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Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Tuesday 2 June 2020

The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Stalford] in the Chair).

Members observed two minutes' silence.

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (Amendment No. 2) Regulations (Northern Ireland) 2020.

Mr Principal Deputy Speaker: Members, the next two motions are to approve statutory rules relating to the Health Protection (Coronavirus, Restrictions) regulations. There will be a single debate on both motions. I will ask the Clerk to read the first motion and I will then call on the Minister to move it. The Minister will commence the debate on both motions. When all who wish to speak have done so, I will put the Question on the first motion. The second motion will then be read into the record and I will call on the Minister to move it. The Question will then be put on that motion. If that is clear, we will proceed.

Mr Lyons (Junior Minister, The Executive Office): I beg to move

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 2) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: Thank you. The Business Committee has agreed that there should be no time limit on the debate.

Mr Lyons: There are two motions before the Assembly today. With your permission, Mr Principal Deputy Speaker, I will address both of them in my remarks. This is the third time that Minister Kearney and I have come before the Assembly in relation to these regulations, which have a wide-reaching impact on almost every corner of our lives. We acknowledge the impact that they are having. As I have said before, this is not only a health crisis but a social and economic crisis as well. I want to thank people for their patience and for the personal sacrifices that they have made; because of their adherence to the rules, along with the work of

our health service, we are in a position to bring further relaxations to the Assembly this morning.

I want to turn to the two motions before us today, which are that the Health Protection (Coronavirus, Restrictions) (Amendment No. 2) Regulations (Northern Ireland) 2020 and the Health Protection (Coronavirus, Restrictions) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

Members will recall the proceedings on 21 April, when the Assembly considered and approved the original regulations that had been made using emergency provisions in the primary legislation. They had been made and came into operation on 28 March in the knowledge that Assembly scrutiny would follow. The content of the original regulations is something with which we are all now very familiar. They contain restrictive measures, and the Department of Health has a responsibility, and is required, to keep them under constant review so that they are retained for no longer than is absolutely necessary.

The regulations have built-in protections to ensure that there are frequent and robust reviews of the measures. Regulation 2(2) requires that the restrictions and requirements are reviewed at least once every 21 days, and regulation 2(3) requires that any restrictions or requirements must be terminated as soon as the Department of Health considers that they are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection. Those are powerful legislative provisions, and, since 28 March when the regulations were first introduced, they have provided the basis for several reviews conducted by the Executive.

A first review, completed on 15 April, resulted in no changes, but, on 24 April, it was agreed that the requirement to close burial grounds to members of the public should be lifted and that it would also be helpful, when doing so, to clarify the circumstances in which a person may leave the place where they are living to take

exercise. At a further review on 7 May, it was decided to continue to maintain all the remaining restrictions and requirements for the time being. On 15 May, the Executive agreed the easing of other restrictions, leading to the amendment regulations that are the subject of today's debate.

We are now in a position where we can begin to carefully relax some of the restrictions. These cautious steps demonstrate how seriously the Executive take the review of the regulations and how they will not hesitate to move decisively when it is the time to do so, based on the criteria that we have set out.

The amendment regulations give effect to a number of important changes. Regulation 4, which deals with restrictions and closures, is amended to include the opening of a place of worship for the purpose of solemnising a marriage ceremony where a party is terminally ill. Members will be aware that that change has allowed Samantha Gamble and Frankie Byrne, a couple from County Down, to recently be married. I am sure that the House will want to send their best wishes to them.

Regulation 4 has also been amended to allow for acts of worship to be broadcast to worshippers who are present in a vehicle parked on the premises, provided that all those attending remain in their vehicle at all times during the service and that everyone in a vehicle is from the same household.

Mr Allister: Will the junior Minister give way?

Mr Lyons: I will give way on that point.

Mr Allister: I have been seeking clarification on that point. The regulation speaks about attending what is, effectively, a drive-in church "on the premises", but nowhere in the regulation is the premises defined. Does that mean that it has to be premises within the curtilage of the church building, or can it be premises that are rented for the purpose, such as a nearby field or public car park? Will he clarify?

Mr Lyons: I do not have that information with me, but I can check it out for the Member. In my view, it makes sense that if the church does not have a big enough car park, and if someone has a field or outdoor area that the church wished to use, that that would be an acceptable alternative. It is common sense. I promise that we will come back to the Member on his point.

Regulation 5 also deals with restrictions on movement. It is amended to include the need to access services provided by a district council or other public body, including household waste or recycling centres, as a reasonable excuse for a person to leave the place where they are living. Regulation 5 is also amended to allow people to undertake outdoor activity.

A new regulation 6A has been added to allow outdoor gatherings of up to six people from different households or any number of members from the same household. Regulation 7 has been amended to clarify the application of enforcement provisions insofar as children are concerned. Regulation 9 has been amended to allow for the procedure to be used in cases where a district council issues a fixed penalty notice. Finally, parts 2 and 3 of schedule 2 have been amended to allow garden centres and ornamental plant nurseries to open to customers but not to open the cafes or restaurants on such premises.

These amendments mark further small but important steps on the Executive's pathway to recovery. None of us wants the restrictions to remain for one moment longer than necessary. The regulations are key to winning the fight against COVID-19 and key to an effective recovery and to a quick return to more normal ways.

The Executive will continue to keep these regulations under review, using the three essential criteria that we published earlier this month. The first of those is evidence and analysis relating to the pandemic. This will include the latest medical and scientific advice, the estimated level of transmission and the impact that any relaxations might have on the future trajectory of the pandemic. The second is the capacity of health and social care services to deal with coronavirus cases while also returning to the delivery of normal services. The third is assessment of the wider health, societal and economic impacts of the regulations, including the identification of areas where greatest benefit and lowest risk would result from the relaxation.

The regulations have worked and continued to work. They have saved lives and prevented our health system from being overwhelmed. I know that people want us to move more quickly. On a daily basis, I and, I am sure, other Members get dozens of queries asking when x, y and z can be reopened. People want to be indoors with their families, they want to get their businesses up and running again or, simply but importantly, they want to get their hair cut. That is an issue that is increasingly unimportant for me with

each passing year. Our message is simple: if we want to get there, we need to adhere to the rules that are in place now.

The vast majority of people have made sacrifices and have obeyed the rules. That makes it all the more frustrating for them when they see others who are then flouting the rules. In my constituency over the past number of evenings, large crowds have gathered in massive numbers at the beach at Ballygally. I know that this is happening in other places across Northern Ireland. They are disturbing local residents, they are being abusive to others and they are getting into fights. This is unacceptable. Not only are they involved in these sorts of activities but they are leaving litter behind. They could be picking up something else. They could, of course, be picking up the virus.

There have been easements in restrictions. People are free, and rightly so, to do more than they were able to just a few weeks ago. I want people to enjoy outdoor activities and to be able to sit in their gardens with a few friends or to visit garden centres, but the stupid and irresponsible actions of a few have the potential to threaten the progress that we have made, and that is an impact that all of us will then feel. I say to the young people and the others who have been breaking these rules: help us to help you. We want to get back to where we were before, but that is only going to happen if we stick to and obey the rules that are in place. I want us to move through the stages of the Executive's recovery plan so that we can be in a place where we can consign these regulations to the bin. The better we follow them, the sooner that that can happen. I hope that I will be able to come back to the House shortly, bringing in further relaxations, but, in the meantime, I commend these regulations to the Assembly.

Mr Principal Deputy Speaker: The first person on my speaking list is the Chair of the Executive Office Committee. Before I call him, I remind Members that the Chair of the Executive Office Committee and the Chair of the Health Committee will be given a bit of leeway in that they can maybe ask more than one question, but I again remind Members to try to keep their questions sharp and focused.

10.45 am

A Member: On a point of order.

A Member: On a point of order.

Mr Principal Deputy Speaker: Go on ahead.

Mr Lyons: It is a debate.

Mr Principal Deputy Speaker: I beg your pardon. Well done. It is a debate — you are correct — not Question Time. My mistake. It is force of habit now, trying to keep you all moving along. My mistake.

I call the Chair of the Executive Office Committee, who has as much leeway as he likes. *[Laughter.]*

Mr McGrath (The Chairperson of the Committee for The Executive Office): Thank you very much, Mr Principal Deputy Speaker. The fear that you see is that of someone trying to turn seven pages into a question, which would have been very interesting. *[Laughter.]* I speak on behalf of the Committee for the Executive Office. The Committee very much welcomes the lifting of restrictions when the time is right. I look forward to hearing from the Chairperson of the Health Committee on the formal deliberations that took place in Committee on the legislation. There is no doubt that the restrictions have come at a cost to our citizens, our economy and, indeed, the lives that we once led. That is why any lifting of the restrictions is so eagerly welcomed. It would be very foolish, however, for anyone to think that the lifting of restrictions is happening because the virus has diminished in any way. The reason that the regulations can be amended is largely down to the impact that social distancing is having on the transmission rate of the virus, and that is because of the sacrifices that people are making.

I know that other considerations come into play, such as the impact on wider society and the economy, but social distancing remains key. I do not want to go into the detail of the restrictions that have been lifted. That has already been covered. I do, however, want to take the opportunity to urge everyone to continue to be patient and to show discipline. We have seen in recent weeks evidence of more people out on the streets and roads. If their doing so is within the guidelines, that is fine, but if it is not, it is far from fine. We need to keep the R rate below one, and we can do that only if people remain compliant. On behalf of the Committee, I thank the Executive for their continued diligence in these new and difficult times and for the measured responses that we have seen to ever-changing circumstances.

I will now make the following remarks in my capacity as an SDLP MLA. I welcome the

further relaxation of the regulations. It is, I suppose, an indication that we are challenging the pandemic, and that has been possible only because of the immense sacrifice that many in our community have made, not least those who are shielding and socially isolating at home, forgoing their opportunity to be out and about and to meet up with their loved ones. All of us in the House feel their pain and know what they must be going through. I am sure that everybody will send their support and thanks to them for the sacrifices that they have made.

I continue to note at each stage that new restrictions regulations are laid that I am still unhappy with the democratic process behind them. I know that this is a technicality, but the fact that the regulations are decided on and enforced before agreement of the House is sought continues to feel somewhat back to front. I acknowledge, however, the extreme and difficult times that we are living in and understand that decisions need to be taken quickly.

I acknowledge, and am thankful for, the changes to the regulations that specifically permit acts of worship and marriages where one of the individuals is terminally ill. I welcome those changes and recognise the specific nature of permitting the marriage of people with a terminal diagnosis. That is an incredibly heartfelt and human act, and it was very welcome to see.

In these times, many people have turned to prayer and worship as a way in which to get through the pandemic. Many people, me included, have been able to avail themselves of online services, and that has been welcome. I know, however, that many people prefer to attend chapels, churches and other places of worship physically, and having that ability returned to them means so much to so many.

The change that allowed the opening of recycling centres is a very welcome move. Many wanted to see it, and I am sure that many Members here were inundated with contact from constituents who were desperate to remove their rubbish from their home and garden and dispose it. I worry, though, that not all councils are acting equally, as some permit only household rubbish and recycling materials. Some councils are not opening their centres to the full range of materials, and, as such, there is still unacceptable amounts of fly-tipping happening in our countryside. Many beautiful locations are being blighted —.

Mr O'Dowd: Will the Member give way?

Mr McGrath: Sure.

Mr O'Dowd: Does the Member accept that recycling centres not being open is not the reason that fly-tipping takes place?

