It affects all consumers.

That is why it is so important that we get rid of it: because of the damage that it is doing.

Ms Dillon: I thank the Minister for his answers so far. I also wish him well in his post, albeit that it is temporary, hopefully. This morning, it was remiss of me not to offer my full support and solidarity to the former Minister in his ongoing battle with his current health circumstances. I want to let Edwin and his family know that we are thinking of them and wish them all the very best for the future.

Does the Minister have any time frame as to when the PSNI update might happen? If some checks are taking place but not others, and if some staff are still taking part in checks, how will anybody who has made a threat differentiate as to which checks are taking place?

Mr Lyons: Obviously, the situation is changing rapidly all the time. The PSNI must be given time to do its work. Then we will also carry out a departmental risk assessment of this, as everyone would expect us to do. I cannot give the Member a timeline because there is no way in which one can be given; the situation is changing so much. I think that she will understand that that is the case. As I said before, the most important thing in all this is the safety of staff. That is what must come first, before any timeline.

With regard to the checks that are taking place, many are taking place off-site or in GB. It is the checks that are taking place in the ports that have been suspended at this time. It is right that that is the case.

Mr O'Toole: Like other Members, I welcome the Minister to his post and wish him well. He is doing it in not the most auspicious circumstances, given Edwin Poots's illness. We wish Mr Poots well. He has all our best wishes.

I want to ask the Minister two connected questions. First, can he confirm that it is his view that staff should be enabled to do their jobs, including checks, unencumbered, as the law sets out? Secondly, given that we all want to see disruption, including east-west disruption, minimised, is he willing to make representations to the UK Government that it would be beneficial for the UK to enter into negotiations to have a greater level of sanitary and phytosanitary alignment with the EU, as Switzerland and Norway both have, including an agreement on veterinary standards? Is he willing to make those representations to the UK,

because that would be one important step towards minimising disruption?

Mr Lyons: On the Member's first point, I do not think that I could have been any clearer: I completely condemn what has taken place and I believe that people should be able to go about their jobs.

On his point about SPS coordination, we have that right now. We have those similar standards, yet the protocol is causing huge problems. So, we need to find a solution, and that is to get rid of the protocol and to make sure that we have common-sense solutions to the issues that arise as a result of the UK being out of the European Union.

Dr Aiken: I join everybody else in welcoming the Minister to his new post. Earlier today, we wished Edwin and his family all the best, and I echo that.

Obviously, being new to the post, you have not had an opportunity to talk to the vets and the veterinary scientists on the other side of our nation, but in the 32 days since the protocol has been in place, have there been any indications at all from any of the veterinary authorities that anything has changed between the standards that we had at the end of December and the standards that we have right now?

Mr Lyons: First of all, I thank not only Mr Aiken but all Members for their kind words about Edwin Poots as he recovers and for me as I begin in this position.

I have been in post for only a few hours; however, I am not aware of any problems that have come up as a result of the end of the transition period or that vets have identified at this stage, and I will be more than happy to confirm that with the Member in writing. However, he makes a good point. As I outlined in the initial answer to the question, there have been no changes to the rules on food standards. That is why the protocol that requires those checks needs to go.

Mr Blair: I, too, welcome the Minister to his post and sincerely wish him well for the time ahead. Will the Minister confirm that there will be a determination on behalf of the Department that the threat of violence cannot influence government policy, international obligation or the resolve for all of us to work together to seek solutions to current EU exit issues?

Mr Lyons: I absolutely confirm that the policy of my Department and, I hope, of the whole

Executive will not be influenced in any way by sinister elements. Of course, we have to take precautionary measures when necessary, but the way in which we go about changing things, such as the problems that have come about as the result of the protocol, is through peaceful and democratic means, which is something that we all committed to upholding when we took our seats in this place.

Ms Bailey: I, too, welcome the Minister to his new post. I also look forward to working with him and maybe even seeing him at Committee. That would be great.

In light of the fact that Northern Ireland has a number of very serious ongoing cases of avian flu and that that can have dire consequences, I can only imagine how busy your first day has been, but have you met port inspectors today? If so, what is their assessment of the fact that no checks are being done? How much livestock has come into Northern Ireland unchecked? Is that legal?

Mr Lyons: I am more than happy to attend the Committee if I am invited and still in post at the time. As I outlined, checks on livestock that have taken place for decades continue to take place at this time.

Mr Allister: I want to ask the Minister about who has, let us say, sovereignty at our ports. If DAERA declines to operate those checks, is it true that no one else can, including the EU?

Mr Lyons: My understanding is that the only people who would be able to carry out checks would be the competent authority, which is either the Department or Mid and East Antrim Borough Council. However, I do not want to mislead the gentleman on that, so I can come back to him in writing with confirmation of that.

Mr M Bradley: I join with colleagues in welcoming the Minister to his first meeting. I also extend my best wishes to Edwin for a full, successful and speedy recovery. Given what has happened at Larne and Belfast, will the Minister give a commitment to ensure the safety of his staff, that they are protected, and to keep the situation under review?

Mr Lyons: Yes, that is absolutely the case. As I have said, the safety of staff is my prime concern; it needs to be kept under constant review. This is a rapidly changing situation, and various threats or issues have to be taken into consideration. It is exceptionally disappointing that this is taking place. Therefore, I assure the

Member that, in conjunction with the police and the councils, we will keep this under review.

Mr McGuigan: I condemn any threats against workers, some of whom are constituents of mine, at Larne and Belfast ports. Everyone should be able to go about his or her work free from intimidation. I am a bit disappointed at the tone and comments in response to my party colleague, Minister, in equating a bit of pageantry with the threats that we currently have. Given the threats, does the Minister regret that some elected representatives whipped up themselves, and others, into a state of hysteria over the weekend after the non-triggering of article 16?

Mr Lyons: The Member needs to look back over the last number of years at the raising of tensions and inflammatory language that many on the pro-Remain side used, including, of course, the Member's party. It was Ms Anderson, who famously stood up in the European Parliament and told the then British Prime Minister to stick her border "where the sun don't shine". Therefore, I think that the Member needs to look at himself and his own party when we talk about inflammatory language.

However, for my part, I absolutely think that we need to tackle these very serious and difficult issues in a measured way. We need to make sure that we remain calm and deal with them where they can be dealt with in lobbying the Government, Members of Parliament, and the European Commission and showing them how the protocol is not the solution that they thought it was.

Mr Speaker: I would like Members yet to speak to keep within the rails of respect in the rest of this discussion.

Mr McNulty: Ádh mórt. Big luck on you, Minister. I hope that it is just a caretaker role and that Minister Poots overcomes his latest challenge. We wish him and his family well in their new battle.

Minister, will the disruption of checks at Larne or Belfast delay the delivery of goods to shops, farms or garden centres in the days, weeks and months ahead?

Mr Lyons: There is no risk to supply in Northern Ireland to shops, supermarkets or anywhere else.

Mr Beggs: I, too, congratulate the Minister on his appointment, particularly in the challenging

present times and wish, with others, that the threats against staff immediately come to an end.

Minister, I understand that there will be very few live animals moving through our ports, particularly at this time of the year; it is mainly HGVs bringing foods into our supermarkets and our agri-food industry exporting goods to their GB market. Therefore, Minister, if there were blockages or delays at the ports, does the Minister accept that there could be animal welfare issues for animals in transit?

Moreover, could the cargoes, which are all very time-sensitive, end up being dumped, at huge costs to manufacturers, resulting in gaps on our supermarket shelves? Will he engage with the Government at Westminster and the EU to come up with pragmatic, simplified solutions to prevent difficulties that are occurring?

Mr Lyons: I thank the Member for his questions. First, I do not believe that there are any issues with regard to animal welfare, but, of course, we will keep that under review. However, he is quite right that a huge number of concerns have been expressed by hauliers and others with regard to the problems that can come from the protocol.

As junior Minister in the Executive Office, which seems like an age ago already, I had daily meetings with Her Majesty's Government in relation to the problems that were coming about as a result of the protocol and fears about, and practical examples of, some of the consignments and loads coming into Northern Ireland not having the necessary documentation and how that holds everything up. As the Member will be aware, that can be very costly for all those involved. That is why we need solutions to the problems that we face right now. The protocol is not one of those solutions.

Mr Harvey: First, I wish you well in your new position, Minister, and I wish Edwin a speedy and full recovery. Will the Minister outline the material risk to Northern Ireland's reputation as a result of the steps taken by the Department?

Mr Lyons: I thank the Member for his question and good wishes. I do not believe that there is any material risk to the reputation of Northern Ireland, despite the implication in the Member's question. Consumers of produce here in Northern Ireland can be assured that there is no threat to them whatsoever as a result of the changes that have been made. I am pleased

that that is the case and that we can continue to have confidence in our produce.

Ms Ennis: We have rightly heard condemnations of the events that have transpired at Larne, but I was disappointed to hear, on the radio this morning, Mr Beggs refuse to offer his support to the workers at Larne port or to state whether he supports them. Can the Minister state whether he unequivocally supports the workers at Larne port in carrying out their duty of SPS checks?

Mr Lyons: I do not think that it is right for me to speak on behalf of Mr Beggs. However, I believe that, if he had the opportunity, he would say the same as me, which is that staff safety is paramount. When these threats were first made about a week ago, there was graffiti in our constituency. I put out a statement right away saying that it was wrong and that it harked back to where we were 20 or 30 years ago, when people in this country were intimidated and prevented from doing their work, particularly in the security services. Yes, of course, I absolutely believe that people should be free to get on with their job without intimidation. It is not difficult for me to say that. I do not hold that position only now; I have always held it.

Mr Buckley: The question is yet another example of a policy of cutting off your nose to spite your face from pro-Remain parties in the House. The trade in livestock across the Irish Sea has taken place unhindered for centuries. Does the Minister agree that the situation that we face is yet another example of the outworkings of the protocol and further highlights the societal and economic pressures that it has placed on Northern Ireland? Therefore, will he join me in calling on Her Majesty's Government to enact and enable article 16 to bring this sham to an end?

Mr Lyons: Yes, for any number of reasons. Choose your benchmark. There are a number of reasons why the protocol needs to go and why it is wrong. First, it is very clearly a breach of the Good Friday Agreement. Far be it from me to be a defender of that document, but nobody on the Benches opposite is at this moment in time. Community safeguards are gone. "We do not care about that any more" is what the Members on the other side of the House are saying. Northern Ireland's place within the United Kingdom being secure until the majority of people in Northern Ireland want to change the position of Northern Ireland, as is in that agreement, does not seem to matter any more, because our position has been fundamentally changed by the protocol.

Look at the protocol itself. Has there been social and economic disruption as a result of the protocol? Absolutely. The protocol was meant to have no significant impact on how people live their lives here in Northern Ireland. That is certainly not the case. I have talked to people across my constituency who are having trouble bringing in parts for farm machinery or for CB radios. People are facing all sorts of problems.

The protocol has failed and has to go. Article 16 is a tool, but we also need to put pressure on the Government and to make representations to the European Commission to get this to come to an end for the benefit of the people of Northern Ireland.

3.15 pm

Ms Anderson: I, too, wish Edwin and his family all the very best. I wish you luck in replacing him; you have big shoes to fill. I also acknowledge Gary Middleton, who is trying to step in to your brief for the time that you are away.

Like others have done, I condemn the threats that have been made. Those threats, in whatever way they have come about, need to be withdrawn.

Minister, there is no doubt that east-west trade is important, but as, I think, you recognise, the largest market that we have is the EU and the rest of the world. The statistics prove that. There has been a trading adjustment shock. We talked about that at the Executive Office Committee when you were a junior Minister. One of your MPs said that there should be a change to North/South cooperation. Is that the position now of the DUP? The fact is that 80% of our SMEs, which employ the lion's share of workers here, operate on an all-Ireland basis. It would be good if you clarified whether the comments that were made today by your MP —

Mr Speaker: Could we have a question, please?

Ms Anderson: — are reflective of your position and that of your party.

Mr Speaker: OK. Thank you.

Mr Lyons: The Member is fundamentally wrong to say that our biggest market is the EU. Our biggest market —

Ms Anderson: And the rest of the world.

Mr Speaker: Order.

Mr Lyons: — is the rest of the United Kingdom.
[Interruption.]

Mr Speaker: Order.

Mr Lyons: That needs to be protected. Now we can see why the party opposite does not care about the implications of the protocol; it does not understand the importance of east-west trade. It does not even understand the implications that the protocol is having.

As for North/South work, I want to make sure that, whenever we have engagement with the Government in the Republic of Ireland, we make the case to them about why the protocol is wrong and needs to go. I will use opportunities in meetings with my counterparts to press the case for that to happen.

Mr Speaker: We have less than two minutes left.

Mr Wells: We all hope that Mr Poots will be back as soon as possible.

Will the Minister confirm that soil, plants, budgies, dogs etc that were imported on 31 December and were totally safe are equally safe today?

Mr Lyons: I see no reason why anything that was safe to bring in to Northern Ireland from the rest of the UK on 31 December would be any less safe today. That is why the protocol needs to go.

Mr Beggs: On a point of order, Mr Speaker. A few minutes ago, the Member opposite made accusations against me. Will you undertake to review in Hansard the contributions that I made today, in which I showed clear support for all the workers at our ports in carrying out their duties, and in which I clearly indicated my wish that any threats against them were removed?

Mr Speaker: I will do.

Ms Ennis: Review the —.

Mr Speaker: Order. I will review Hansard.

Will Members take their ease for a moment or two, please?

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Final Stage

Debate resumed on motion:

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass. — [Mr Allister.]

Mr Speaker: I call Mr Jim Allister to resume his contribution.

Mr Allister: Thank you very much, Mr Speaker. Before the break, I was giving a résumé of the key aspects of the Bill, and I had reached the point of dealing with the sole criminal offence that is created, which is in clause 10. I will pick up there. I was explaining that clause 10 is to deal with a Minister or special adviser communicating:

"official information to another for the improper (financial or other) benefit of any person."

There are two important aspects to that. It provides a defence of reasonable excuse, which is set out in the succeeding subsections. Clause 10(1) makes it clear that that offence cannot and does not arise:

"in the discharge of a statutory obligation" —

which would be, for example, an FOI obligation upon a Minister —

"or in the lawful pursuit of official duties".

For example, if a spad, as part of his official duties, is instructed by his Minister to liaise with his party, which is a spad's function, or to brief the media about an upcoming policy decision, those would be lawful pursuits of official duties. What is not a lawful pursuit of an official duty is taking official information that you come by, by virtue of being in the position that you are in, and communicating it for the improper benefit of someone else so that they might gain financially or otherwise, whether that other person is a commercial operation, a family member or whomever. That is the gist of the intent behind clause 10. It was probably one of the clauses that attracted the most scrutiny and debate, and I think that we arrived at a proportionate position after taking account of some points that were made.

I will draw attention to some other summary points of the legislation. It imposes a statutory duty, which, strangely, was missing, on Departments to provide scrutiny Committees with the requested documents. As explained in earlier debates, that is to fill the void that exists so that you do not necessarily have to go to the extremity of section 44 of the Northern Ireland Act to compel production of documents but that you ease that process by having in place a statutory duty to provide those documents when requested.

The final provision to which I want to draw attention is, to me, one of the most important: clause 12. Although the Bill imposes various resolutions to issues that have arisen, improving the functioning of government does not happen on a one-off occasion.

It should always be kept under review. Therefore, the purpose of clause 12 is to make sure that, every two years, there is such a focus in the House, courtesy of the First Minister and deputy First Minister bringing a report on issues that have been identified where the functioning of government could be improved. By putting that in statute, we make sure that good ideas and promised reforms do not gather dust on a shelf; rather, there is a repeated focus that means that, if further steps need to be taken, there is a duty on the First Minister and deputy First Minister to draw attention to those issues. Whether they arise from some statutory body's report or, which can happen, from a judicial review in the High Court or something like that, there is a stocktake every two years of where we are and whether there are ways in which we could do things better. That is very much in line with the ethos of the Bill: trying to make things better in the practical functioning of government.

That is almost all that I want to say at this stage. I recommend the Bill to the House. Again, I stress that I am not asking the House to vote on whether it agrees with Jim Allister or his political viewpoint. If that were so, I might have a rather solitary experience in the Aye Lobby. Mind you, if some recent polls are to be believed, that situation might change. However, that is not the question. The question is this: do the propositions in the Bill set before us a path of betterment? Therefore, I ask the House to consider not the messenger but the message, and I think that the message is a good one and one that the House, for the betterment of us all, could embrace. I trust that it will.

Dr Aiken (The Chairperson of the Committee for Finance): Thank you very much indeed, Mr Allister, for bringing the Bill to the House.

Mr Speaker, the Functioning of Government (Miscellaneous Provisions) Bill was introduced in the Assembly on 3 February 2020. I apologise that we have extensive notes and discussions to relay, so please grant me some indulgence as we go through them.

Today's Final Stage marks the end of a year during which the Bill underwent detailed scrutiny in the Committee for Finance and in the Chamber in circumstances that none of us could have predicted a year ago. I acknowledge that there was no consensus in the Committee on the need for the Bill or on the view that legislation was needed in this area. There was extensive discussion in the Committee, and members on both sides of the debate considered a significant amount of evidence on whether legislation was needed or whether codes and guidance would be sufficient to address the issues of concern.

Having considered the evidence in detail, the Committee came to the view that, as guidance had not been followed in the past, there was now a need to legislate to ensure that issues similar to those that led to the collapse of the Executive did not arise in the future and to facilitate the House to move towards a position where public confidence in these institutions was assured. That is the key commentary: where public confidence in these institutions is assured.

Although significant changes were made to the Bill as it passed through the Committee and the House, the general principles remain largely intact, and most of the provisions that the Bill's sponsor sought to introduce and which were supported by the Committee are evident in the Bill that is before us today.

At Second Stage, I informed the House that the Committee for Finance did not want to form a view on the general principles of the Bill at that time. I can now inform the House that the Committee, following its detailed scrutiny at Committee Stage, supports the general principles and the majority of the policy objectives that the Bill seeks to achieve.

The Committee responded to evidence from a range of witnesses. We considered, debated and commented on the provisions of the Bill in detail, and, as a result, the Bill's sponsor was amenable to suggested amendments to help support the Committee's position on the Bill's provisions. Subsequently, following the

Department's acquiescence to refining the Bill with appropriate technical amendments, we have before us at Final Stage a Bill that will help to improve openness, transparency and accountability and will, I hope, help to enhance and improve the public's confidence in these institutions.

3.30 pm

I wish to draw attention to clauses in the Bill in which the Committee took a particular interest. Not the least of those was clause 1. Clause 1 would amend the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and, in doing so, includes a number of important provisions. The Committee supported the provision to restrict the facility to have a hierarchy of special advisers to the Executive Office. It was noted that the provision would still permit a hierarchy of special advisers within the Executive Office, and that was considered appropriate. Importantly, the provision also precludes the management of one special adviser over other special advisers in other Departments.

The Committee gave detailed consideration to the provision in clause 1 bringing special advisers under the Northern Ireland Civil Service disciplinary process. The Committee supported the Department's view that the inclusion of a provision to preclude ministerial involvement in the disciplinary process, which was included in the Bill as originally drafted, was not compatible with the position that a Minister is responsible for the conduct and discipline of their special adviser. It was accepted that the nature of the relationship would require ministerial involvement in the disciplinary process but that the prevention of ministerial interference, as referenced in the original and current drafts of the Bill, would not be acceptable. I welcome the steps taken by the Bill sponsor to amend the Bill to address those concerns and the amendments proposed by the Department of Finance to refine the clause.

The provision in clause 1 to restrict the remuneration of special advisers to that applicable to an assistant secretary in the Senior Civil Service pay structure is important. Under current arrangements, the salaries of special advisers, unlike other civil servants, are not subject to any formal procedures and can be easily raised without explanation or justification. It is important to ensure that salaries are adequate to attract an appropriate pool of suitably qualified and experienced candidates without overcompensating

postholders for the work that they do. The provision does precisely that.

The Committee considered in some detail the provisions to reduce the number of special advisers in the Executive Office. It has been recent practice for six special advisers to be appointed to the Executive Office, and the Committee came to the view that that is the appropriate number. In removing the facility for junior Ministers to appoint special advisers, clause 2 will achieve what the Committee sought to accomplish in limiting the number of special advisers in the Executive Office to six.

Clause 3 was considered one of the less contentious provisions during the Committee's deliberations. The introduction of the affirmative resolution procedure to require the First Minister and deputy First Minister to seek the consent of the House when they intend to appoint a person to provide specialist support is very much in the public interest. It is a proportionate response that will ensure proper accountability and increase transparency by making the public aware of proposals to make such appointments.

Clause 5, which would extend the powers of the Commissioner for Standards to investigate and report on complaints against Ministers, represents a strengthening not only of current arrangements but of the arrangements proposed in 'New Decade, New Approach' (NDNA). The power of the Commissioner for Standards to compel witnesses and documents under clause 5 is an important provision that does not exist under the proposed approach in NDNA. The provision will bring Ministers under the same complaints procedures as other MLAs and ensure that Ministers and all MLAs being investigated for similar alleged breaches are subject to the same complaints procedures. Clause 5 will also provide for the NDNA proposal to be implemented in a way that is seen to be open and transparent.

Clauses 6 and 7 relate to the requirement to keep accurate written records of meetings. Although the clauses as amended differ significantly from those considered at Committee Stage, the principles remain the same.