There is absolutely no excuse for fly-tipping. Fly-tipping was taking place before recycling centres had fully opened.

Mr McGrath: I thank the Member for his intervention. The point that I am making is that, in my constituency, there has been an increase in fly-tipping, but we have a council that does not have its full recycling capacity open. It only accepts black bag rubbish and is therefore not accepting the large items of rubbish that, all of a sudden, are appearing in increasing amounts in the area. I have no doubt that, if the recycling centre was open for those materials, they would end up there, not down country lanes. It would defy logic to drive past the recycling centre to dump something in the countryside, if you can leave it in the recycling centre.

The point that I was making is that our locations are being blighted by fly-tippers who are unable to access the recycling centres. I do not endorse fly-tipping, but, at the same time, I want to see the councils offering as full a range of recycling as they can. Will the Minister liaise with the councils to see if there are specific reasons why the recycling centres are not open to their full capacity? My understanding is that the majority of them are and only some are not.

The need for a timeline continues to be important. Businesses in our communities are struggling. They need to plan and prepare, and not having even an indicative timeline is tough for them. People are grown-up; they will cope with the fact that a timeline might have to slip. However, at least they will be able to have the preparation done, so that they can cope with a short wait. It is better to have a three-week delay until reopening or re-profiling your business than to be simply given 48 hours notice that you can trade again. I will continue to underscore the importance of a timeline, acknowledging that those timelines may change. This is something that we continue to want to see.

I also worry about the lack of clarity there can sometimes be in communicating the decisions and the changes that have been made. People need to know exactly what the changes mean. I have often said here that, when we relax the regulations, all of a sudden our inboxes increase with questions from people asking what they can and cannot do. For example, six

people can meet outdoors: this may seem like a silly question, but are people's gardens outdoors? In our area, the PSNI do not think so. We have people who can meet outside but are told that their gardens are not outside, so clarity is needed there. Yesterday, we heard about hotels that can reopen, but can their bars and restaurants? Is it just their rooms? If it is just their rooms, how many of their rooms can they open? The questions go on and on. People need to be provided with as much clarity as possible when we relax the rules, so that they know exactly what they can and cannot do.

I suppose that some of that might come. The Minister has mentioned that we have allowed six people to meet outdoors, but now we see large groups of people forgetting that, although you can meet outdoors, you still need to maintain the two-metre distancing. If the relaxation means that you can go to certain locations, it does not mean that you leave your litter behind. However, people feel that there are so many changes and they do not understand or take the time to know the detail of it. I continue to ask for an increase in clarity as the regulations are relaxed.

We are still on a journey with the pandemic. Already, we are discussing the "new norm" rather than returning to the "old norm", and that will be the mantra for some time to come. I appreciate and thank the Executive for the work they are undertaking in these difficult times. I am happy to support the relaxation of the regulations as detailed.

Mr Gildernew (The Chairperson of the Committee for Health): The Health Committee was briefed on the two statutory rules by the Chief Environmental Officer on 28 May. The Committee agreed that it was content for the small easements to restrictions to be made, but a number of issues were raised.

The first was about the evidence and tracking that go into decision making about when we ease restrictions. We are advised that a process has been agreed across the Executive and that Departments proposing a change are required to fill in a template setting out a rationale, provide any evidence available and complete a risk matrix. It was explained that, once that is received, the Department of Health scrutinises it from the point of view of public health, drawing on the expertise of the Chief Medical Officer and the Chief Scientific Adviser. The Department then produces a paper advising the Executive of its view on whether the change can be made. We were also advised that, typically, there is a three-week

period before the impact of changes to restrictions can be seen.

The second issue raised was the strategies to engage with harder-to-reach communities, such as those whose first language is not English or those with communication difficulties. We were informed that each Department is responsible for stakeholder engagement in its field of responsibility. The Committee has raised the point on a number of occasions, and there may be more to do in that regard to ensure, for example, that some of our large migrant communities are fully informed of the up-to-date rules and requirements to keep them and their families safe.

We also asked about the definition of "outdoor activity" currently permitted. The Chief Environmental Officer advised that any attempt to list activities could be counterproductive, as there would always be activities not on the list that were equally safe. We understand that the key element of this is avoiding shared contact with hard surfaces but that guidance might be developed and put on nidirect.

Members also enquired about enforcement and were advised that, largely, the PSNI is looking after public gatherings while councils are now an additional enforcement body and are likely to lead on engagement with business. We were advised that, to promote a consistent approach, a subgroup of Society of Local Authority Chief Executives (SOLACE) and environmental health officers had produced internal guidance for enforcement officers and was sharing experience of recent queries.

In closing my remarks on behalf of the Health Committee, I will say that, while the Committee supports these small steps towards easing restrictions, members expressed concerns about more people on the streets and groups socialising without necessarily observing social distancing. The Committee recognises the ongoing danger of the current situation and the risk of complacency. We urge people to keep to the rules and to maintain social distancing.

Ba mhaith liom cúpla focal eile a rá. I would like to say a few more words in my role as Sinn Féin health spokesperson. I agree with all the remarks that we have heard. We have all seen the uplift in activity and the decrease in social distancing across all age groups and in a range of settings. There are particular concerns. The key element is that the testing and tracing system that is put in place needs to be robust enough to pick up on any increase in community transmission. It also needs to be able to identify the location of that increase,

whether geographically or by social group. Then, it must be able to respond in a way that avoids another total lockdown but provides targeted advice to isolate.

My concern about the harder-to-reach communities remains. Given the fast-moving nature of how many of the restrictions are being eased, there is a risk that communities with additional language difficulties will struggle to follow the changes and will be guided by what they see on the streets. That could be harmful to them and damaging in its promotion of a further spread of the disease. Those communities also need additional support to isolate. Often, they live in multiple-occupancy housing and work in shift patterns in settings that are quite congregated. We need to be careful. There is a responsibility on the Department of Health to ensure that the testing and tracing system works and is sufficiently robust to spot any increase.

The cumulative nature of some of the changes will provide an additional challenge to the Department of Health. If it is only after two or three weeks that we can see how each measure translate, the Department will need to be very reactive in saying when something is creating a difficulty or is a potential problem.

Another issue that we need to be very cognisant of at present is travel to the island of Ireland. It is widely recognised and accepted, I think, as a fact that Ireland is a single epidemiological unit. We need to guard against transmission in communities across borders, where transmission is suppressed on one side but continues to rise on the other and we see cross-infection, in that sense. For people coming on to the island, we need robust measures in place to identify where they are isolating. We need passenger health locator forms to be able to track and trace them on their journey here, and we need good information and good systems at the airports. We also need good data collection to identify where any hotspots are arising.

I encourage the Executive and the Department to continue their engagement and to continue to watch carefully what happens over this time.

I plead with the public to be aware that these measures are being taken in a very gradual and phased way, in order to test the water to see what is happening. Please do not take them as a signal to go back to the old ways. The measures that are keeping this under control are social distancing and the lockdown. We need to maintain all those elements to ensure the safety of our people.

11.00 am

Mrs Cameron: I welcome the news that coronavirus deaths are now at extremely low levels, new positive tests are also at low levels and contact tracing is being managed. Obviously, any death from the virus is one too many, and I commend the vast majority of the public who have adhered to the physical-distancing measures, in particular and, of course, our incredible health service for helping us to reach this point.

I must take this opportunity to say how dismayed I am to hear of gatherings at beauty spots in recent days. I say to those who are behaving in this way: stop. You, and you alone, will have an impact on how we go forward, and these actions will delay and prevent the easing of the restrictions. Whilst the majority of people are acting responsibly, patiently waiting to be able to do the simple things, such as hugging their grandchildren and loved ones, I appeal to those who are flouting the rules and misbehaving to act responsibly in order that we can all move on.

Lockdown has been a testing time for everyone, most particularly those affected by the disease, but now that we are, hopefully, past the worst, attention must increasingly be given to the wider health, economic and social price —.

Mr Principal Deputy Speaker: Mrs Cameron, I am sorry to interrupt your speech. Could you move to the wee mike? It is just that the broadcasting system may not be able to pick up your comments, and they may not then be able to be reported in Hansard. You have wee a lectern there as well now so that is grand.

Mrs Cameron: Thank you Mr Principal Deputy Speaker. Do want me to begin again?

Mr Principal Deputy Speaker: Yes.

Mrs Cameron: I welcome the news that coronavirus deaths are now at extremely low levels, new positive tests are also at a low levels and contact tracing is being managed. Obviously, any death from the virus is one too many, and I commend the vast majority of the public who have adhered to the physical-distancing measures, in particular and, of course, our incredible health service for helping us to reach this point.

I must take the opportunity to say how dismayed I am to hear of gatherings at beauty spots, in particular. I say to those who are behaving in this way: stop. You alone will delay

the easing of the restrictions by acting in this manner. The majority of people are acting responsibly, patiently waiting to be able to do the simple things, such as hugging their grandchildren and loved ones. I call on people to act in an appropriate manner.

Lockdown has been a testing time for everyone, most particularly those affected by the disease, but now that we are, hopefully, past the worst, attention must increasingly be given to the wider health, economic and social price that is being paid by our entire population. We need to be as thorough and as swift in taking measures to protect our community from the havoc and hardship that long-term lockdown will produce as we were in protecting them from the disease.

We must look at the urgent reopening of our health service to those in need of other care. Cancer waiting lists are growing, people are not being given diagnostic procedures as quickly as they need them and hospital wards are lying empty while those who need care are staying at home. It is all too concerning that, if this is not addressed urgently, many people will, unfortunately, die of non-COVID-related conditions.

We must also look at the whole sphere of mental health. It is not beyond the realms of possibility that more people will die by suicide next week than from COVID-19. What a challenge that poses for us. Will we take that as seriously as we took COVID-19? We also need to consider what measures can be taken to reduce public fear, so that life can resume in a manner as close to normal as possible. The impact of that fear on mental health cannot be underestimated, as well as the impact it has on the economy, which we need people to reinvigorate.

It is essential that the economy is reawakened as soon as safely possible. Many reports are questioning the effectiveness of lockdown, but the Executive acted appropriately, faced with that threat. However, more strategic social-distancing measures could equally effectively move us forward in protecting public health.

Of course, we look forward to being kept advised by scientists on all those issues, going forward.

If the vast majority of people will have only a minor illness, it is difficult to justify a closed society. We understand that under-65s with no underlying conditions or obesity are reasonably safe. We have the data to demonstrate that. We need to find ways to ensure that all who can return to work safely do so as soon as possible.

I welcome the fact that COVID-19 assessments are being carried out for all workplaces and that protective measures are being put in place before those openings. I welcome the announcement of the opening of tourism facilities in July and thank my colleague Diane Dodds for that. I welcome the current low infection rate and trust that we will assess continually whether it is necessary to postpone the opening of hotels and, more particularly, caravan parks and self-catering accommodation for another seven weeks. Can we look at new measures in those places to protect health but allow people to use those facilities?

The UK Government message to "Stay alert" was derided by some, but, by being alert, we follow the advice. We do not touch our mouth, nose, ears or eyes. We wash our hands. We cover our mouth. In order to ramp up the health service and get back to some degree of normality, we must be alert. We cannot live in lockdown for ever. Balance must be found. I support both motions.