During its deliberations, the Committee noted that a large amount of normal, innocent and practical Civil Service business might have fallen within the provisions of the Bill as originally drafted. That would, undoubtedly, have created difficulties for civil servants in their legitimate roles. The Bill's sponsor agreed to amendments to tighten the proposals, and

further amendments were tabled by the Department to refine those clauses.

Once it receives Royal Assent, the Functioning of Government (Miscellaneous Provisions) Bill will lend itself to further amendments on any aspect of the functioning of government in Northern Ireland. Following an evidence session from the former Commissioner for Public Appointments for Northern Ireland, Ms Felicity Huston, the Committee for Finance considered tabling an amendment to the Bill in order to strengthen the independence of the Office of the Commissioner for Public Appointments.

As commissioner, Ms Huston had extensive experience of the problems of working in an area of guidance rather than legislation. The Commissioner for Public Appointments for Northern Ireland is appointed under section 23(3) of the Northern Ireland Order 1998, which runs to three pages and one schedule. Ms Huston's view was that the order is vague, provides very few powers and does not clearly lay out what the independent nature of the post means in practice. The Office of the Commissioner for Public Appointments was established through prerogative order rather than legislation. The commissioner had no control over the budget and could not appoint her own staff but had to rely on civil servants who were seconded into the office. She had an auditor appointed by the Northern Ireland Civil Service and could not take independent legal advice. She was based in Castle Buildings, which was confusing, considering that the role is that of an independent regulator but sits in a central position in the structure of government.

The International Ombudsman Association has a set of standards to recognise and assess the independence of an ombudsman, that is, a regulator or an entity that deals with complaints. Ms Huston informed the Committee that, during her time as commissioner, the Office of the Commissioner for Public Appointments failed all those tests. As I said, the Committee considered tabling an amendment to the Bill to address that. However, given the complexity of the issue, the amount of time that would have been required to take sufficient evidence and the lack of time to address the matter during the Committee Stage, the Committee agreed to make a recommendation in its report to ask the First Minister and the deputy First Minister to make legislative provision to bring the Office of the Commissioner for Public Appointments up to international standards.

I take this opportunity to reinforce that recommendation and to urge the First Minister

and the deputy First Minister to accept and make a commitment to follow through on the Committee's recommendation. I also ask colleagues in the Committee for the Executive Office to read the relevant section in the Committee's report and to take steps to help to ensure that we achieve a position where the Office of the Commissioner for Public Appointments can truly be considered to be independent.

Finally, I thank the Committee staff for their work in supporting the Committee through its consideration of the Bill in these extraordinary circumstances. I thank the Bill Clerk, Claire McCanny, for her advice to the Committee and the RalSe researchers for their first-rate work and support in preparing papers and presentations. I thank the organisations and individuals who provided evidence to the Committee in order to enable members to scrutinise the Bill and help to shape what is before us today.

That concludes my remarks as Chairperson of the Committee for Finance. I will now make a few short remarks as the Ulster Unionist Party finance spokesman and party leader. The Ulster Unionist Party supports the Bill, but we approached it in the beginning with an open mind because we believed that, as part of the discussions that led up to New Decade, New Approach, we would be in a position where significant reform would be brought forward by the Executive on how the Northern Ireland Assembly and the Executive are run.

As we worked our way through our evidence sessions, it became quite clear that there seemed to be a reluctance on the part of the Department of Finance and the Executive to make the changes that were needed. Indeed, we had the rather unedifying experience of being given evidence by senior officials in the Department of Finance who told us how guidelines were much more appropriate and that discussions had been held during the New Decade, New Approach negotiations. I was involved in those negotiations, which bore no relation whatsoever to what those discussions eventually became. At the same time, our Committee had to consider potentially compelling the Minister and the Department to give us the information that we sought.

There is, very definitely, a need for legislation, and I encourage all parties in the Assembly to realise that the credibility problem that the Northern Ireland Assembly and the Northern Ireland Executive have, and the very process of democracy in Northern Ireland, mean that the safeguards that exist in other areas cannot

apply here. We need the appropriateness of legislative force behind what we do. The Ulster Unionist Party fully supports the Bill.

Mr Frew: I support the process that the Bill has seen; it has been through the democratic wringer. I commend that process and the democratic accountability that makes a Bill as fit for purpose as possible.

I also thank the Bill's sponsor for introducing the Bill. It is a healthy sign that Members, whether as part of their party or independents or simply as private Members, can introduce a Bill and can do so with the support of the Bill Office, Assembly staff and the Speaker's Office. It is up to us to vote on it and to support it or not. That is democracy. I welcome that system.

A Member: Will the Member give way?

Mr Frew: I will, but I do not want to leave yet what I am saying about the Bill's sponsor. It is a bit unnerving when you hear the Bill's sponsor talk in very conciliatory terms. That was welcome, and I commend his workmanlike approach, his respect for all members of the Committee, and, indeed, his respect for all Members of the House as his Bill has progressed through its stages. Sometimes, Members have been more focused on the Bill's sponsor than on the Bill, and that is regrettable. We are now at the end of the process and look forward to the Bill, hopefully, passing today and becoming law.

I thank the Bill's sponsor. I have enjoyed working with him and all the members of the Committee in scrutinising the Bill. It was very useful to have the Bill's sponsor on the Committee. The Committee on Procedures should look at that very carefully, because it is an important point. Having the Bill's sponsor on the Committee adds something to the Bill's sponsor, but it also gives a greater awareness to the Committee of the questions that we may ask officials and the answers that they provide. Having the Bill's sponsor, who has known the Bill inside out from the get-go, asking pertinent questions of witnesses — departmental officials, outside bodies or vested interests — and hearing their responses was very informative in shaping dialogue, questions and commentary throughout the process.

The Assembly should look at allowing a Bill's sponsor a place, even if it is in an ad hoc fashion, on Committees to ask questions. They may not necessarily have the right to vote, but they should have a presence and be allowed to attend and ask questions. That would create a

much healthier dialogue and process, and, of course, we are all here to improve the process.

As Deputy Chairman of the Finance Committee, I thank its staff and members, as well as the Bill Office staff, who have been very helpful. I thank the staff of the Assembly and the Speaker's Office for their conduct in the passage of the Bill. It has been very good.

Why do we need reform? Of course, this is a very particular piece of reform. It is not a massive wide-ranging piece but is very particular in what it does.

We need oversight of a greater piece of reform that, I hope, the Executive will bring forward. The reform was committed to, it was promised to us, and we look forward to seeing it. It is about reform, and, we, in the House, must use every avenue available to make government better. Even if you think that we have the best government structures in the world, we still have to strive to improve it. Ronald Regan said:

"man is not free unless government is limited. There is a clear cause and effect there that is as neat and predictable as a law of physics: as government expands, liberty contracts."

It is vital to ensure that our Government, the Executive, do not encroach on the lives of our people to their detriment. Ronald Regan also quipped:

"The nine most terrifying words in the English language are: I'm from the Government, and I'm here to help."

It is vital that we keep an eye on how government functions affect the lives of every one of our people. It does not matter where you sit on the political spectrum or the constitutional position, we all want to make sure we have good, efficient, effective government that does not encroach too much on our peoples' lives. Therefore, this is a small step in that direction.

Even if government was quite ambivalent and mundane and all about laws and taxes, we would still need reform. Unfortunately, given our tortured history and where we have travelled from, it is vital that we have more checks and balances than any other place — any other normal place, if you like — in our society, the world, this country of the United Kingdom and, indeed, Western Europe.

When my party looks at Bills and reform like this, it will always look at good governance,

efficiency and effectiveness. However, unfortunately, we will always look to the party opposite us, its past and where it has come from. Whilst it is good that it has travelled so far, all indications state — even police evidence states — that it is still linked to an IRA army council that still controls it. We have to consider and be cognisant of that fact. We cannot ignore that. If you ignore that, we are in a very bad place. We need as many checks and balances as possible to ensure that the democratic process that we are involved in is efficient, effective and safe for our people. I believe that is why some of those clauses are in the Bill.

Mr O'Dowd: Will the Member give way?

Mr Frew: Yes.

Mr O'Dowd: Will you direct me to the clause that refers to how we are directing the operations of the IRA army council or anything to do with the IRA army council in this Bill?

Mr Frew: Yes, I will.

Mr Speaker: Can the Member resume his seat? I have listened very carefully, and I think that you are veering off the purpose of the Bill. The sponsor of the Bill has very clearly laid out the purpose of the Bill. It is very clear for everyone to see. There has been quite a substantial debate over the last number of weeks and months on the Bill, as there should be. I advise the Member to restrain himself, and deal with the contents and purpose of the Bill.

Mr Frew: Thank you very much, Mr Speaker. I will adhere to your ruling on the Bill.

George Orwell said:

"If liberty means anything at all, it means the right to tell people things they do not want to hear."

The Bill that we are debating, Mr Speaker, is very clear. Clause 1 is a mighty, in-depth clause. It contains a number of things and instruments.

Clause 1(6) deals with section 8A(1) and the issue that:

"A Minister must ensure that only a person duly appointed as a special adviser in the Minister's department will exercise the functions, enjoy the access and receive the privileges of the person's post as a special adviser; and the permanent secretary to a

Northern Ireland department must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser by reason of the holding of that post."

Section 8A(2) states:

*"A special adviser—
(a) in carrying out the functions of their post, is not to be supervised or directed by,
(b) is not to report on their carrying-out of the functions of their post to, and
(c) is not answerable for their carrying-out of the functions of their post to, any person other than their appointing Minister".*

That is very clear, and there is a reason why that clause is in here. The Bill's sponsor has spoken about it many times, but so have the permanent secretaries. The most senior civil servant in the Finance Department at that time, Mr David Sterling, believed that the then Finance Minister may have been acting under instruction. The RHI inquiry brought to light many emails and text messages that showed that the previous Finance Minister was in constant contact with veteran republicans outside of the elected Assembly. In fact, on 21 January 2017, David Sterling sent a text message to his colleague and fellow permanent secretary Andrew McCormick saying:

"I can't say whether the 'will' is there and wonder whether he knows himself. He may be acting under instruction."

He was, of course, referring to the Finance Minister.

That is one of the reasons why we need reform. We need reform of spads and how they conducted their business and daily lives. We are not all innocent here. I have alluded to and spoken directly about the past sins of individuals in my party and how they conducted themselves. I am voting positively for change and for the Bill, but it is a sign and acknowledgement for me that there are parties in the House that will not recognise those faults, the past or the activities of their Members and employees. It is that lack of recognition that warns me that we have a long way to go and a mighty long road to travel before I can sleep securely in my bed knowing that the democratic principles of the country and the Province are safe with the people who sit within them. That cannot be said lightly.