Mr Sheehan: The remarks that I will make relate to the regulations that have been introduced. Of course, we have seen the opening up of places of worship for marriages where one party is terminally ill; the opening of recycling centres and garden centres; the opening of churches for private worship and what have been commonly referred to as "drive-in ceremonies"; and other outdoor activities and gatherings subject to certain restrictions. Other relaxations will also take place, including for drive-in cinemas and concerts, although those are not covered by today's motions. Of course, yesterday, we heard the announcement of a date for the potential opening of hotels, caravan parks and so on next month. All that is welcome. Most people welcome the relaxation. It has been a tough eight or 10 weeks; I am not sure exactly how long it has been since we moved into the lockdown.

I must say, however, that we are moving into a dangerous period. There is a perception in some quarters that the danger has passed, that the trajectory is one way and one way only and that we are moving completely out of lockdown. We heard the junior Minister talking about crowds of young people on Ballygally beach. This morning, I heard Andrew Muir on Radio Ulster describing similar scenes in Crawfordsburn and Helen's Bay. That type of behaviour, particularly among young people, has been replicated in areas across the North. I suppose that, if we were all young lads and young girls again, we would want to be out enjoying ourselves. That is a given. However,

we know the difficult circumstances in which we live at the minute.

The messaging has not been helped. Regardless of the distance between here and our neighbouring island, we are all very much aware of what has happened over there. The publicity around Mr Cummings and so on over the past number of weeks helps only to muddy the water. People do not get a clear indication of what the actual message is or feel that there are laws for some people and different laws for others. Of course, the British Government have themselves been responsible for a lot of that mixed messaging. From the outset of the pandemic, their positioning has been pretty shambolic. Over the past number of days, we have seen scenes of beaches across the water that have been packed like Benidorm in August. People have been packed in like sardines. That is not the message that needs to go out.

We need to be clear that the regulations that we are discussing today are part of a slow easing of the restrictions. Further easing of restrictions can take place only when we have a proper system for testing, tracing and isolating. You see, a complete lockdown is not a necessity. It might have been initially here and in other countries that were not prepared for the pandemic. However, some countries, particularly those in Asia that had experience of SARS, MERS, swine flu, avian flu and so on, were prepared. They were ready for testing, they were ready for tracing, and they had robust systems in place to do all that. For example, South Korea, which has a population of 55 million, has seen fewer than 300 deaths. There has not been one death in a care home in South Korea, despite the fact that it is only a two-hour flight from Wuhan, where the virus is alleged to have originated.

Where there have been localised outbreaks or clusters, those countries have been able to move in and initiate a localised lockdown. If we had that system here, we could do the same. The difficulty for all of us and for society in general is that there is no sign that the virus will just evaporate and disappear into thin air. It is here for the foreseeable future and probably until such times as we get a vaccine. Therefore, we must have the proper strategy in place to deal with further outbreaks. The messaging from the Executive must be crystal clear.

I welcome the regulations and the easing of the restrictions, but that must all be part of an overall strategy of testing, tracing and isolating the virus.

Mr Chambers: I support the relaxations, provided that they continue to be based purely on medical and scientific advice. That is important. Indeed, all the measured relaxations planned must always be based on such advice.

As the Minister said in his opening remarks, I am sure that we have all had many phone calls to the effect that, once one little bit of relaxation has been given to one sector, all the other sectors are on the phone or emailing us to say, "Well, if they can do that, why can we not do this?". It is difficult sometimes to answer those questions.

As the Chair of the Health Committee said, we had a presentation last Thursday from the chief environmental health officer in the Department of Health. I asked him about travel to garden centres: if my nearest garden centre was four miles down the road but I decided to drive past it and go 10 miles down the road because I preferred the garden centre there, would I be breaking the regulations? Indeed, would I be in breach of the regulations if I drove 50 miles to Enniskillen to a garden centre that I particularly liked? Of course, the answer was no. The distance that you travel to a garden centre is not in breach of the regulations. I would have thought that the regulations would have contained some sort of caveat restricting the distances that you can travel to somewhere like a garden centre. I assume that the Republic of Ireland still has the five-kilometre limit on travel. I would have liked to see something like that here, as it has created a wee bit of a contradiction. A few weeks ago, the PSNI was stopping and questioning people about travelling to take exercise.

People who could not justify the distance that they were travelling to exercise were either being turned back or, in some cases, given a fixed penalty ticket. There is that sort of contradiction that, at that point, the distance of travel seemed to be very important, but now, as we see, relaxation is coming in the legislation. The legislation has not changed; it is just that these relaxations have come. Travel seems to be absolutely unlimited.

11.15 am

The other question that I put to the environmental officer on Thursday was about who is now going to police the regulations with the opening of stores and businesses. As we have seen over recent days, a lot of big stores have been reopening. I asked him whether the police were still the go-to agency, but he said no and that the power had been vested in local authorities to control and police any alleged

breaches and so forth of the legislation as it stood. My supplementary question was this: how can we guarantee consistency?

It is very important that, whenever we do anything, we are consistent. That is what the public are looking for. They are looking for clarity and certainty, and unless you give them that, you are handing the ammunition to the army of barrack-room lawyers that has been created over recent weeks and that nitpicks at the regulations. The answer was that the Society of Local Authority Chief Executives (SOLACE) had set up a subgroup of public health representatives who would meet and agree consistent approaches on how they would deal with various situations. It was just last Thursday that that message was given to me at the Health Committee and put on the public record. The next day, you could have picked up a newspaper and read that a Northern Ireland local authority has decided to go on a solo run on estate agents being able to facilitate viewings of vacant properties. That is the sort of inconsistency that I was maybe trying to highlight in that in one council area an estate agent can carry out viewings of empty properties but across the county line, as it were, another estate agent cannot. That creates a sense of injustice among people in the same sector and the feeling that we do not have a level playing field.

In relation to all these pre-announced openings, we have to understand — other Members alluded to this — that they are not a given. A date has been given for them, but that is not written on tablets of stone. Those openings are absolutely subject to the R figure remaining below the magic number of 1, and the only way that that number will stay under 1 is if every member of the community continues to adhere to and cooperate with the advice from the Executive, the authorities and the Department of Health. The best advice is still this: stay at home. We have to hold the line, and the opening of hotels and everything else in the middle of July will not happen if we let our guard down. We all have a responsibility to continue to hold the line.

In conclusion, I admire the Chair of the Committee for the Executive Office's blind faith that fly tippers will go to recycling centres if and when they are open.

Mr Catney: I also support the motions. We are all out in order to try to protect as best we possibly can the people here in Northern Ireland — our constituents.

I want to speak for a moment about Lagan Valley. Normality will come back, but the week that is in it is volunteers' week. It is child safety week and volunteers' week. Where would we be without our wonderful volunteers, who have stepped up to the plate and helped as much as they can to alleviate as much of the pain as possible? From 1 June to 7 June, I ask everyone to think about child safety and our volunteers.

Little bits of normality are creeping back in, and that brings normality. These regulations are a step down. I have heard it said that they are baby steps, and they are, but they are baby steps with a vision. As we go into our parks and walk around, with social distancing being practised, we can see vendors coming out. There is ice cream there as we take our little children or grandchildren, if we can, in order to regulate, as best we possibly can, all that social distancing.

I have heard people talking about litter. There was a statistic about Lagan Valley that I found shocking. On one day — a good, sunny day — there could be five tons of litter left in our parks. On one day last week, 10 tons was collected by the council and brought to landfill. I plead with people — and the majority of people already do this — to bring their litter home with them, because our beauty spots are for all of us. They belong to all of us. There are regulations about not travelling to them, and I ask people not to break any of those regulations, but also to tidy up after themselves.

To conclude, I think there is a possibility that our shops may open by 8 June — again, with social distancing. We as an Executive should send out a message, and whatever help we possibly can, to our councils to see that those shops are ready to try and get back open. Another small move is around street vendors who are coming back and maybe selling food. That creates an atmosphere of trying to come back and get normality back together. However, let us not forget, folks, our businesses that cannot open. We have plenty of businesses that cannot open, and we know them. Our offices are inundated by queries from them. However, with these small steps, if everyone sticks with them and goes along with them, then maybe, just maybe, we can come out of this to a much better new normal and a much better and stronger society. I am asking everyone to stick to the rules and follow them as closely as possible as the relaxation comes in.

Ms Bradshaw: I support these amending regulations and put on record again that, as a member of a liberal party, I do so with some

discomfort. Even when amended, the regulations will continue to place restrictions on civil liberties and social contact which, at any time other than an extreme public health emergency, would rightly be seen as intolerable.

It is welcome that we reached the stage last month where we could begin to ease restrictions and move out of lockdown. The impact of lockdown on economic well-being and livelihoods has of course been horrendous, but the impact on mental well-being and health has certainly been even greater. It is simply not natural for people to go without any contact with others, and that could not be allowed to continue any longer than necessary.

It is unquestionably a good thing, therefore, that the Health Protection (Coronavirus, Restrictions) (Amendment No. 3) Regulations (NI) 2020 enable the coming together of six people outdoors with distancing — a safe way to restart contact. It does leave open, however, the serious concerns of people who have received shielding letters or who otherwise regard themselves as shielding, whether because they are caring for someone who has received one or because they believe themselves to be in a vulnerable category and feel that the effects of the virus are too great a risk.

Although there was an announcement yesterday by the First Minister, and the Chief Scientific Officer also commented on shielding, the position has not been made totally clear. Those who are formally shielding remain instructed to stay home, seemingly indefinitely. It is also unclear whether people who are potentially vulnerable because of their condition or age feel free to meet outdoors. It may not be for these regulations to clarify that — rather, for public information and guidance — but it should be clarified urgently, and those who are expecting their shielding letters should receive such clarity with the utmost urgency.

It is also welcome that we can see, at least to some extent, how the raising of the restrictions is in line with the scientific advice that the Executive are receiving. There will be a diversity of opinions among scientists, just as there is among any group of people. The issues are complex, but we can see that good practice is being followed in the regulations and the guidance in prioritising outdoor meetings and avoiding, as far as possible, the three Cs, namely crowds, contact and closed spaces.

The question now is how we allow greater public freedom while also ensuring, as far as

possible, that there are no further major outbreaks or spikes. Clearly, the much-discussed R number has a role in determining that, but there is also a range of other considerations, including the very latest evidence of how the virus has spread, who is most likely to spread it, and where it is most likely to spread fastest. We need to combine that evidence with ensuring that our contact-tracing system is able and competent to keep up with any new cases as we try to move the confirmed daily number of cases down towards zero.

That brings me to a major concern. Lockdown has not just seen us locked down in our homes — the health and social care sector has been locked down as well. Cancer screenings have stopped, diabetic clinics are delayed, and vital diagnostics, operations and treatments have been postponed. While we can understand that COVID-19 was all-encompassing, the question now is how are we going to see the reopening of health and social care, and also move on with its urgent transformation? People do not, as yet, appear to know the answer to that. Over two weeks ago, the Health Minister, in response to a question I asked, told me that we would receive his comprehensive recovery plan last Thursday. However, as yet we have not seen it, we do not know what is in it and, certainly as far as I can make out, health professionals have not been engaged in it.

I close by thanking the public for their consideration during these difficult few months. Never was there a time when respect, kindness and patience were more important than now. Some people will initially feel that they feel safer staying at home and will not make use of the freedoms that are being put back in place. Others will genuinely feel that they have been too restricted in what they were permitted to do and where they were permitted to go.

In one way or another, everyone is struggling with this: the decision makers, the people providing vital care, people sadly grieving the loss of loved ones, those who do not feel safe at home and those who simply feel that they deserve a holiday.

I appeal to Ministers and the authorities to ensure that communication of key messages and information remains clear, and it is for all of us to show respect, kindness and patience throughout.

Ms Bailey: The Green Party welcomed the easing of lockdown measures. We are very thankful to the Executive for taking things slowly and doing them at our own pace in a way that is

suitable for the people of Northern Ireland. However, we also feel that, for the most part, people at the minute are deciding for themselves that lockdown is over. We can see that on our streets and in our public spaces.

As I am sure is the case with every other Member, every time a restriction is lifted I am inundated with people and businesses seeking clarity. While today we are yet again passing retrospective changes in statutory rules, yesterday other restrictions were announced, leaving exactly the same questions. I know that the Economy Minister has produced priority sector guidance, which is a list published for advisory purposes to allow companies to make their own decisions, yet when lockdown legislation was imposed we did not allow anyone to make their own decisions. We asked for their acceptance and their adherence, so why is a different approach being taken to the relaxation? As Mr Chambers rightly said, people do need clarity and consistency. At the minute we do not have that, and ambiguity is encouraging people to interpret the changes to meet their own ends.

Who is responsible for ensuring that the public health measures are followed in places where relaxation is allowed? While we see some people wearing masks and gloves, not all are. Is there clarity on that? While people can be seen adhering to social distancing in queues outside outlets, the same is not true when you are on the inside, for example, even if they are wearing protective gloves and masks. They are handling goods on shelves and leaving them there. That puts staff and others at risk. Who bears that responsibility?

I was told of one incident where a physical fight broke out in a car park between two parties, who then made up, shook hands and returned to their socially distanced places in the queue before leaving with a watering can.

11.30 am

Some shops allow only one person at a time to enter premises, while others allow groups to go in together. Some places disinfect equipment between shoppers but others do not. Where is the clarity on that? Some have one-way systems, whether they are adhered to or not, but others do not. To answer these queries with, "Report them to the police, the HSC or local authorities" is inadequate. We need to give people and businesses very clear instruction as we continue to lift the lockdown.

Can all staff, regardless of any underlying medical conditions, including mental health issues, that they or those whom they live with may have be forced back into work as we relax these measures? Let us not ignore the fact that most of these workers are in the caring, retail and hospitality sectors, which are historically low paid and with few contractual protections — even if we do clap for them on a Thursday.

How can we continue to ask people to adhere to rules when the rules are so unclear? When the lockdown was imposed, the virus was not as prevalent as it is today. So while the R number has fallen below one, and that is a very good thing and due to all the efforts that have been put in, we know that transmission is happening, yet responsibility for safety is still very unclear.

I ask that the further lifting of any restrictions starts with very clear messages and responsibilities — please — because COVID-19 has not gone away, and we are all very aware of that.

Mr Allister: The very modest steps involved in the further easement are a demonstration that we are undoubtedly moving at the pace of the slowest, and that, of course, is one of the blights of the system of government that we have. There is much talk, understandably, about the gathering of young people and others on beaches and at other places, and, yet, the point that that demonstrates is the inadequacy of the regulations in the first place.

Even though, across the world, the common denominator of fighting COVID-19 is social distancing, this Executive managed to produce regulations that do not in law require social distancing. There is no provision in these regulations that says that parties must stay 2 metres apart. Yes, it is in guidance, but it is not in the regulations. Although there is now much lamenting about the breaching of social distancing, part of the cause of that and the lack of ready remedy for that lies in the fact that this Executive brought forth regulations from which that was absent.

Even though we have had two or three changes to the regulations, we still have not put that into the regulations. Of course, that means that when the PSNI are called to Ballyholme beach or Portrush or wherever, yes, they can seek to enforce groups of only six, but they can do nothing under the law about people standing shoulder to shoulder and not social distancing. That is a failure of the Executive's regulations — a continuing failure that has not been addressed. So, before we all get on our high

horse about people daring to do this and that, we should look at the regulations that were drafted and recognise that they are deficient in regard to social distancing. Maybe the Executive would be better occupied remedying that before anything else is said about those who do not social distance.

Of course, social distancing is the greatest antidote to the spread of COVID-19, and, yes, it is necessary, but it is equally necessary that it be in the regulations, yet it is not. Why not? Still, why not? That is an issue.

Then, of course, when you have people gathering, as they do, the public nuisance is compounded in many cases by the fact that public toilets are closed. I am glad that the council area in which I live — Mid and East Antrim Borough Council — has, necessarily, opened many public toilets because if people are going to gather at places, where is the logic in adding to health problems by not having public toilets? That needs to be addressed.

Coming to regulations 2 and 3, which we are debating, one of them, humanely, introduces marriage in church for the terminally ill. That is necessary, sensible and right, but then the same Executive allow only fair-weather marriages for others. So, here we have a situation where a family, limited in numbers, can have a funeral service in a church, a terminally ill party to a marrying couple can have a service in a church, but some other couple that want to get married have to do it outside and hope for a good day. Where is the logic in that? If churches are suitable for small funerals and small marriages involving the terminally ill, why are they not suitable for small marriages across the board? When we last debated these regulations, I said that it was key to them ever securing the traction that they would hold that they have an inherent common sense and cogency within them. It is the lack of that, I fear, that is undermining the regulations as much as anything else.

The third regulation introduces matters such as drive-in services. In this debate I have already asked the junior Minister about that, and I was disappointed that he was not able to answer me because it is a question that I have tabled to his office. It is an important question for those in the Church fraternity. The amendment amends regulation 4(6), which begins:

"A place of worship may be used— "

and then it lists —

"(a) for funerals,

(b) to broadcast an act of worship ... or

"(c) to provide essential voluntary services ...

We are going to add to that:

"to broadcast (by way of loudspeaker or radio) an act of worship to worshippers who are present in a vehicle parked on the premises".

Given that the regulation is premised with:

"A place of worship may be used— "

and then we add to that one of the uses being —

"to broadcast (by way of loudspeaker or radio) an act of worship to worshippers who are present in a vehicle parked on the premises"

does that allow the necessity of drive-in services other than at the church premises? I fear that it may not, and yet, it should.

I say to the Executive Office that it needs to look at that again because there are many churches that do not have a large car park or a huge curtilage, and which therefore could not hold a drive-in service where the cars all park up and listen because they simply have not got the accommodation. However, they might be able to hire a public car park or utilise a nearby field, but do the regulations allow that? That is the question that I am asking. I think that people are entitled to an answer to that, because if a place of worship is the premises and if a place of worship denotes a static premises, then, as these are drafted, it seems that they would not allow the flexibility that is clearly needed. I trust that that will be examined further.

Amongst the other things done by this change is, of course, travel for an outdoor activity, and that is good. However, there are, on the foot of that, some inequities, because that led, for example, to the opening of golf clubs. I never quite understood why golf courses were ever closed, but there you are. The iniquity comes from the fact that golf clubs seem to be operating on the basis that they are open only for members. There are many in our society, particularly amongst the lower-paid, who like to play golf but they cannot afford the golf club fees so they turn up on a pay-as-you-go basis. However, they are not permitted. Why? If it is safe, as it patently is, to play golf outdoors

where you can socially distance and it is safe for members, why is it not safe for non-members? Again, it is inconsistencies like that that bring the regulations into disrepute.

Then we have the issue — I raised it in the previous debate — of caravan parks. We are now told that, from 20 July, hotels can open, but they may not be able to serve breakfast and dinner. However, you can make a booking blind as to whether any of those things will operate. Likewise, we are told that caravan parks will open. Those are both premised on the fact that those are outsiders, or third parties, who are coming to use premises such as a hotel or a caravan, which they might rent for a week, a fortnight or whatever. However, that takes no account of the owner-occupied caravans and of the person who owns their own caravan or their own holiday home, and, here, I declare an interest. That takes no account of why, if it is the case, they should be banished from using their caravan, holiday home or apartment until 20 July. If someone goes to their holiday home this weekend and behaves as they would behave at home, sitting in their garden and going for their walk, what is the difference?

Mr McGrath: Will the Member give way?

Mr Allister: Yes.

11.45 am

Mr McGrath: I have been contacted by people who are shielding at home in one room because other family members are using the living rooms and kitchens, and they are moving inside and outside. Those people are in rooms, yet they have caravans or second homes in which they would have the run of the entire space on their own. Those homes and caravans might have small gardens that they could go out and tend to, and it would be much better for their health rather than subjecting them to lockdown in a room. I have written to the Department and asked for a relaxation on that basis. Does the Member agree that that would be worthwhile?

Mr Allister: Absolutely. I received an email this week that would have brought tears to your eyes about a lady who had gone to her caravan for that very reason and yet was then expelled from her caravan and sent back home to a situation where she could not move out of her room.

When government makes provision that creates that sort of inequitable and uneven stipulation, there is something seriously wrong. So, I say to

the Executive: you really have to get a grip on how these regulations are working out in real life. As the Member says, why could someone who owns their caravan not go to it, stay in it, sit outside it, take a walk? My goodness, in a week or two, they will be able to get on a plane and fly to Spain, but they cannot drive 20 miles down the road and stay in their own caravan. Where is the logic of that? It is not there.

This banding together of the whole concept of hotels, B&Bs, caravans, second homes, whatever, and just lumping them all together and treating them all the same is exactly what is creating the unease and the temptation to see these regulations dissipated by disobedience. That, essentially, is the biggest challenge. If the regulations lose public confidence, and there are manifestations of that, they will lose their traction and their hold, and, frankly, at the end of it, who can do much about it, particularly when the most basic provision about social distancing is not even in the regulations?

I welcome the tiny steps taken, but I urge a more cogent advance away from this pace of the slowest and remembering the statutory obligation to retain any one of these regulations for no longer than is necessary. Indeed, we were given to understand when the Executive published their five-step programme that, within Step 1, people would be able not just to meet outside with other family members but to visit in the homes of other family members, yet that step has never been taken. Why was it ever in Step 1 if it was not going to be taken? Why give the false hope and then snatch it away? It is another illustration of how public confidence is being sapped in the process of the regulations.

We are coming close to the end of another debate on these matters, and we are told that everything is linked to the R rate, but we have yet to hear in this debate what the R rate is. Why this secrecy? Why, every time, does the R rate have to be dragged out? Why are we not being told on a daily basis what the R rate is so that, as grown-ups, we can observe it ourselves rather than simply being told from on high that it is not at the level that allows any more movement? So, I ask, and I trust that we will be told in the response to the debate, what precisely is the current R rate? Everything is supposed to be predicated on that, so let us hear it. Let us see the graph of the R rate from the second that the epidemic started until now. If the number of people in hospital and new cases is significantly down, as it seems to be, is the R rate tracking that? As the R rate tracks that, how do you meet the statutory obligation to hold these regulations in place, since the

statutory obligation is to have them no longer than is necessary?

Mr Carroll: There is obviously much in these amendments to the regulations that will bring some comfort, some support even, in what has been a very tough time for so many in our communities. It is also worth pointing out to people who may not follow the workings and running of Stormont that we are voting on this after the fact; after the changes to the regulations have already been implemented. I share some of the concerns raised by my Health Committee colleague, the Chair of the Executive Office Committee, and others about that.

Many of the changes appear uncontroversial. Who could argue against allowing people who are terminally ill to get married in a small ceremony? Hopefully, that will bring some comfort to the people in that situation. However, I am concerned about some of the changes to the regulations, in particular those pertaining to garden centres. I have raised that issue at the Health Committee already, and I do so again today.