We have power in our Departments, not sovereign power, but the jurisdiction that we share this island with has sovereign power. There are parties in the House that could argue that they are on the crux of sovereign power. That is the democratic process, but it also brings echoes of 1930s' Germany. Therefore, we have to be careful and to make sure that we are diligent, transparent and accountable. The Bill will assist with that.

Now, we need more, and I look forward to seeing what the Executive bring out on the reform and functions of government, the reform of Departments and how they work together and the reform of the Civil Service and ensuring its strength to make sure that people are held to account for the duties that the Bill places on them. Remember what I have just read out:

"the permanent secretary to a Northern Ireland department must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser".

Permanent secretaries are mentioned elsewhere in the Bill, so it is important that they and the staff below them in Departments undertake their roles and responsibilities professionally and diligently. That takes strength when you look at a Minister or a politically appointed spad, but they need to step up and ensure that, instead of sending text messages to one another as permanent secretaries, finance officials or duty-bound accountees in each Department, they not only talk among themselves but shine a transparent light on the dealings and goings-on in this place of political parties, Members and employees — namely, spads.

I welcome the Bill. I also welcome the fact that, for some in the community, it will mean a lot. It may not mean a lot to some Members — it is quite a small and concise Bill that deals with one aspect or another — but, for Ann Travers, I am sure that it is a massive thing. Of course it is a massive thing. When the Bill sponsor brings it forward with people like that in mind, I have no problem in supporting him — no problem whatsoever — because we all know the story of that lady and her family, and the sacrifices that they have had to make over the years because of terrorism on our streets. Unfortunately, that is what we are dealing with.

Every time legislation comes before the House on reform, transparency and accountability, we have to look at it in that guise and context. That is what I have done with this Bill. I have tried to

be fair with everybody and to convince people of the merits of the amendments that I tabled. I have also taken a decision on each and every line in each and every clause, and I came to a conclusion on whether I could support —.

Mr Wells: Will the Member give way?

Mr Frew: Yes, I will.

Mr Wells: I agree that the Member has considered every line in every clause, but I was somewhat bemused when he led his troops into the Lobby to support an amendment. He will recall that it was on the clause that dealt with any other function that the Department may exercise. I sat through every second of the scrutiny of the Bill in Committee and every second of the debate in the House. Maybe that indicates what a sad anorak I am, but I listened to every word that the Member said and never detected a single concern about that aspect of Mr Allister's Bill. I then was in the Division Lobby, and, to my surprise, I saw the Member leading a rather bemused group of DUP Back-Bench MLAs. I could see that they did not understand why they were being asked to vote against it, but they believed in the Holy Writ as laid down by the honourable Member for North Antrim. He had deemed that the clause was not worthy of his support, so every one of them, not knowing what they were doing, voted on the basis of their faith in his view on the issue. Will the Member take the opportunity to deliver pearls of wisdom to the honourable Members present and solve the mystery of why he had that road to Damascus experience at the very last moment on that clause? I am not doing this to be critical or saying that he made the wrong decision, although I have my doubts. I am just intrigued as to why, out of nowhere, he made that decision.

Mr Frew: I thank the Member for his intervention. I welcome all interventions, of course. I hear what he says about pearls of wisdom, and, in the 10 years that I have sat in the Chamber, I have tried my best to give out pearls of wisdom. I am not sure whether I have yet succeeded, but I will do my best for the Member.

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

4.00 pm

On the point that he makes, if I recall correctly, although I do not have any notes, there were two ways out of that dilemma, and it was a dilemma for the House: how could we function if Ministers were tied down in respect of every

function of their Department and every responsibility that they had? We all grappled with that over two of the Bill's stages, as did its sponsor when it was raised. It was one of the issues that Claire Sugden raised. There was an understanding that there was an issue and that there was a nervousness around how we dealt with it. It was no road-to-Damascus change; we had teased it out over a long time and in many debates, even in corridors outside the Chamber. On the night, there were two ways of doing it: the Minister's way or an amendment from the Bill's sponsor. Basically, it came down to a judgement call on which amendment, we thought, would best suit the Bill.

I had absolutely no problem in coming to the conclusion that I did. The Member knows his history, but, for me, as the sole representative of my party on the Finance Committee, it is good to know that my party trusts me to lead the debates and make a judgement on the Bill. Let me assure the Member of this: I would not do anything that stepped outside my party remit or was outside the discussions that I had with my party. When I talk about my party, I talk about all aspects of it. I have spoken to every member of my party about the Bill. I have sent them emails and kept them up to date. What the Member fails to realise is that, when you go through the stages, you come across new amendments and new ways of doing things. That is simply democracy. It is how we do business in the House. Is it not the best way?

Mr Wells: Will the Member give way?

Mr Frew: Yes.

Mr Wells: I stepped outside the advice given to me by my party. Hence, I am in the political wilderness, where there is weeping, wailing and gnashing of teeth but no spads.

The Member's argument would hold water if, at any stage during the proceedings, he had raised his concerns. Remember: we were aware of this issue at Further Consideration Stage, when Mr Allister spoke at length explaining his views on that paragraph. The Member took no opportunity to tease out his concerns or to raise points with Mr Allister. It is what is known in the political firmament as an ambush, and this one came from nowhere.

It is reassuring to know that the DUP Back-Benchers would follow Mr Frew over a waterfall, such is their trust in his judgement. However, it would have been handy for Members of the House to know the reasoning behind his

supporting Mr Murphy against Mr Allister on that paragraph.

Mr Deputy Speaker (Mr Beggs): Members, this is an interesting discussion, but may I draw you back to the Bill?

Mr Wells: Far be it from me to risk being thrown out, but, given the ambush that was performed, this relates directly to the Bill. Mr Frew has explained why he did it, but he has not explained why he did not raise the issue with anyone before he took the fatal step.

Mr Frew: I thank the Member for his forensic look at how I have conducted myself at previous stages of the Bill. It is simply a matter of coming to a decision and reaching a settled view. When you get the Marshalled List, you go through the amendments, talk them through with party colleagues and come to a conclusion. If you are convinced otherwise on the night, so be it, but I assure the Member that I had come to that settled view before walking into the Chamber that night. There is no issue there, absolutely none. If I thought that my raising the issue would have changed the point of view, I would gladly have raised it. It just came down to a determination of what amendment was better, and the House took the decision.

I certainly have no issue with the Member raising his concerns. He voted in the opposite Lobby that night, and it was his right to do so, but that amendment fell. The other amendment passed and is now in the Bill. I know that the Member was concerned and annoyed by my party's position that night. I could take the same view with regard to my clause 13, which was amended by my SDLP colleagues across the way. I will not fret about that, because, you know what, that is the democratic process. Do I think that the amendment from the Members opposite weakened my clause? Yes, I do, but that was what was passed in the House. That is democracy, and we respect that. Of course we respect it. It is the only way to go.

That brings me on to my clause: clause 13. I am glad that I have been able to affect the Bill positively. Since we came back, I have been concerned about accountability and the relationship between Committees and Departments. I am still very much aggrieved by that relationship. I do not believe that it is, in any way or form, a healthy one. It needs to be improved on. Departments should look on Committees as more of a partner than a scrutiniser, because, in that way, we will get far better, far more efficient government and things will tick along much better and be much freer.

On clause 13 and the Assembly's scrutiny of the Executive's in-year monitoring process, it is vital that, while we have in this place a five-party mandatory coalition, our Committees do that work. A more important issue, I suppose, than having a five-party coalition Government is the lack of an opposition. That is a massive issue. Whilst I love all-inclusive government and the fact that five parties can now agree to form an Executive and get on with the work, I believe that the lack of an opposition in this place or in any legislature is amiss, awry and a negative. Whilst we all know the way that we have travelled, where we have come from and where we hope to get to, the lack of an opposition is a real concern for me, because, with the best will in the world, you need that opposition. It has been proven throughout the world in democratic circles that having an opposition is key.

Where do we get our scrutiny from? Simply, we get it from the House but more so from the Committees in it, which are our last line of defence. The work of Committees — they really do admirable work — and the positions of Chairpersons and Deputy Chairpersons are vital. They are the gatekeepers of democratic accountability in this place. Whilst the Minister's job is to conduct their role in the Department and to administer law and responsibilities in that Department, it is Chairpersons, Deputy Chairpersons and Committee members who have the task and role of making sure that they scrutinise the work, advise and support. That is vital is this day and age. That is why I was motivated to table the amendments that were then, happily, adopted in the Bill. Whilst, of course, I welcome all Members having the ability to amend that at another stage, it is important that, when it comes to in-year monitoring rounds and the financial aspect of government — how we get money down to our peoples to support them and how we spend people's money, which is probably more important — there is an accountable process. Clause 13 brings that to the Bill and brings it into law. I very much welcome that.

I hope that the Bill passes. I wish the Bill sponsor all the best. I wish the Committee all the best in its next endeavour with a Bill. I note that the Bill has been somewhat watered down from what the Bill sponsor originally intended. He has lost some of the criminal elements to it. There is one left, and that is unauthorised disclosure, which I absolutely support.

No one — Minister or special adviser — should communicate official information to another to the improper financial or other benefit of another person. That brings me to the heart of the issue of transparency and accountability. It

is vital that that becomes a criminal offence because it is just not right; in fact, it should be criminal. That is probably the most significant clause with regard to an offence. It is the only one left, but it is important and raises the bar. It raises the bar for all officials — sorry, not officials because that is one thing that I would not have taken out; I would have left the Civil Service piece in. It tells us that the Minister and the special adviser have a standard to keep. That must be kept in the Bill. I commend clause 10, and I commend the Bill.

We will most definitely support the Bill. I wish the Bill sponsor all the best. I wish the Finance Committee all the best for the future for its next scrutiny piece. I commend the Bill to the House.

Mr O'Dowd: It is as well that Mr Frew mentioned the IRA army council in his speech because there was nothing else in it that was worth remembering. I know that some Members are running a competition to speak the longest during a legislative debate and bore the rest of the institution to tears. The competition has now been won. You have that badge, Mr Frew. Hold that badge proudly. I have heard you speak on a number of occasions on the Bill —.

Mr Wells: On a point of order, Mr Deputy Speaker. Most of us believe that Mr Frew's contribution, whilst we did not agree with it all, was extremely articulate and memorable. Is it in order for the Member for Upper Bann to cast aspersions when he is not exactly Martin Luther King when it comes to making speeches either? [Laughter.]

Mr Deputy Speaker (Mr Beggs): The Member has his views on the record. Mr O'Dowd, can we come back to the Bill, please?

Mr O'Dowd: I will come to you in a minute, Mr Wells. You have me in the form now, so I might as well continue.

Dr Aiken: I thank the Member for giving way. So far, the debate has been discussed in good terms and with good terminology. I ask the Member to apologise to the Deputy Chairperson of the Committee. Throughout the process, he has tried — indeed, all members of the Committee from all parties have tried to do this — to give the Bill a fair wind as it goes through. So far and up until now, the debate was going in the right direction. I would be delighted if you could find it within yourself, as, I know, you can, to forgive the Deputy Chair.

Mr O'Dowd: I would like you to find it within yourself to recognise that the continuing

insulting of my party's mandate by Mr Frew and others is not good form. It is not in good spirit and does not set the tone for a good debate. You should keep that in mind.

The Bill is allegedly about reform. The Bill is allegedly about good government. Mr Frew has a habit of telling us that he is all for reform, but, of course, Mr Frew comes from a political tradition that would still have the 1921 Northern Ireland Parliament in place. He would still have legislation in place that would have a foot on the neck of the Catholic community. He would still be opposed to civil rights reform. He would still be opposed to every reform that has taken place to create an equal society.

Mr Frew: Will the Member give way?

Mr O'Dowd: I will not. When the Member tells me that he is in favour of reform, I take it with great scepticism because —.

Mr Deputy Speaker (Mr Beggs): Order. We are not here to hurl insults at each other; we are here to determine the Final Stage of the Bill. I ask Members to address the Bill and its journey.

Mr O'Dowd: Thank you, a LeasCheann Comhairle. The Bill, its authors and those who have been so supportive of it do not have a great track record when it comes to reform. They do not have a great track record of inclusive politics. They do not have a great track record of trying to make the constitution of this place — the Good Friday Agreement — work. It is in that context that I make my comments.

We have, throughout the passage of the Bill, said that it was unnecessary, that it was not called for in the RHI inquiry and that there were other ways of dealing with the outstanding issues of the RHI inquiry.

Furthermore, the Executive, on which five of the parties here are represented, agreed to implement the recommendations of the RHI report to bring forward a strategy to ensure that, as far as possible, the RHI goings-ons were prevented from happening again. If someone is so minded, they will find ways round codes of practice or legislation, for instance, to corrupt the system for financial, political, or other, gain. There was, therefore, an agreed strategy. Unfortunately, that strategy has been reneged on, for a variety of reasons. I have my views on some of those reasons, but that is not important. The fact of the matter is that agreements have been broken.

4.15 pm

We have an unnecessary, unwieldy piece of legislation before us, which, if passed, will make the functioning of government more difficult. It will not make it impossible, but it will make it more difficult. When we need a flexible and responsive Civil Service and Executive, as we will, parts of this legislation will make that more difficult. I have no doubt that Mr Allister, and others, will seek every opportunity to invoke sections of the Bill to prevent the Executive doing what needs to be done to help our economy and society to recover in the wake of COVID-19. So, watch this space. I accept that many MLAs made genuine contributions to the debate and want to challenge the wrongdoings of RHI, but this is not the way to do it. It will not achieve the goal.

I respect Mr Wells in many ways, believe it or not, because he stands up for what he believes in. I listen to Mr Frew and others talk about what they think of me and my party. If I was in his position and believed half of what I said, I would be sitting in Mr Wells's corner. I would have the courage of my convictions to sit in one of the corners of the Chamber. I respect Mr Wells for having the courage of his convictions and Mr Allister for having the courage of his. I reach out and I respect them for doing that. I do not agree with them, but at least they stand up for what they believe in. When others get up on their soapbox and start on a ramble, it goes over my head. I will not allow the mandate of my party to be insulted.

Coming back to Mr Allister's Bill, I will end on a light-hearted note. Members will be familiar with a TV show with a character called Trigger. The name escapes me.

A Member: 'Only Fools and Horses'.

Mr O'Dowd: 'Only Fools and Horses'; that is right. Trigger sits with his friends and tells them that he has got a medal from the mayor because his broom has been in existence for 20 years. His friends are intrigued and ask, "How can your broom be in existence for 20 years?". He says, "I've only changed the shaft 17 times and the head 20 times". His friends say, "How can it be the same broom?". Of course, it is not the same broom. The Bill that Mr Allister introduced last February is not the Bill that is before us today. Eighty-two amendments were tabled to it. It has gone through a number of changes, but it is still not fit for purpose. Unlike Trigger's broom, which was fit for purpose, the Bill is not. Unfortunately, I suspect it will pass today, and our government —

Mr Buckley: Will the Member give way?

Mr O'Dowd: — will be the less for it. I have finished.

Mr O'Toole: So far in the debate, by my record — we are only four Members in — Martin Luther King, Ronald Reagan, George Orwell, the IRA army council, Del Boy, Rodney and Trigger have been mentioned. The Bill is not about any of those people, amusing though the debate has been, at times. I will try not to detain the Assembly for too long.

As the Chair of the Committee said, it has been almost a full calendar year since the Bill was introduced in the Assembly.

No one expected, this time last year, that we would be scrutinising it in the context in which we have been scrutinising it. It has been challenging at times, but I would like to put on the record my, my Committee colleague Pat Catney's and our party's good wishes to the Committee staff and Claire McCann from the Bill Office who have been diligent and patient in helping us scrutinise this Bill.

Concise though it is, its provisions are significant, and, as Mr O'Dowd correctly said, it has had 82 amendments. I am not sure that Trigger's broom is a completely accurate comparison. Maybe I will think of a sitcom one by the end of my speech. My speech will not be as long as Mr Frew's, but by the end of it, I will have some other sitcom comparison to make.

What is the purpose of this Bill? From our perspective, we went into thinking about this Bill, first of all, with an open mind. Secondly, we recognised that there was a real, serious crisis of confidence in the functioning of these institutions that arose, yes, from the RHI crisis and subsequent Coghlin report, but not exclusively from the RHI crisis. There were other scandals around standards in public life, to be blunt, and about the conduct of Ministers and special advisers in these institutions.

From our perspective, we thought that it was important to look at all proposals and to look at this draft legislation and give it serious consideration, no matter who the Bill's sponsor was. As I have said, I think that, at every stage of this Bill, voting for it and supporting specific measures in it does not in any way imply an alignment of views with the Bill's sponsor. It is worth saying that the Bill's sponsor is a fervent critic, if not of the principle of power-sharing — maybe he is and continues to be a firm critic of the principle of power-sharing — certainly of

mandatory coalition. This Bill is a product, I am afraid, of having to share power and acknowledge that compromise and consent is the only way forward.

Broadly speaking, several of the provisions — I will not go into them in great detail — are around curtailing hierarchies of spads and clarifying and putting into statute the code of practice in relation to spads. We welcome those. I am, as I have said multiple times in the Chamber, someone who believes in the role of special advisers. In my previous life, I worked a lot with them. They were people with whom I fundamentally disagreed politically when I was a civil servant in London. Ultimately, spads have a job to do, whether they are DUP, Sinn Féin, SDLP or anything else. I believe that now, with the amendments, the Bill will go some way to clarifying the role and responsibility of spads and will reassure the public that disciplinary procedures are more robust than they were.

There is a range of other provisions in the Bill, many of which we were concerned about and some of which we voted against and have come out of the Bill as a result. Specifically, one of the criminalisation clauses, which we felt was wholly disproportionate to what was required, was around the use of non-departmental systems. Indeed, when a version of that was reintroduced to the Bill at Further Consideration Stage simply as a provision, rather than a criminalisation clause, we voted against that, too. That was done after a detailed discussion, in part because, throughout this, we had tried to think about how this Bill could address not just public concern but the real issues that were shown up by the RHI inquiry — conduct of special advisers, record keeping and disclosure of information — and then consider how the specific provisions of the Bill addressed the challenges and whether they would completely unnecessarily distort the functioning of government.

We did not believe that some of the provisions initially laid were, frankly, fit for purpose. That is why I am glad, first of all, that amendments were made. Then we tabled our own pretty-significant amendments. Then, I am glad to say that, although his party does not agree with the legislation and the Minister has spoken against it, significant drafting amendments came from the Department. I welcome that. There would have been significant concerns around the functioning of the Bill had it gone unamended or largely unamended.

Our support was always caveated and based on getting significant amendment and work done to the Bill in order to make it work on the

statute book. When it becomes law, it will require us to scrutinise the guidance that goes to Ministers, civil servants and special advisers to ensure that, yes, it is compliant with the law, if passed, and is also workable. I believe that the Bill, as drafted, is much closer to being workable, will improve the functioning of government and, yes, will address some of the concerns.

Let us be absolutely clear: a Bill can do only so much, even when it becomes law. There is a range of provisions here that simply put codes and practices into law. They will not, by themselves, overhaul the culture of government, nor will they actually achieve the real and significant work of Civil Service reform. To be honest, I believe that it is highly arguable that real change here is much more likely to be achieved through improved political culture and Civil Service reform. I know that the Minister is looking at that. To be honest, I will be happy to work with him when that comes forward, whether it is done through legislation or anything else.

My party's support has been based on having an open mind and wanting to provide for improvements to the way in which we do government, recognising the serious shock to public trust that came about as a result of RHI, and also being absolutely clear that we, as a party that was so integral and fundamental to delivering the Good Friday Agreement and power-sharing to this place, are not doing anything that undermines or jeopardises the core principles of power-sharing.

I want to come on to an important point. While I do not want to personalise the debate, I think that it is important that, on the day and week that is in it, frankly, I make one particular point, which is about law. What are we doing here when we pass law? Fundamental and intrinsic to the idea of putting provisions in law is that law means something; that the rule of law is important to a society. The Bill's sponsor has said that on multiple occasions, as have others who will vote for the Bill. They have said that the rule of law is sacrosanct, so putting codes and guidance in law is necessary. I agree with that. That is why I have been disappointed with the language and tone that have been used by some people about the rule of law. If we pass the legislation, it means that we take the rule of law seriously. It means that there are no ifs or buts when we talk about individuals following the rule of law, whatever job they do; whether they are civil servants in central Departments or people who work at border control posts. It is important that there is no shade of doubt about our seriousness in relation to the rule of law.

I would point that out, as gently as I can, to the Bill's sponsor, who, in many ways, has been open to amendment and clarification on the Bill. He has listened to critiques of it. I hope that he will listen to me when I say to him that talking about encouraging Ministers to instruct their officials not to do their jobs is not in the spirit of standing up for the rule of law. He is a long-standing officer of the court. I would hope that he would reflect on that and understand why, as we debate and, I hope, pass the Bill, the rule of law is so important.

As we move towards voting on the Bill, I would like to underline my and my party's commitment to the highest standards of transparency. Everything that we have done in approaching the draft legislation has been about making it so that it addresses the very real concerns around probity, transparency, standards of governance in this place, and also the rule of law, because, if we believe in the rule of law, and if that is what we are doing — passing standards into law — we should all stand up for them, I am afraid.

With that, I will conclude my remarks and say that I hope that the Bill proceeds. There are many significant and important things in it. I hope that those outside who are watching the debate will see that progress has been made towards addressing some of the very real issues that we know have plagued our institutions over the past number of years.