My concerns are multifaceted. First, I do not see how a garden centre could be classed as an essential service at this time. I am concerned that companies that are, by all definitions, not garden centres may be flouting or sidestepping these rules to open their doors and potentially put workers at risk. I am also concerned that while, one week, it is garden centres and ornamental plant nurseries — I have to admit that I do not know what an ornamental plant nursery is — the next week, it could be retail shops. We are hearing more and more calls for, and news and announcements about, retail shops opening very soon. I would be very concerned about that. It is worth commenting that those workers are, by and large, low paid. They are the people who work over bank holidays, Christmas and other holiday periods, and they are the people who seem to be pushed back into work quicker than others.

Generally speaking, I am also concerned that we may be rushing too quickly to ease the tough measures that people have faced. People have faced tough measures, but we are rushing to lift these elements of the lockdown very quickly despite the fact that the R rate is still not low enough; some people say that it could still be close to 1. We are also hearing reports of a potential second wave in the not too distant future, and there is the tragedy that people are, sadly, still passing away from this virus. All those things have to shape any actions that the

Executive take. All those factors have to be considered in any amendments to the regulations or easing of the lockdown.

Members have referred to the breaking of the restrictions. It is very concerning that that is happening, but we have to be careful not to lump all young people in as one homogenous block and blame them en masse for all the breaches. Whilst we are against these breaches — they should not be happening — we also have to say that it is no accident that they are happening at a time that the Government are lifting the restrictions, with some seemingly banging the table for a quicker lifting of those restrictions. It is no surprise either that people are gathering on beaches when a chief adviser can drive up to a castle for a retreat. News stories about these things happening shape people's actions. People feel that it is deeply unfair that somebody who was central to drafting these regulations in Britain can breach them so flagrantly. All those aspects need to be considered.

People are very worried and concerned about the furloughing scheme being reduced. People feel that they are being pushed back into work very quickly, and I think that we have to fight against that and to ensure that people are protected financially if they take measures to stay at home to protect their health and ours.

I will certainly not oppose the regulation changes, but I have made comments that have to be put on the record.

Mr Principal Deputy Speaker: As no other Members have indicated that they wish to speak, I call junior Minister Declan Kearney to make a winding-up speech.

Mr Kearney (Junior Minister, The Executive Office): Gabhaim buíochas leis an Comhaltaí sin ar fad a chuidigh leis an díospóireacht inniu. Cuirim fáilte roimh a gcuid tuairimí. I thank all the Members who contributed to today's debate, and I welcome all the comments shared with us.

As an Assembly, we are in the fortunate position of continuing to be able to meet and to undertake our scrutiny role, albeit under these necessary arrangements for social distancing. However, as we all know, for many people in our society, this has been an extremely difficult period. That applies especially to those with special needs, our elderly, those who have family in ICU, and, sadly, all those who have lost loved ones during this period. We should all be very proud of the positive way in which our

community has responded to the scale of this emergency.

As I said in our previous debate, we faced a situation at the end of March, when these regulations came into effect, where the scientific modelling suggested that a reasonable worst-case scenario may result in 15,000 deaths. However, largely as a result of the regulations, that estimate has been reduced by more than tenfold. That is clear evidence that the regulations are, indeed, working. As all of us have said, many times, in recent months, no Members in the House would ever have thought that such restrictions would be required; nor do we underestimate the significant effect that they have had on our citizens. However, I am certain that the decision taken by the Executive and the Assembly to introduce the regulations without delay, when their need became apparent, has saved many lives.

Níl aon amhras, i mo mheas, go bhfuil saoránaigh beo inniu go díreach mar gheall ar na srianta seo. I am glad to say that we have reached a stage where we have been able to relax some of the very challenging restrictions that our people have been living with. That is thanks, entirely, to the actions and compliance of our citizens. It is right that we acknowledge the part that they have played in saving the lives of their peers.

Is le pobal na Sé Chontae an t-éacht seo, idir óg agus aosta. However, it is also important that we remind people that we are not yet out of the woods. We still depend on everyone to follow the restrictions that remain in place. The Executive's message, therefore, remains the same. We need to stay at home as much as possible, to limit our contact with other people, to keep our distance, if we do in fact go out, and stay two metres apart. We need to wash our hands well and to maintain that form of essential hygiene. We should work from home if we can. Crucially, do not leave home if you or anyone in your household has symptoms. Those measures are still critical in our efforts to save lives, and we need to keep repeating them as a reminder of their importance to us all. However, I assure you of this: we will never become complacent about the restrictions and requirements imposed by these regulations. They must not be allowed to become normalised.

While the statutory requirement is for a review of the measures at least every 21 days, the Executive are committed to reviewing them on a constant basis, and that has been the case. We will not hesitate to make changes when the

scientific and expert medical advice allows for that to happen. The 'Executive Approach to Decision-Making' document is our blueprint for the review process. It is an incremental framework for assessing progress contained in the document, and it will aid decision-making in key areas.

It will facilitate more relaxations in the days and weeks ahead, as we ease our way forward on the pathway to recovery, but we need to do so slowly and cautiously.

12.00 noon

Ba mhaith liom léirmheas a dhéanamh anois ar an díospóireacht. I turn to some of the points that Members made during the debate. I will try to touch on most of the key issues but will focus on the issues raised that are specific and relevant to the amendment regulations at the centre of the debate.

Our debate began with a contribution from Colin McGrath as Chair of the TEO Committee. He highlighted the cost of the regulations to us all. He pointed out that the relaxations depended on social distancing being maintained and appealed for ongoing compliance. He then, as a representative of the SDLP, expressed concern at the democratic deficit that we are living with in the management of our regulations. He welcomed the lifting of the recent restrictions and noted and expanded on the issue of fly-tipping. I will add to the Member's point, because some of the fly-tipping that we see is not incidental or related to a lack of access to recycling centres; in some instances, fly-tipping takes place as a result of criminal enterprise. That needs to be stamped out, and those responsible need to be brought before our courts. He asked if we could liaise with councils regarding recycling, which is a point that I take on board. Last weekend, I could not access my local recycling centre, so I travelled five miles to access one in a more urbanised area. There are valid points being raised, and the circumstances change from council to council. On the call for a timeline, I understand the call that he made for increased certainty. The Executive's position remains that the approach must reflect the evidence, not arbitrary and artificial timescales. However, I take the Member's point about giving notice and time to prepare, and we will endeavour to give as much notice as possible in relation to other changes.

Colm Gildernew spoke next as Chair of the Health Committee. He reported concerns expressed in Committee about the matrix that is being used to measure the spread of the virus.

He spoke of the need to engage with those in our society who have language or communication difficulties, particularly those in our migrant population. That was a view expressed in the Committee, and, as a representative of Sinn Féin, he repeated that point. He made the point that the Committee had recorded ongoing and incremental breakdown in compliance. As a member of Sinn Féin, he repeated the call for access for and engagement with our migrant population and stressed the need for much more robust testing and tracing. Notably, he highlighted the importance of ensuring that there was good recording of all details at points of entry to the island, North and South, for all visitors. He emphasised his view that there was a need for greater all-island coordination on how all these matters are dealt with.

Pam Cameron spoke next, expressing her dismay at the gatherings at our beauty spots and the dangers that that poses of community transmission. She appealed for ongoing compliance in wider society. She pointed out the urgency of reopening our wider health and social care services and made particular reference to her concerns about mental health services and access to them. I fully agree with that and, indeed, would go further: when we eventually leave lockdown, we will face a legacy of mental illness and mental care issues and, arguably — the Member and I have worked on the issue — domestic abuse challenges arising as a result of incrementally moving back into the new normal. That is something that we must all be vigilant about.

Pat Sheehan expressed alarm at a growing perception that the danger had, in fact, passed. That is a telling and valid observation, particularly as it chimes with the remarks of other Members about not just the perception but the reality that society is increasingly becoming relaxed. He commented on the need for much more coherent messaging in order to lock in the type of compliance that we still need. He said that that needed to be linked to robust public health strategies, pointing out that the easing of restrictions on an ongoing basis, which he welcomed, must be central and integral to an overall and effective wider strategy.

Alan Chambers expressed a personal preference for travel restrictions to be imposed and asked who would police those restrictions. He helpfully reaffirmed that the preannounced possibility of lifting restrictions depended on the R number and was emphatic that we needed to keep our guard up. He also raised a concern about travel to garden centres and other

locations and asked whether we felt that a limit on travel would be appropriate. It is the Executive's view that a limit might cause as many problems as it would solve. The key criterion in play here is not the length of the journey; it is, in fact, the conduct and behaviour of those who are travelling. I say to the Member, to echo his point about keeping our guard, that social distancing remains absolutely key at this point in time.

Paula Bradshaw expressed her party's concerns about the potential infringements of civil liberties as a result of our regulations. She observed that there was a need to provide continued clarity to those who were shielding. The advice remains the same to those who are shielding. It is not a matter for the regulations, but I would counsel that those who are shielding need to remain in contact with their general practitioner and need to continue to take the advice that was offered to them in their original shielding letters by their doctors and those responsible for their care. She asked how we could increase social contact and, in turn, ensure that there were no further outbreaks or increased community transmission. She repeated the need for a plan to reopen health and social care services and asked where that was. I advise the Member that the framework to address the point that she and other Members have raised is in hand with Department of Health officials. Importantly — it was a useful point to finish on to set the standard for all of us — she pointed out that it is important at all stages for respect and kindness as we move through such a challenging time.

Clare Bailey rightly emphasised the need for clarity and guidance on best practice for businesses. Her point was well made. I, too, pay tribute to the excellent work that has been done by the business community, the trade union movement and health and safety colleagues in doing their best to provide us with optimal best practice guidance in the here and now and as we move through the lifting of further restrictions. I agree with the Member that there is more to be done. As each restriction is lifted, we will continue to engage with all the relevant stakeholders in business, the employers, the trade union movement and those with responsibility for health and safety in the workplace to put in place effective guidance.

The second-last contributor to the debate was Jim Allister, who pointed out that, in his view, the regulations were a failure because they were defective in relation to maintaining social distancing. He voiced his view of anomalies concerning the conduct of weddings and

expressed a view that outdoor services in turn created an inequity. I will return to his point on drive-in services shortly.

When talking about inequities, the Member raised the issue of access to private golf courses for non-members. That is not a matter for the regulations; it is a matter for those who operate the golf courses. He also made suggestions in relation to hotels, other holiday accommodation and caravans. He was focused in those remarks. Again, those are not matters for the regulations under debate, but they are being considered with respect to the next likely series of amending regulations.

Drive-in church services are permitted only on premises belonging to the place of worship. That restriction remains in place and is required to ensure that there is appropriate control by the person, clergyperson or local church that is responsible for the act of worship that is taking place.

Mr Allister: Will the Minister give way?

Mr Kearney: Let me finish, please, Mr Allister. R factor changes were also highlighted by the Member. The R factor is an incredibly volatile measurement that changes from day to day, but the most recent information that I have received indicated that it was in or around 0.9, which, as Members will know, is moving dangerously towards an R number of 1. When we hit that point or see an escalation of that figure or statistic, we see increased pressure being placed on our hospital and ICU capacity. I say this to the Member: it is important that we remain measured, calm and anchored in relation to our reflections and considerations on all the issues. They are challenging for us all. I agree with him: we do not get it right all of the time, but, equally, we must avoid running with the hares and hunting with the hounds.