4.30 pm

Mr Muir: I will speak on behalf of the Alliance Party as the Bill reaches Final Stage. The Alliance Party will vote for the Bill. That is by no means an endorsement of the overall political objectives of the Bill's sponsor, which are, let us be clear, completely and utterly at odds with those of the Alliance Party.

Mr Wells: Will the Member give way?

Mr Muir: No.

Mr Wells: You are scared to give way.

Mr Muir: We voted instead on the substance —

Mr Wells: Your leader will not let you give way. You are a mouthpiece for your leader.

Mr Deputy Speaker (Mr Beggs): Order. It is up to the Member to decide whether he wishes to give way.

Mr Wells: He is scared to give way.

Mr Deputy Speaker (Mr Beggs): Order.

Mr Muir: Thank you, Mr Deputy Speaker.

Mr Frew: Will the Member give way?

Mr Muir: No.

We voted instead on the substance of the Bill, which has changed significantly since it was first debated in the Assembly back in March as COVID-19 took a grip. The debates that we have had with Members, inside and outside the Chamber, and the multiple amendments that we have pored over, numbering over 80, have, on occasions, been fruitful and helped us to make the Bill better, to the point at which we are able to support it today. That is the way that it should be. We are elected as Members of the Assembly to subject all proposed legislation to rigorous scrutiny so that it might be fit to become part of the law of this land.

At every stage of considering the Bill, my party asked itself whether its clauses would help government to function better. Many aspects, as the Bill presents itself before us today, are to be welcomed. We fully support a reduction in the number of spads and the capping of spads' pay.

We also welcome other aspects, but, at the same time, they should be standard practice in any system of government, with or without legislation. Those include: Ministers being responsible and accountable for their spads; civil servants being present at key meetings; and minutes of those meetings being taken and retained. Those are just a few examples of issues that ought to be standard practice in Departments and, for many Ministers, have always been so. However, RHI showed that, for others, in key instances, it was not commonplace. Hence, we have arrived at a place where it is felt necessary to put policy and procedural matters into legislation.

While we support the aims of some aspects of the Bill, we still have concerns regarding how they will operate in practice. We had concerns that the clause on lobbying, as introduced at Consideration Stage, would have created an undue burden on Ministers. The clause was approved at Further Consideration Stage, but it is not ideal or perfect in any sense whatsoever. As standard practice, Ministers should publish their diaries and be entirely transparent about whom they are meeting. However, work still needs to be done to ensure that the duty of

transparency is better shared by the lobbyists and the lobbied.

The clause on unauthorised disclosure of information has been improved through the process of debate and amendment. There is still a relative overlap with existing law on misconduct in public office, but we are satisfied that the risk of unintended impact is reduced. On balance, therefore, my party has decided that the revised legislation contains more positives than negatives, and we are content to vote for it today.

I thank my researcher, David Morrow, and all those who engaged constructively in getting the Bill to this stage, including the Department of Finance and the Finance Minister for the amendments tabled, which, if they had not been made, would have left us in a very different position concerning whether to vote for the Bill today, considering the serious aspects of bad law that could have been made if not amended.

I will make two final points. First, assuming that the Bill passes today, I believe that the work arising from the implementation of the RHI report recommendations is no less important and must be moved forward to a conclusion. Today's legislation does not cover all the recommendations in the Coghlin report, and, therefore, work to deliver all those RHI recommendations remains. Secondly, everyone in the Assembly who spoke in the debate is in agreement on one point: legislation alone will not be enough to stop the behaviour that led to the RHI scandal and the collapse of the Assembly three years ago. The Bill will not be a magic bullet to improve the functioning of government, as its title sets out. Improving the functioning of government cannot be delivered by legislation alone.

As we saw from the RHI inquiry, legislating for something to happen did not mean that it happened in reality. For the functioning of government to improve, we need a real step change in culture, practice and attitude right across government. We need genuine commitment, in word and deed, from all sides to work collectively and with integrity for the good of everyone in Northern Ireland. Since the re-establishment of these institutions last year, we have, on occasions, fallen short in that regard, and that is particularly the case for some parties. Whether parties step up to the mark will have a greater say in the future of devolved government here than any legislation that we can pass.

Mr Wells: Mr Muir has a lot to learn. He has been in the Chamber for only a year.

Throughout this debate, we have known that the words that we hear from Mr Muir are not his own; they are laid down as holy writ by his party leader. Therefore, when he does not understand what his party leader has told him to say, he cannot take interventions because he does not know the answers to the questions that are coming.

I will return to the Bill.

Mr O'Toole: Will the Member give way?

Mr Wells: Yes, certainly.

Mr O'Toole: These are my words. The Member has previously suggested that other Members and I just parrot the words given to us by Ministers. May I check something with the Member? Was he given a specific role by the Bill sponsor — a role that I was not aware of — to insult potential supporters of his Bill? I ask because he seems to be bandying around insults left, right and centre. *[Laughter.]* I am genuinely interested in whether he was given that specific role.

Mr Wells: I have —.

Mr Deputy Speaker (Mr Beggs): Order, Members. There is a danger of the quality of the debate descending. I urge all Members who have regard for other Members to allow them to make their comments in peace and to give way when appropriate, but to avoid causing offence where possible.

Mr Wells: Mr O'Toole gave way constantly during all of the debates, so he is certainly not guilty of any of the misdemeanours that Mr Muir has so evidently committed today. The point is that there has been a good air of cooperation on the Bill in the Chamber and at Committee. I am keeping within the terms of the debate on the Bill. Until now, Members have been prepared to stand up, articulate their case and take questions, apart from one Member. It is sad that we have reached the stage where this has happened, but I understand the circumstances: the views expressed are not his, so he cannot answer questions.

I think that Mr Allister, the Chair of the Committee and even Mr O'Dowd, surprisingly, took the time to thank those responsible for all of the hard work that went into the Bill. I have had the privilege of sitting on the Finance Committee, which I have enjoyed enormously over the last year. It is only when you sit on the Committee and see the amount of work that goes into a private Member's Bill, not just from

the sponsor but from the staff, fellow Committee members and the other Members with whom the Bill sponsor liaised, that you see what a complex measure this is. I understand that 23 further private Member's Bills are in the system. Given that we may have only about one year of this mandate left, it will be absolutely fascinating to see how many of those come through that scrutiny.

I place on record my thanks to Jim McManus, the outgoing Clerk of the Finance Committee, who has just retired or partially retired. Jim managed to remain cool, calm and collected throughout the entire difficult and fraught process, and we owe a debt to him. The incoming Clerk is Peter McCallion, who also worked hard on this. There was a very interesting comment by the Chair, I think, that the member of staff in the Business Office who was responsible for the Bill, Claire McCanny, had kept the honourable Member Mr Allister on a straight line. That is an incredible achievement. If anyone in the Building has kept Mr Allister on the straight and narrow, an OBE, at least, [Laughter] must be heading rapidly towards that young lady's in tray. That is quite remarkable. In the history of politics in Northern Ireland, nobody else has been able to keep Mr Allister on the straight and narrow, so well done to her.

A lot of effort went in and, unless I come out with a few ill-chosen words between now and the end of my presentation, it looks like the Bill will pass. As I said in a previous debate, the Member will have had two private Member's Bills passed in his tenure as an MLA. When the history of this institution is written, I think that it will be seen that nobody had achieved that before.

Mr Allister: Will the Member give way?

Mr Wells: I will.

Mr Allister: The Member should not forget his former South Down colleague, Mr John McCallister, who brought both the Caravans Bill and the Bill that provided for some form of opposition.

Mr Wells: For obvious reasons, it did not suit me to recall that, since I and Mr McCallister were bitter, sworn political enemies in South Down. The Member is absolutely right. Yes, I remember the Caravans Bill. I did not remember his very important Bill on the formation of an opposition in the House. No doubt Mr Allister will come back with a third Bill so that he can achieve the record of the largest

number of successes in this field. Regardless of where we stand on the Bill, all of us have to accept that a huge amount of effort has gone into reaching this situation.

The reason that I wanted to intervene with Mr Muir is that I get very tired when people say, "The Bill is OK, but we doubt the motivation of the sponsor". I will give you an example: Dáithí McKay. Whatever happened to Dáithí McKay? I do not know. So many in Sinn Féin's upper echelons just disappear overnight, never to be seen again. What happened to Máirtín Ó Muilleoir? Where has he gone to? He has just disappeared off the face of the earth. Dáithí McKay, the then honourable Member for North Antrim, proposed a Bill on a plastic bag tax, which I thought was eminently sensible. I did not say, "Oh, Dáithí McKay. It is suspect. Bringing in a plastic bag tax is obviously an attempt to undermine the British constitution or the DUP". I looked at the Bill on the basis of its merits, and I thought that it would be an extremely effective measure. As it happened, he did not have to pursue it because the Executive then decided to take it on board, with great success. Never once did it occur to me, "There must be an ulterior motive coming from North Antrim because of who is sponsoring it". We cannot judge a Bill because of our preconceived notions as to the motivation of the sponsor.

I think that the motivation here was pure. When the RHI inquiry lifted the carpet and we saw underneath what was going on in this Building and in Government Departments, every right-thinking person in the country was appalled. I have to say that the DUP at least had the good sense to see that there were activities being carried out by its special advisers that no one could stand over or support and that reform was needed. That is unlike Sinn Féin, which would still have us believe that it has nothing to be concerned about as far as the activities of its special advisers, particularly those working unofficially in Connolly House. It would have been helpful had the only two big beasts, both physically and politically, left in the Sinn Féin jungle, Mr Murphy and Mr O'Dowd, who have led everyone from their party on this issue, at least admitted, "We got it wrong in how our spuds behaved".

Mr O'Dowd: Will the Member give way?

Mr Wells: It is coming, Mr Deputy Speaker; it is coming.

Mr O'Dowd: I am actually thinking of organising guided tours of Connolly House just to show

you around it, because it is not as mysterious a place as you seem to think it is.

It is not a case of people saying that nobody got it wrong or, "You got it wrong and this got it wrong". The Executive agreed a strategy to deal with this issue. We are adhering to the Executive strategy.

Mr Wells: I thought that history was going to be made and that Mr O'Dowd was going to stand up and say, "Sinn Féin got it wrong in having super unofficial spads up at Connolly House, where every government document coming from our Departments had to be verified and approved before it got anywhere". That came out absolutely clearly in the Coghlain report; there is no shadow of a doubt about that. Yet never have you stood up and said, "Perhaps that was not a wise thing to do". That is why, as far as I am concerned, the most important clause in Mr Allister's Bill is the clause — I think that it is clause 1, but I am not quite certain — that says that that is illegal and can never happen again.

None of us in the Chamber can hold our heads up with any degree of pride about how our spads behaved.

The DUP has accepted that Messrs Johnston, Robinson, Crawford etc behaved appallingly during RHI. Mr Kennedy of the Ulster Unionist Party had a very difficult situation with one of his spads, who behaved in a way that was entirely unacceptable. To be fair to Mr Kennedy, the moment that those revelations were made public, that individual was sacked on the spot. Danny Kennedy, who, unlike Mr Ó Muilleoir, has not disappeared without trace, found that a very difficult, embarrassing and humiliating experience, but he acted with determination immediately.

4.45 pm

Some of the Alliance Party spads have come out with things, particularly about the protection of the unborn child, that I have found appalling. None of our spads has behaved well. We saw what was going on during RHI. What if there had been an inquiry in to the affairs of other Departments in Northern Ireland since 1998? What would we have discovered? What was going on that we do not know about because we did not have the benefit of the Coghlain report? Maybe an awful lot more was going on, and that prompted Mr Allister to introduce a Bill that has gone a considerable way in trying to control the activities of those individuals. Let us be practical about it: we have saved the

taxpayer £150,000 because we will no longer have two spads serving junior Ministers. As I said at Second Stage, it is appalling that someone who is being paid £6,000 a year as a junior Minister has a spad who is being paid £74,000. Something just does not add up there. At least we have cut the salaries going to spads by £150,000, which will maybe pay for six extra nurses or for something more useful in society. There have been many other achievements.

It saddened me that we were not able to convince everyone about crucial issues in the Bill, such as the use of non-governmental electronic devices and servers. That was something that was crucial in the Bill. I regret that we were not able to encourage Members to vote for that. That is unfortunate. However, the core of the Bill has achieved an awful lot. Will we have greater control over our spads as a result of the Bill? Yes. We already have a situation where those who have been convicted of terrorist crimes and have served sentences in prison can no longer be special advisers. We now have a situation where there is considerably more control. I suspect that, as a result of some of the amendments that have, unfortunately, been passed, we may have to review the situation again, because we have not yet entirely hit the target of controlling the affairs of those individuals.

Mr Frew: I thank the Member for giving way. He talked about having to go again at legislation. Mr O'Dowd mentioned at every stage of the Bill an agreement that was made in the Executive at a point in time. The Executive could make an agreement about welfare reform or any aspect of government. Would that then stop a private Member bringing forward a Bill on welfare reform? If it did and if the Executive parties voted it down, where would democracy be? Where would the House be? It would be in a very bad place.

Mr Wells: At the very start of Second Stage, I noticed that Mr O'Dowd almost said, "How dare a Back-Bencher bring forward any form of private Members' Bill. That is for the Executive and Ministers to deal with". Mr O'Dowd, your Member for Fermanagh and South Tyrone Mr Lynch is bringing forward a Bill to prevent fracking. I will remind him of your comments when he stands up to speak during that Bill's Second Stage.

Mr O'Dowd: Will the Member give way?

Mr Wells: Yes.

Mr O'Dowd: Please have a copy of Hansard with you so that you can quote me correctly.

Mr Wells: I certainly will. I must say, by the way, that you said that you agreed with me; please do not agree with me in case that gets in to the 'Mourne Observer'. The only thing that we have in common, Mr O'Dowd, is height — nothing else.

I congratulate Mr Allister for his perseverance and hard work. It looks like the Bill will go through. Northern Ireland will be a better place as a result of his efforts. If we did not have Mr Allister in the Chamber, who else would have the tenacity, ability and independence to move the Bill? Other parties would simply have been told by their spads, "We do not want to be under any more control. We do not want a pay cut. We do not want to be subject to the Civil Service code of conduct, so please do not, under any circumstances, move anything to curtail our powers". Given the huge control that spads have over their respective parties, at least in my experience, any proposal for a private Member's Bill would have been gently quashed and never heard of again. That is the problem.

By having Mr Allister here, we at least have someone independent who can bring forward legislation without the fear of being dealt with by a spad. He should be congratulated. I noticed him on the front page of the 'Belfast Telegraph' yesterday with a Cheshire-cat-like grin on his face, obviously reacting to the latest opinion poll as far as his party is concerned. He is on a bit of a run. I will give the Bill my 100% support, as I have from day one.

Mr Catney: I was bit mesmerised by the gentleman from South Down, my neighbour from Moira, Mr Wells. I know that you are in the naughty corner, but is there a chance, if you believe all the opinion polls, that you might join Jim's party? I doubt it somehow. Stay independent, all right?

Broadly speaking, my party and I have supported the intentions of the Bill. We have engaged with its clauses and provisions throughout the Committee Stage and during its stages in the Chamber. We had reservations about certain aspects of the Bill, and, although it is not perfect, the Bill's sponsor has worked to remove some of our deepest concerns. That is the position that I feel any right-minded Member must take towards the Bill. You cannot just deny the need for reform that the Bill aims to make. Public opinion on this place and the work that it does — or, more correctly, does not do — is dire. That is why engagement with the

legislation was so important. We must show that we are willing to change, willing to move forward and willing to learn from past mistakes.

There has been a lot of talk about the need for this legislation, as the wider reforms in it cannot be produced by codes and guidance. It is true that the Civil Service argued that codes and guidance were adequate. There are areas where that is undoubtedly the case, and I know that the Minister is working on a number of those areas. It is also true that legislation is a blunt tool; it is not a vehicle for actively changing culture. However, legislation has always highlighted how a culture has changed. On the back of RHI, and countless other scandals, it should be clear to everyone here that the public are demanding something different, and this legislation is tangible action towards that.

That is not to say that the focus of the Bill is, or should be, on Civil Service reform. Reforms are required, and future reforms will come forward. However, I am pleased that some of the provisions, such as those on criminalisation, which would have had a large impact on the Civil Service, have been toned down. At the same time, through amendments, the Bill's focus on the actions of Ministers and special advisers has been further solidified, and that is to be welcomed. We have all seen the examples of bullying and unsavoury behaviour of Ministers and special advisers in Westminster, where behaviour is controlled by guidance, so I hope that the provisions in the Bill will cut out the possibility of that behaviour here.

Let me be clear: the SDLP has not voted for the Bill just because we feel that public opinion requires it.

There are parts of the Bill that we felt were unnecessary and unwelcome, and we have voted against significant parts of it. We made a careful decision, on balance, that certain reforms should be legislated for, and we have moved forward on that basis. Nor does the legislation cover all the reforms that are required. Sir Patrick Coghlin did not include in his report that this is where the only change is needed. As I said, we will be happy to engage with the Minister on future reform in the same open-minded way in which we engaged with this Bill.

The drafting of the Bill has been challenging. I am thankful that the Department engaged with the clauses at Further Consideration Stage. We all know the perils of clunky and unworkable legislation, so it was right for the Department to

engage to improve the Bill. I am hopeful that the improvements that the Minister's amendments made to the Bill will make it solid, workable legislation.

I have enjoyed the debate. This is what we are elected to do. We identify the issues, and we debate the merits — or not — of legislation and the specific provisions of that legislation. We can all strongly disagree with each other, as we often do, but we come here to have an honest debate in a democratic and open way. I know that the Bill's sponsor understands that, as I have watched him do that with some skill on the Finance Committee. That is what makes the sponsor's inflammatory remarks in the media that I have seen lately all the more disappointing. He has shown, through this process, how to engage: you have a sensible debate on the issues. You cannot demand that Sinn Féin fully engages with your legislation while calling on unionists to block any EU-related policy with no regard to its content. You do not, as he has done regarding the Northern Ireland protocol, rile the public —

Mr Deputy Speaker (Mr Beggs): Order, order.

Mr Catney: — by using terms like —

Mr Deputy Speaker (Mr Beggs): Order, order. Would the Member take his seat?

We are now straying well beyond the confines of the Bill, so I ask the Member to return to it.

Mr Catney: Thank you, Mr Deputy Speaker. On the day that Minister Poots has had to remove staff from the harbour because of the fear of violence, a fear that was brought on because of tensions stoked by the Bill sponsor's remarks, I hope that he reflects on how he has worked democratically to bring through legislation that will actively improve this place. Maybe, just maybe, he will aim for that approach in the future.

Mr Carroll: Mr Deputy Speaker, it will be no surprise to you and the House to hear me say that the proposer of the Bill and I are worlds apart politically — polar opposites, you might say — and that is pretty glaring, as is seen on a weekly basis in the Chamber. Even on the specific issues raised by the Bill, it seems clear to me that we would disagree fundamentally on the very role and need for spads. If I had my way, we would not have unelected officials with inflated salaries swanning around Departments in the manner exposed by scandals such as RHI at all. However, as we have said from the beginning of the process, we can support

legislation that seeks to put checks and balances on the Stormont gravy train that has existed here for far too long.

We all know the background headlines that haunt the issue: RHI; hundreds of millions of pounds of taxpayers' money wasted; unaccountable spads; Ministers courting the business community in the most unaccountable of ways; no records of meetings or lobbying; and Ministers not reading reports that they had signed off, costing huge sums of money to the public. RHI was not an aberration but a reflection of an institution that is tied by a thousand threads to the interests of big businesses and profit-making above all else. When we consider the government negligence regarding RHI and the amount of public money wasted or siphoned off to the business community and measure that against the current context of the pandemic, with hospitals under pressure and life-saving surgery postponed, food bank usage soaring, child poverty increasing and all the physical and mental health pressures on top of that, priorities have never been clearer.

RHI is not just water under the bridge, and that is not simply because not a single head has rolled for it — not one person was fined or prosecuted — but because the shambolic handling of the pandemic is an extension of those politics.

5.00 pm

Consider how, over the past number of months amidst the pandemic, when people were told to stay home and stay safe, the PSNI found the time to fine and prosecute, under the Vagrancy Act 1824, a number of homeless people who were sleeping rough and others who were begging in our city. Dickensian legislation that ought to be binned and confined to the history books was used in 2020 in Belfast in the middle of a pandemic — shameful stuff. Meanwhile, workers have come forward during the pandemic to raise unsafe working conditions, and a blind eye has been turned in most cases —.

Mr Deputy Speaker (Mr Beggs): Order. Again, I ask the Member to return to the debate. We offer a degree of latitude, but you need to get back to the subject area that is in front of us: whether we approve the Final Stage of the Bill.

Mr Carroll: Thank you, Mr Deputy Speaker. The point that I was making was that it is always one rule for ordinary people and another for businesses and Ministers. Tapping a couple

of pounds on the streets gets you a fine, but wasting hundreds of millions of pounds of public money gets you a free pass as long as you are a Minister, a spad or connected to this place. It really sums up the hypocrisy at the heart of the rotten state of affairs that is driven by this institution and headed by the DUP, Sinn Féin and other parties.

The legislation, obviously and clearly, will not overturn that kind of situation, and it is not without its problems. Frankly, I do not think that there is a solution to the problem that is based solely on tighter and stronger state power. What is ultimately needed is a principled socialist and left-wing politics, and that is obviously what we are trying to do in this Building, in this city and beyond. However, moves to create more accountability are welcome. Moves to ensure that meetings are properly recorded are welcome. Moves to record lobbying are welcome. Those are basic measures of democracy that the public should expect from their representatives and Ministers.