Gerry Carroll concluded the debate. He expressed his support for the lifting of the regulations. He is not opposed to the ongoing process, but I noted his concern in relation to the prospects faced by workers who are on furlough. That is a pressing concern for the Executive, because, as we move through this period, we will hit a point when the furlough arrangements conclude and will have to look carefully at what happens to those workers in that circumstance.

A Member: Will the Minister give way?

Mr Kearney: I am trying to draw the debate to an end.

There will be further, similar debates in the coming weeks and months on how we continue to amend our regulations and lift restrictions, but that will be possible only for as long as we continue to win the battle against COVID-19. Tá ag éirí linn de réir a chéile, ach caithfear an fód a sheasamh. We will not see a full return to all of the normal ways of living in the short term. We will have to learn to live with the virus for an extended period. That means that we will also need to carefully manage the way in which we go about our daily business and save lives.

I understand very, very well that some in our society are frustrated at the pace of progress towards the easing of all our restrictions, but I appeal to them for their continued patience. We have a way to go before COVID-19 has been beaten, so we need your ongoing partnership to continue saving lives.

12.15 pm

Before I finish, I once again pay tribute to all our health and social care workers on the front line, but I also want, in this debate, to extend that solidarity to our firefighters, to our police officers, to our delivery people, to our shop workers, to our farmers, to our waste disposal workers, to our community activists and volunteers and to so many, many others who have led us in the fightback against COVID-19, including those who are on low pay and zero-hours contracts and who endure precarious work whilst providing essential services for our community. To all of them, I say: thank you. Molaim sibh go léir. Míle buíochas daoibh as ucht bhur n-íobairtí. Thank you for everything that you have done, and thank you for everything that you will continue to do in the forthcoming period. We need these regulations. We need them to protect the health service and to protect us all. Molaim na rialacháin agus na leasuithe seo don Tionól. I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 2) Regulations (Northern Ireland) 2020 be approved.

The Health Protection (Coronavirus, Restrictions) (Amendment No. 3) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: This motion has already been debated.

Mr Lyons: I beg to move

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

Sentencing (Pre-consolidation Amendments) Bill: Legislative Consent Motion

Mr Principal Deputy Speaker: Before I call the Minister, I will give Members a bit of time to find their place or exit their place or to rub down their seats.

Mrs Long (The Minister of Justice): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the relevant provisions of the Sentencing (Pre-consolidation Amendments) Bill, introduced in the House of Lords on 21 January 2020, relating to the transfer of community orders, youth rehabilitation orders and suspended sentence orders imposed by the courts in England and Wales to Northern Ireland, so far as these matters fall within the legislative competence of the Assembly.

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

Mrs Long: This Bill will prepare the way for the new sentencing code that the UK Government intend to introduce to consolidate the law on sentencing procedure in England and Wales. The aim of the code is to ensure that the existing sentencing provisions are set out in a more easily understood way and operate more

efficiently within a clear framework. To prepare the way for the code, the Bill makes a number of mainly technical changes to existing sentencing law. For example, changing language to avoid inconsistency, correcting errors and updating statutory references such as reflecting the change in Northern Ireland to a single-court jurisdiction. These amendments are a standard measure that often precede a consolidation Bill. Importantly, none of them makes any change to existing offences and penalties or any change to policy.

The Bill will also provide for a clean sweep of sentencing law in England and Wales. The clean sweep is a technical device that has the effect of removing the need, once the code is in place, to refer back to previous layers of sentencing legislation. The courts in England and Wales would have a single point of reference when sentencing offenders. Anyone convicted in England and Wales once the code is enforced would be sentenced under the current law, with there being no need to search through numerous previous statutes. Offenders would be sentenced under the most up-to-date law, regardless of when the offence was committed, subject to certain exceptions to protect an offender's fundamental rights. Those protections will ensure that the offender would not be subject to a greater penalty than was available at the time of the offence.

Everything that is being done in the Bill and the subsequent code is to do with clarifying and simplifying. It is a simplification exercise, and nothing in the way in which sentencing policy operates is being changed. The clean-sweep approach means that there are three minor amendments that deal with a devolution matter, which is why we are here today. The amendments relate to the transfer of community orders between UK jurisdictions. Two amendments change the existing limits of the Northern Ireland courts to alter the terms of community orders and youth rehabilitation orders that have been transferred to Northern Ireland from England and Wales. Currently, when an offender serving a transfer order appears before the court here for a breach or variation, the court, when re-sentencing, considers the limits on unpaid work or curfew requirements that were available at the time that the offender was first convicted, and, because of the clean-sweep approach, the amendments in the Bill mean that the court would now be able to consider the limits available on the day of re-sentencing. The court would use the law in force on the day on which the offender is being re-sentenced rather than have to check back as to the law in force on the

day on which the person was originally sentenced.

The third amendment corrects a technical error made to the Criminal Justice Act 2003 by the Offender Rehabilitation Act 2014. It clarifies in law the existing process by which probation officers here refer offenders who have suspended-sentence orders back to courts in Northern Ireland or in England and Wales. There is no change to the process by which that is done. Similar provisions apply to community and suspended-sentence orders on transfer to Scotland from England and Wales. The Scottish Parliament has agreed to their inclusion in the Bill.

I appreciate that the Assembly's preference is to legislate on Northern Ireland matters where possible. Indeed, that would be my preference. However, the amendments are largely technical in nature, and their aim is simply to facilitate the law consolidation in England and Wales.

The Bill is in its final stages in Parliament, and, given the legislative constraints in the current mandate, it would not be possible to bring equivalent provision via an Assembly Bill in the near future. Doing that would prevent the new arrangements from working seamlessly across jurisdictions. Given that everything that is being done in the Bill and the subsequent code is about simplification and clarity, it is preferable to legislate in a single Bill so that users of the eventual legislation can refer to a single Act, rather than to two Acts operating together.

Members will have seen that the Justice Committee's report on the motion endorses that view. For those reasons, I ask that the Assembly support the terms of the legislative consent motion (LCM).

Mr Principal Deputy Speaker: Thank you, Minister. At present, I have only four Members on my list. There are more than four in the Chamber, so, if they wish to participate, I ask that Members rise in their place or try to catch my eye.

Mr Givan (The Chairperson of the Committee for Justice): I intend to be brief, Mr Principal Deputy Speaker, given the uncontroversial nature of what is being proposed through the LCM.

The Department wrote to the Committee for Justice in March, advising it of the proposed LCM for the Sentencing (Pre-consolidation Amendments) Bill. The Minister has outlined some of the detail. The Bill amends legislation to facilitate the enactment and operation of the

Law Commission's proposed sentencing code, and that will consolidate the law on sentencing procedure in England and Wales. The code re-enacts existing law and does not alter its substance or effect. The pre-consolidation amendments in the Bill are required for the code to operate as intended and are limited to correcting minor errors or technical changes. Neither the Bill nor the code introduces any new sentencing law.

The majority of the Bill's provisions apply to England and Wales only. There are a small number of provisions concerning transfer of community orders between UK jurisdictions, with three of them extending to Northern Ireland. Those relate to the transfer of community orders, youth rehabilitation orders and suspended-sentence orders to Northern Ireland.

On 30 April, the Committee considered the memorandum laid by the Department on 27 April and agreed that it is content with the proposal to extend provisions in the Sentencing Bill on the transfer of the community orders, youth rehabilitation orders and suspended-sentence orders imposed by courts in England and Wales to Northern Ireland by way of a legislative consent motion. I can confirm that the Committee report set out that the Committee for Justice supports the Minister in seeking the Assembly's endorsement of the LCM.

Ms Dillon: As the Chair has outlined, the Committee is supportive of the LCM, as is my party. They are minor technical issues, and it is important that legislation and laws are modernised and are fit for purpose, and, as the Minister outlined, that is what this is about.

I thank the Minister for coming to the House today. Through conversations with her, I know that the Minister has a focus on this and, more importantly, going forward, she has a focus on sentencing. All the sentencing issues are about rehabilitation and early intervention, and that is where our focus needs to be in the future. I know from conversations with the Minister that that is her focus, and I appreciate that. Thank you.

Mrs D Kelly: I will speak on behalf of the SDLP. I pay tribute to my colleague Sinéad Bradley, who is our justice spokesperson, as she prepared the notes. However, unfortunately, she has to shield at the moment.

The SDLP recognises that a small number of provisions in the Bill relate to the transfer of community orders between the UK jurisdictions

and notes the three that extend and apply to Northern Ireland and are currently within the legislative competence of the Assembly. They are: the transfer of community orders to Northern Ireland, the transfer of youth rehabilitation orders to Northern Ireland and the transfer of suspended-sentence orders to Northern Ireland. The SDLP accepts the reasoning offered, which is that although it would be technically possible to legislate for the devolved area through a Bill in the Northern Ireland Assembly, these are largely technical amendments that make no policy changes to existing offences and penalties. It is considered preferable to legislate in one Bill so that users of the eventual legislation in this area can refer to a single Act, rather than two Acts operating together.

The proposal is compliant with section 24 of the Northern Ireland Act 1998, including EU law and convention rights as defined in the Human Rights Act. The provisions of the Bill that extend to Northern Ireland have no significant financial implication. This enables the SDLP to support the proposal.

Ms Dolan: As has been said, the provisions of the Bill that will be extended to the North deal, largely, with technical changes. It is important to scrutinise these proposals in detail, particularly in the context of our ongoing review of sentencing policy and legislation in the North. My party is content with the provisions of the LCM being extended. We are committed to ensuring that all aspects of sentencing law and policy are kept modern, up to date and fit for purpose to ensure that we can deal with the root causes of offending behaviour and ensure that there is just punishment, where necessary.

Again, although the provisions in the LCM are minor in nature, the issue of sentencing at large is a key indicator of how we deal with offenders. The provisions included in the LCM deal with the transfer of community orders, youth rehabilitation orders, suspended-sentence orders to the North. More specifically, they address how such orders will be dealt with.

As mentioned earlier, my party is content with the provisions. However, this cannot be looked at in isolation. I would prefer that we ensure that community orders, youth rehabilitation orders and suspended-sentence orders are as effective as possible in the rehabilitation of offenders, with an ethos of problem-solving justice so that courts will not have to deal with breaches of these orders, offenders will not need to be re-sentenced and offending behaviour will not escalate and lead to further offending later on.

Further to this, my party would like more work to be done on early intervention and prevention in order to provide better opportunities for people earlier in life and to steer them away from the type of behaviour they will land them in court where they will be sentenced with these orders. Those are the issues that need to be central to our future approach to sentencing. I support the motion.

Mr Principal Deputy Speaker: The Question is that the motion standing on the Order Paper *[Interruption.]* I beg your pardon. I should call the Minister to respond and make a winding-up speech. I was too keen. The Minister might have been happier with me if I could get her out the door. *[Laughter.]* I beg your pardon, Minister.

12.30 pm

Mrs Long: You will note that I made no objection. Nevertheless, I will take the opportunity to thank the House for considering the motion and for all the contributions to the debate. I also put on record my thanks to the Justice Committee for its report and to the Executive Committee for its consideration of the issues at hand. I am pleased with the support that colleagues have shown today. That is, I think, recognition that this is a sensible way forward in this case.

I want to touch briefly on the issues around rehabilitation and sentencing. As I have made clear in the past, a sentencing review was completed just recently, and I look forward to engaging further with Members to discuss how we go about sentencing within the Northern Ireland frameworks. I also look forward to discussing further how we develop the pilots for problem-solving justice and problem-solving courts. I, too, am committed to early intervention and rehabilitation. Every contact with the justice system is one contact too many for victims and perpetrators, so, as far as possible, we want people to be deflected away from the justice system. By early intervention we can try to minimise the number of people who become a victim of crime, and we will touch on that again in the coming weeks and months.