In finishing, I wish to say that what happens in the Chamber today should be watched closely. Those in parties that claim to support openness and transparency and claim that their parties work for their communities but cannot bring themselves to slow the pace of the gravy train that they have stood to benefit from are acting in their own interests. They are not acting in the interests of the public and not with the fervour that scandal after scandal on this hill demands. I suggest that this place needs a serious reckoning and a wholesale break from the shambolic governance of the past. The Bill does not deliver that, but parts of it may help in that effort. That is why I am happy to support it.

Mr Murphy (The Minister of Finance): I will oppose the final agreement of the Bill by the Assembly. I say that in the context of having made extensive efforts to amend the Bill. The amendments that were made at Further Consideration Stage and reflected in the version of the Bill that was agreed at Consideration Stage were necessary to mitigate the damage that would be done should this seriously flawed legislation reach the statute book. It did not signal my approval of the legislation nor the acceptance of any need for it. The fact that multiple amendments have been made to the Bill is a reflection of its fundamentally flawed nature.

No matter how many remedial amendments are made to it, the Bill remains unnecessary and disproportionate. It is unnecessary because the requirements that it places on civil servants, special advisers and Ministers already largely

exist. They exist in the ministerial code of conduct, the guidance for Ministers, the code of conduct for special advisers, the letter of appointment for special advisers and the Civil Service code of ethics, all of which were subject to in-depth consideration as part of the party political talks by the five parties involved in the discussions in advance of the Executive returning to government.

The Executive have already recognised the need for reform in the area and acted swiftly on the return of the institutions to effect change. My Executive colleagues and I agreed revised key documents and, indeed, brought forward and published detailed guidance for Ministers for the first time. Only the Civil Service code of ethics remains to be finalised following consultation with the Civil Service unions and the Civil Service Commissioners. We have also embarked on an unprecedented level of transparency, publishing details of Ministers' and special advisers' meetings with external organisations and individuals, gifts and hospitality received and overseas travel. We have published detailed information on special advisers' salaries and their relevant interests, and information on Ministers' interests will be published shortly.

Mr Wells: Will the Minister give way?

Mr Murphy: Yes.

Mr Wells: I have two points for the Minister. First, of course, if all that he is saying is true, we will not need this legislation and it will never be invoked, so he has nothing to fear. Secondly, how does anything on the extensive list from which he has just quoted stop Sinn Féin advisers, or staff who are not advisers, sitting up in Connolly House or any other Sinn Féin office having control over spads in this Building?

Mr Murphy: I am always amused by the references to Connolly House. It is a constituency office, and, if I have been in it once in the past 10 years, that is the most of it. I am sorry to burst the Member's bubble, but Connolly House is a constituency office in Andersonstown. Any time that I engage with my Sinn Féin colleagues in the city, it is in the office in Sevastopol Street on the Falls Road. Nonetheless, we have very clear lines of accountability in our party on that matter, and we are happy to adhere to all the codes to which the five parties that make up the Executive agreed in advance of the Executive coming back and which have been put in place since the Executive came back.

This legislation is not sitting in place and invoked only if some part of those codes is not met in some regard. This legislation has its own standing and will have its own effect as soon as it receives assent and, beyond that, within six months, when the Civil Service codes have to be agreed. Today, I had to send a memo to all my Executive colleagues to advise them of the outcome of this legislation should it be passed today and the impact that it will have on their Departments and their permanent secretaries in preparing to meet those impacts. Regardless of what the codes do, the legislation has an impact, and the Member should be aware of that, as, I am sure, he is.

We are going further on transparency than the Bill requires for the publication of interests. Those commitments were agreed by the Executive as part of the political talks. The codes and the guidance were further examined in light of the RHI inquiry report by the Executive subcommittee on reform, and very minor amendments were proposed to reflect the inquiry panel's specific recommendations. The RHI inquiry did not recommend putting codes of conduct into law, and nor has the Assembly or the Finance Committee suggested any amendments to the codes. However, we committed to keeping them under review, and that is what we are doing.

The Bill sponsor argues that codes are just codes and that the law has greater bite. Breaking the law may have more serious consequences than breaching a code, but not necessarily. A breach of the codes of conduct and ethics is a disciplinary matter for civil servants, as is a breach of the ministerial code for Ministers. Those are not insignificant matters, and they have lasting consequences that can lead to dismissal. Indeed, with the exception of the offence of unauthorised disclosure, the Bill does not increase the penalties for breaching standards and codes of conduct, but it does bring the police and the courts into adjudicating on routine administrative matters such as whether a meeting was minuted properly or whether a taxi driver expressing an opinion to a Minister constitutes lobbying. Members should ask themselves whether asking the police and the court system to investigate those administrative matters represents a good use of their resources. Even though there are no legal penalties in most of the Bill's clauses, the possibility of facing police investigation or being brought before the courts will have a chilling effect on the Civil Service. There will be no room for professional judgement, and there will be more aversion to risk and more bureaucracy.

In conclusion, the Bill is unnecessary and disproportionate and will achieve little beyond what is already required in government. Its main achievement will be to impose a statutory requirement when an administrative one is appropriate. In so doing, it undermines professional judgement in the Civil Service and diverts the resources of the police and the courts towards investigating administrative matters. Approving the Bill might give Members a good headline for a day, but it will cause long-term damage to the efficient and effective administration of government here. Making law is a serious responsibility with serious consequences, and I urge Members to oppose the Bill.

Mr Allister: I do not propose to give a line-by-line response to the contributions; I will put the House at ease by telling Members that straight away. However, I want to deal with some of the issues that have arisen.

We are at the point at which the House decides whether it is on the side of bettering government and of clamping down on irregularities, or whether it is not. It is quite clear — I am grateful for it — that all the parties except Sinn Féin are, with varying degrees of enthusiasm or otherwise, prepared to vote the Bill through, and that is good. Some of them have reservations about content, and some of them may have reservations about the sponsor.

That has come across somewhat, but I am glad that they are all big enough to rise above that.

The one party that is in a different category, of course, is Sinn Féin. It is so small-minded that it cannot get past the identity of the sponsor. It is so small-minded that it cannot get past the fact that some deal that it thought it had with Executive parties will be dishonoured, it thinks, by this Bill. However, let the public be clear on this. Sinn Féin parades itself as the proponent of transparency and openness. Post-RHI, it berated the DUP in particular for its failings during that escapade, covering over its own failings of course. Let the message be clear: the only party in the House that will vote against bringing special advisers, for all that happened during RHI, under the control of the Northern Ireland disciplinary code is Sinn Féin. The only party that does not want complaints against Ministers to be investigated independently is Sinn Féin. The only party that does not want to cap spad pay at the top end of grade 5 is Sinn Féin. The only party that does not want to make Ministers both responsible and accountable in law for their spads is Sinn Féin. The only party that does not want a permanent secretary to have to stop a super-spad who is not a spad

exercising the functions of a spad, as happened with Sinn Féin before, is Sinn Féin. The only party that does not want to reduce the number of spads is Sinn Féin. The only party that wants to cling to unfettered royal prerogative powers is Sinn Féin. Sinn Féin does not want to give that up. It wants to act out the royal prerogative in an unfettered way, with no democratic control in the Assembly. Sinn Féin alone wants to exercise the royal prerogative. Really.

Mr Buckley: I thank the Member for giving way. Does he agree that, in this sense, Sinn Féin is truly living up to its name, "Ourselves Alone"?

Mr Allister: It certainly is beginning to look like that. I know that the royal prerogative and fancy titles such as the royal steward of whatever have had appeal for Sinn Féin Members.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: I think that the title that he is looking for is the Earl of Northstead and the Chiltern Hundreds, which, of course, Sinn Féin MPs were only too happy to accept when they resigned their seats in Parliament.

Mr Deputy Speaker (Mr Beggs): I urge Members to come back to the Bill.

Mr Allister: I assume that that includes Minister Murphy.

The only party that does not want to create a statutory duty to make and keep proper records of ministerial decisions is Sinn Féin. The only party that does not want to require the making and keeping of records when Ministers and spads are lobbied is Sinn Féin. The only party that does not want to make it a statutory obligation to record and publish declarations of interest by Ministers and spads is Sinn Féin. The only party that does not want to make it a criminal offence to disclose to your mates or to commercial interests official information for improper purposes is Sinn Féin.

The only party that does not want a rolling system to improve government is Sinn Féin. Let the message to the public be very clear: when shortly we vote on the Bill, Sinn Féin wishes to vote against those things.

5.15 pm

Of course, Sinn Féin has also told us some wild and wonderful things today. To disparage the

Bill, Sinn Féin said that it needed 80 amendments. However, it did not tell the House that 90% of the amendments were stylistic, about how something is expressed. As the sponsor, I was not afforded access to the Office of the Legislative Counsel to go through the Bill and put it in an orderly shape as happens with all departmental Bills. Therefore, of course there were stylistic issues. I accept them all, but none of them makes any significant difference to the Bill.

Mr Frew: Will the Member give way?

Mr Allister: Yes.

Mr Frew: I make the point to the Member through the Chair that that is the case for every private Member's Bill, even one coming from the party opposite.

Mr Allister: Yes, absolutely. At Further Consideration Stage, it is the duty of the parent Department to ensure that legislation is as consistent as it can be with the departmental format for promulgating its own legislation. Essentially, that is all that the departmental amendments were about. I do not have a problem with that whatsoever. I have said this before: to me, Sinn Féin is smarting about the Bill because it has not got over my first private Member's Bill in 2013 that removed convicted terrorists and those with serious criminal convictions from office. Sinn Féin still has a problem with that.

I say to the House: if we are on the side of openness, not secrecy, if we are on the side of transparency, not opaqueness, if we are on the side of making things better, rather than stagnating where they are, no one has anything to fear from this Bill. Those who want to keep things suppressed and do not want to subject themselves to controls, independent investigations and discipline are the only folk who have anything to fear from the Bill.

I thank the parties that, in general, with varying degrees of enthusiasm, have indicated support. It looks as if, in a few minutes, most of them will vote for the sensible, rational, reasoned propositions of the Bill. Therefore, as the sponsor of the Bill, I thank the House in anticipation of that support. Thank you.

Question put and agreed to.

Resolved:

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass.

Mr Buckley: On a point of order, Mr Deputy Speaker. I hope that you will indulge me. During the debate, we received the sad news of the passing of Captain Sir Tom Moore, a man who raised over £33 million for the NHS. His example, kindness and generosity of spirit have touched many during the coronavirus pandemic, across the United Kingdom and in the House. I want to put on record my thoughts and prayers for his family at this time. Thank you.

Mr Deputy Speaker (Mr Beggs): Your point is well made.

Adjourned at 5.20 pm.

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