I also take the opportunity, if I may, to send my best wishes to Sinéad Bradley and welcome her to the Committee. It is difficult to keep track of all the personnel changes over recent weeks and months, but I am aware that Sinéad has just taken up her new role. I look forward to working with her and others.

I believe that, on this occasion, the LCM is the appropriate way forward, so I ask for the support of the House in passing the motion.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the relevant provisions of the Sentencing (Pre-Consolidation Amendments) Bill, introduced in the House of Lords on 21 January 2020, relating to the transfer of community orders, youth rehabilitation orders and suspended sentence orders imposed by the courts in England and Wales to Northern Ireland, so far as these matters fall within the legislative competence of the Assembly.

Mr Principal Deputy Speaker: Members may take their ease for a few moments before we move on to the Corporate Insolvency and Governance Bill.

Corporate Insolvency and Governance Bill: Legislative Consent Motion

Mrs Dodds (The Minister for the Economy): I beg to move

That this Assembly agrees to amendments to Northern Ireland's insolvency and company legislation to assist companies and mutuals in financial difficulties as a result of the coronavirus pandemic being included in the Corporate Insolvency and Governance Bill, as introduced in the House of Commons.

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

Mrs Dodds: The Corporate Insolvency and Governance Bill was introduced in Parliament on 20 May 2020 by the Secretary of State for Business, Energy and Industrial Strategy (BEIS). The Bill has three main sets of measures to achieve its purpose. First, it will introduce greater flexibility into the insolvency regime to give companies breathing space to explore options for rescue while supplies are protected. Secondly, it will temporarily suspend parts of insolvency law to support directors trading through the emergency without the threat of personal liability and to protect

companies from aggressive creditor action. Thirdly, it provides companies and other bodies with temporary easements on procedures for company filing and statutory meetings.

Insolvency and company legislation are devolved matters. However, it has been my Department's policy and practice to maintain both in parity with that made at Westminster. That ensures that companies and insolvency professionals based in both jurisdictions operate to a common rule book, which ensures ease of operation and reduces inefficiency. Mutuals legislation is also devolved, and, while there are some minor differences from GB legislation, my Department and the Treasury have made efforts to progress towards parity where practical. That ensures that mutual organisations working across jurisdictions, such as cooperatives, are not disadvantaged. Taking similar legislation through the Assembly would take many months. As a result, I seek the Assembly's approval for the Westminster Bill to include the same amendments to Northern Ireland's legislation as are being introduced in Great Britain. That will ensure that local businesses can take advantage of the emergency measures at the same time as those in Great Britain.

The Bill, as introduced in Westminster, comprises a total of eight provisions aimed at assisting business. Three, which had already been consulted on, are to be permanent. The other five measures provide for a temporary relaxation of some aspects of insolvency and company legislation.

In summary, the provisions of the Bill are as follows. The first measure, which is intended to be permanent, involves amendments to insolvency legislation. It is to provide a free-standing moratorium to companies. Secondary legislation will follow to extend that to mutual societies. That will give struggling businesses a formal breathing space to explore the feasibility of a rescue or restructuring plan. It creates a 20-day moratorium during which no legal action can be taken against the company by creditors without leave of the court. That period can be further extended with the agreement of the court. During the moratorium, the company directors will still be in charge, although they will be supervised by a monitor who will be a licensed insolvency practitioner.

The second permanent measure relates to termination clauses in supply contracts. When a company enters an insolvency or restructuring procedure, suppliers will often either stop or threaten to stop supplying the company with essential goods or services. The supply

contract normally gives them the right to do that, but it can jeopardise attempts to rescue the business. Provisions in the Bill will mean that suppliers will not be able to jeopardise a rescue in that way.

The third of the measures that are intended to be permanent takes the form of amendments to company legislation and will result in the creation of a new procedure for restructuring. The new procedure will assist companies that, whilst viable, struggle with debt obligations. It will allow courts to sanction a plan that binds all creditors to a restructuring plan, if it is considered fair, equitable and in the interests of creditors. Again, that will be extended to some mutuals by secondary legislation, with modifications to protect their unique position as member-owned and controlled organisations.

The remaining provisions are temporary in nature, and all are time-bound. The first three relate to changes in insolvency legislation. The first relates to the suspension of wrongful trading. At present, a court may order a director to be held personally liable where a company continues trading and the director knew or should have known that the company could not avoid insolvency. The Bill will temporarily remove that threat and, as a result, remove the pressure on directors to close what may be otherwise a viable business. The provision will extend until 30 June 2020 or one month after the Bill comes into force, whichever is later, although it may be extended by secondary legislation if deemed necessary.

The next measure helps struggling businesses by temporarily removing the threat of winding-up proceedings where unpaid debt is due to COVID-19. It also introduces temporary provisions to avoid statutory demands issued against companies during the emergency. The measures will give businesses the opportunity to reach realistic and fair agreements with all creditors. It will also extend until 30 June or one month after the Bill comes into force, whichever is later, and can be extended by secondary legislation, if necessary.

The final insolvency provision will give my Department or the Secretary of State for Business, Energy and Industrial Strategy with the consent of my Department the power to regulate to make temporary amendments to company or insolvency legislation. That would be done to keep to a minimum the number of businesses forced into an insolvency or restructuring procedure. For example, regulations could be made to change the eligibility conditions for insolvency or restructuring procedures. They could provide

for the procedures not to apply or to apply in a modified form in particular cases. Any temporary changes made under the regulations must be removed as soon as the COVID-19 emergency no longer impacts on corporate insolvencies or insolvency procedures.

Furthermore, the power will expire in April 2021, although it may be extended, if absolutely necessary, by further legislation.

The final two amendments deal with temporary changes to company legislation. The first deals with annual general meetings, which are central to good corporate governance. Current social-distancing restrictions do not permit large gatherings. As a result, many companies cannot hold those meetings in accordance with their constitutions. The measure temporarily allows those companies to extend the period within which the meeting must be held or allow the meeting to be held by other means. That may be via electronic means, so that all participants do not have to be at the same physical location at the same time. Mutuals will also be able to take advantage of similar arrangements, with some minor modifications to reflect the different legislative requirements.

The final measure relates to filing requirements at Companies House. Companies are required to make a number of different filings by fixed deadlines at Companies House each year. Missing the deadline automatically results in a financial penalty. Companies House has already done all that it can under existing law to offer extensions to those deadlines. The Bill allows for further extensions, enabling struggling businesses to focus on the things that matter most while they have reduced resources and restrictions in place.

That is a brief summary of the main provisions of the proposed legislation. We are acutely aware of the significant impact of the pandemic on businesses across the world. In Northern Ireland, many local companies struggle to continue to trade normally as a result of the restrictions put in place to limit the harm caused by COVID-19. The impact of the pandemic is making it difficult for many businesses that are fundamentally viable to continue to trade or meet their legal duties. Therefore, the Bill will provide companies with the support and assistance that will help them to avoid insolvency during this period of economic uncertainty and maximise their chances of survival.

The same package of measures needs to be made available to businesses in Northern Ireland so that they are not placed at a disadvantage. It needs to be put in place at the

same time as it is in the rest of the United Kingdom. That is why I seek the Assembly's consent to provisions for Northern Ireland being included in the Bill at Westminster. Therefore, I commend the motion to the Assembly.

12.45 pm

Dr Archibald (The Chairperson of the Committee for the Economy): I will be as brief as possible. The Corporate Insolvency and Governance Bill 2019-21 was introduced to the House of Commons and given its First Reading on 20 May 2020. MPs will consider all stages of the Bill tomorrow. The Committee welcomes the basis for the Bill, albeit that Committee members have some issues, which I will detail later.

As the Bill indicates, due to enforced restrictions on movement and gatherings introduced with the aim of curbing the spread of COVID-19, many, otherwise economically viable, businesses are experiencing significant trading difficulties. The Bill aims to ensure that businesses can maximise their chances of survival. It will reform the corporate insolvency regimes here and in Britain introduced on an urgent basis to assist businesses dealing with the effects of the lockdown brought about by the COVID-19 pandemic.

The Bill contains temporary measures proposed as a direct result of the pandemic to relieve companies from complying with aspects of insolvency and company law. There is also a package of permanent reforms to the corporate insolvency and governance framework. These measures were consulted on by the British Government in 2016. To summarise, it will not be possible to petition to have companies wound up where the statutory demand was served during a specified period, beginning 1 March 2020. The courts' right to make winding-up orders will be suspended where a company's inability to pay its debts is a consequence of coronavirus. Directors will have immunity from liability for wrongful trading, where deterioration in a company's finances during a specified period is attributable to the virus. Companies get a moratorium free from creditor pressure to assess their best rescue or restructuring. Provisions will ensure that companies have access to the services and supplies that they need if they are being kept open during a moratorium or insolvency procedure.

A new power will allow amendment of corporate insolvency or governance legislation to address problems caused by COVID-19. Proposed amendments to company law will provide a

rescue-and-restructuring procedure, as well as measures to ensure that those companies required by law to hold AGMs will be able to do so safely, consistent with the restrictions on movement and gatherings.

Legislation dealing with insolvency in mutuals is a devolved matter, so legislative consent is required here. The Committee welcomes the measures.

The legislative consent memorandum was laid in the Assembly on the 21 May 2020, and the draft motion was contained in the memorandum. The motion itself was laid on the same day, with today, Tuesday 2 June, being set for debate. It will come as no surprise to Members that the Committee for the Economy has not had much time to consider the motion and to take relevant evidence, as per normal procedure. The Committee has done what it can, in the time available, to undertake some small degree of consultation. The Department did not undertake consultation regarding the content of the motion.

The Minister indicated to the Committee that it would take considerably longer to pass an Act of the Assembly to introduce these measures into law here than by using the Westminster Bill and the LCM. The Committee acknowledges that issue and does not wish to see local businesses unable to avail themselves of the same support and relief as that available to struggling companies in Britain. The Committee is very supportive of the fact that the Bill means that credit unions, cooperatives and community-benefit societies will benefit from the same easements that are being proposed for companies as regards meetings.

As I said, the Committee understands the need for measures to support businesses at a time of unprecedented difficulty and is broadly supportive of the Bill and the actions of the Minister for the Economy to allow such measures as are necessary to be put in place via legislation at Westminster on behalf of her Department through an LCM approved by the Assembly.

I wish to reflect briefly on the Committee's consideration of the Bill and the LCM. The Department wrote to Committee members on 21 April 2020 to inform them of the Bill's introduction in the House of Commons by the British Business Secretary and that the Minister intended to bring forward an LCM to enable amendments to the insolvency legislation to be in the Bill. Prior to the introduction of the Bill and the LCM, the Committee received, at its meeting on 6 May, an oral briefing from officials

from the Department's insolvency service who outlined the detail of the Bill as it related to the North.

At its meeting on 13 May 2020, the Committee considered correspondence from the Department, updating it on the expected date of the Bill and its content and informing the Committee that, as a result of the accelerated passage of the Bill through the House of Commons, it would not be possible for the Committee to have the normal period to produce its report. The Committee agreed, at its meeting on 13 May, that, despite the extremely narrow window of opportunity to do so, it would carry out a consultation exercise with stakeholders and wrote to them on 15 May. That brief consultation was based on the information that the Committee had already received from the Department. However, at that point, it did not include the Bill or the legislative consent memorandum.

The Committee received written evidence from the Irish League of Credit Unions (ILCU) and Enterprise NI (ENI). Members are extremely grateful to them for doing that in a short period. Again, due to the considerable time restrictions, the Committee was unable to take oral evidence on the Bill or the LCM. The ILCU also noted the limited timescale within which consideration of the LCM was undertaken. The organisation had some high-level discussions with the Department on the proposals; however, the body did not have prior sight or knowledge of the detail of the Bill. The ILCU indicated that it is supportive of measures that are seeking to provide flexibility, proportionality and protection for credit unions in how they undertake their activities in the current circumstances and welcomes temporary flexibility for AGMs to allow such meetings to be held by other means even if a credit union's rules do not allow it.

The response particularly highlighted that schedule 14 to the Bill applies to meetings that are held between 26 March 2020 and 30 September 2020. The year end for credit union accounting purposes here is 30 September. The ILCU-affiliated credit unions, under the ILCU standard rules for credit unions, must hold their general meetings within four months of 30 September; ie, by the end of January 2021. Traditionally, most local credit union AGMs are held in November and December. The response notes that under paragraph 2 of schedule 14, an earlier or later date may be substituted by "the appropriate national authority". The ILCU suggests that, as social-distancing measures may well be in place beyond September 2020, the Department should consider making regulations that extend

the relevant period to incorporate the normal calendar of credit union AGMs, which take place in the three months after 30 September.

The ILCU expressed concern that holding virtual AGMs will mean increased costs and cybersecurity implications. Additionally, the ILCU highlighted that important issues like declarations of dividends or interest rebates can be approved only via AGM, so voting via electronic means is likely to be an area that credit unions will need to look at as a consequence of the Bill. The ILCU seeks clarity on whether it is the Department's intention that the regulations will be made should credit unions require additional time to complete their AGMs.

Enterprise NI responded to the Committee without having prior sight of the Bill or LCM. In its response to the Committee, ENI suggested that the period proposed by the Bill to prevent the presentation of winding-up petitions should be extended to cover cases where the statutory demand was served between 1 March and 31 October 2020. ENI believes that protection is required for a longer period for businesses that will inevitably experience COVID-19-related difficulties as government support ends and the costs of reboot and recovery kick in. ENI welcomes the Bill forbidding the courts making a winding-up order where the company's insolvency is due to debts incurred as a result of COVID-19. However, insolvency can occur as the result of a loss of income as well as accrued debt. ENI believes that evidence of lost income as a result of COVID-19 should also be considered when forbidding the court to make a winding-up order. ENI recognises that the businesses must provide reasonable evidence to demonstrate the link to COVID-19 impact and that that needs to be embedded in the Bill to decrease the number of incidents of potential fraud.

ENI suggests that a sunset clause be added covering a suggested period of time when urgency prevails, perhaps 31 December 2020. ENI believes that not time limiting the Secretary of State for business having that power could generate unintended consequences in the future at a time beyond the present crisis.

On the basis of the very limited time that was available to the Committee to scrutinise the LCM and bearing in mind the Minister's view that it is necessary for the legislation to be undertaken by the Secretary of State for Business, Energy and Industrial Strategy to ensure that local businesses are protected to the same degree as those in Britain and to do so through the Assembly would require a much

longer process, the Committee for the Economy agrees to support this legislative consent motion. The Committee asks that the Minister urgently engage with stakeholders, particularly the Irish League of Credit Unions.

I will make some very brief comments in my capacity as Sinn Féin's economy spokesperson. The impact of COVID-19 on businesses, which has been outlined many times, is huge and very varied in how they operate; therefore, the LCM is welcome. Obviously, we always prefer that devolved matters are dealt with by the Assembly, but as has been said regularly in these times, we are facing unprecedented circumstances, and the ability to make further changes remains devolved. Individuals will also face difficult financial circumstances, and I therefore ask the Minister whether any measures are required on insolvency in that regard.

Mr Dunne: I welcome the opportunity to speak on the Corporate Insolvency and Governance Bill. The Bill is designed to ensure that businesses that experience significant trading difficulties throughout the coronavirus epidemic are given adequate opportunity to survive. The measures in the Bill are twofold, with temporary relief measures and more permanent reforms being introduced. The Bill complements the financial support measures of both the UK Government and our Executive, which have been such a lifeline for so many businesses across Northern Ireland. It brings us to level par with GB and will help to streamline some of the normal requirements that it is just not possible to fulfil while the current restrictions remain in place.

Although the Committee has only had a limited time to consider the LCM, my colleagues and I are happy to support this and believe that it is essential in order to give the same level of protection to local businesses, many of which have been severely affected by the pandemic, and to assist with their rescue, reorganisation and restructuring, whilst also, importantly, safeguarding employment going forward.

Mr Principal Deputy Speaker: The Business Committee has agreed to meet at 1.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. We will return to this item of business at 2.00 pm, when the Minister will conclude and wind up the debate.

The debate stood suspended.

The sitting was suspended at 12.56 pm.

2.02 pm

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

Mr Deputy Speaker (Mr Beggs): We return to the legislative consent motion on the Corporate Insolvency and Governance Bill. I call on the Minister for the Economy, Mrs Diane Dodds, to conclude and wind up the debate on the motion.

Mrs Dodds: I thank Members for their very helpful contributions and support for the motion. I also thank colleagues in the Executive and the Economy Committee for considering the matter in such a timely manner, which has allowed the motion to be debated today.

I want to address briefly some of the points raised by the Chair of the Economy Committee. I thank her for her consideration of those points. She raised an issue around credit unions and the need to extend beyond 30 September the period for annual general meetings. We, of course, will respond to any need to extend that deadline and will do so in a timely matter. I thank her for that indication.

We also have had some thought around extending statutory notifications and winding-up periods because of cash flow difficulties, and we will look at those. Really, the issue is to try to temporarily limit the power of creditors to use their statutory demands in ways that are not in keeping with the Government's call for forbearance for companies during this period.

The Member also raised an important point about the general power to modify insolvency law. I understand that that can cause issues. However, I reassure the House and the Committee Chair that the power will be temporary and will be used only where it is needed to reduce the impact of the COVID-19 emergency on corporate insolvency and insolvency procedures and only where that cannot be achieved by non-legislative means. The power cannot be used to create new criminal offences or to amend existing criminal penalties. The temporary changes of that nature must be removed as soon as the COVID-19 emergency is no longer impacting and will expire in April 2021. I hope that gives the Committee and the House some reassurance on those matters.

I hope that my responses to the debate have helped Members to understand why they should vote for the consent motion. By passing the motion, the Assembly will provide greater opportunities for company survival and better

returns for creditors during and after the COVID-19 emergency. The amendments will give business owners more flexibility during the emergency to focus on the things that matter most while they have reduced resources and continued restrictions. Most importantly, the Bill will help companies to improve their chances of survival, protect jobs and support Northern Ireland's economic recovery. I commend the motion to the Assembly and thank Members for their support.

Question put and agreed to.

Resolved:

That this Assembly agrees to amendments to Northern Ireland's insolvency and company legislation to assist companies and mutuals in financial difficulties, as a result of the coronavirus pandemic, being included in the Corporate Insolvency and Governance Bill, as introduced in the House of Commons.

Budget (No. 2) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Finance to move the Further Consideration Stage of the Bill.

Moved. — [Mr Murphy (The Minister of Finance).]

Mr Deputy Speaker (Mr Beggs): As no amendments have been tabled, there is no opportunity to discuss the Budget (No. 2) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is therefore concluded.

The Speaker took advice on the Bill after Consideration Stage, and, as there were no amendments tabled to the Bill today, the Speaker is content that the Bill may properly proceed to its Final Stage in accordance with the requirements of Standing Orders 39 and section 10 of the Northern Ireland Act 1998.

Budget (No. 2) Bill: Final Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Finance to move the Final Stage of the Budget (No. 2) Bill.

Mr Murphy (The Minister of Finance): I beg to move

That the Budget (No. 2) Bill [NIA 5/17-22] do now pass.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there should be no time limit to the debate. I call the Minister to open the debate on the Bill.

Mr Murphy: Today's Final Stage debate concludes this unusual step in the financial legislative process for the 2020-21 year. As I explained in the debates that took place last week, this further Vote on Account is an unprecedented step. The circumstances that have been brought about by the COVID-19 pandemic could not have been predicted by anyone when we considered the last Budget Bill earlier in the year. The Executive have acted quickly and decisively to address the emergency as it evolved. In the first few weeks of this financial year, I have announced over £1.2 billion to strengthen the health service, support business and protect the vulnerable. As an Executive, we continue to plan and respond to the situation. The Assembly's normal legislative process was not designed to deal with such a rapidly changing situation, but we have been able to ensure that Departments will have access to the cash that they require to deliver vital services. I express my gratitude once again to the Finance Committee, which acknowledged the unique circumstances in which we have found ourselves this year. Accelerated passage and the additional step of suspending Standing Order 42(5) were essential to allow the continuation of public services. Even when the Bill passes this Final Stage, there will be other steps to be completed before Royal Assent is secured, and I have written to the British Secretary of State to ensure that that is expedited as soon as possible.

I thank all of the departmental Committees and, indeed, all Members for the level of scrutiny that they have been able to bring to the process in the time available.

I know that some Members have raised concerns about the limited opportunity for scrutiny of the Bill. I assure all Members that I will bring the Main Estimates and a further

budget Bill to the Assembly in early autumn. There will be every opportunity for Members to debate the Executive's up-to-date 2020-21 expenditure plans at that time.

This is the Final Stage of the legislative process for the Bill and the further Vote on Account that it provides. I look forward to hearing any final thoughts from Members on this important legislation.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for his remarks. As Members will be aware, the Budget Bill that is before the House provides the statutory authority to allow public expenditure to continue until the Assembly votes on the Main Estimates for 2020-21. As the Minister mentioned, we fully anticipate that occurring by early September. We are acutely aware that the need for an earlier than anticipated Budget Bill is necessary as a result of the increased spending from the current COVID pandemic. The Committee for Finance took evidence on the Budget (No. 2) Bill from Department of Finance officials on 23 May. As I mentioned at Second Stage, the absence of the Bill would have had significant consequences for the ability of Departments to respond to the challenges that are being faced across our society.

As Members know, Budget Bills typically pass under the accelerated passage procedure to expedite the process and provide the necessary authority for Departmental spending. However, as I indicated at Second Stage, the Committee has a specific scrutiny and consultation role on Budget Bills. It is only when that happens that the Committee can satisfy itself that there has been appropriate consultation with it on the public expenditure proposals in the Bill. That is a fundamental requirement on the basis of which the Committee considers whether it is content to grant accelerated passage. Just as important, there is a responsibility on Departments to provide timely, relevant and accurate information to their Committees with transparency and openness. While the Committee for Finance has arrived at a position with the Department of Finance where it is being afforded, mostly, the opportunity for consultation and scrutiny at departmental and Executive level, that has not been the experience of all Committees and Departments.

Openness and transparency are necessary to afford Committees the opportunity to effectively scrutinise departmental spending proposals and understand the rationale for their intended approach. They also afford the Committee for Finance the opportunity to understand the

position of each Committee on the priorities of their Department. Having developed templates to support scrutiny by Committees, we found it disappointing to hear from the Deputy Chairperson of the Finance Committee and the Chair of the Justice Committee that the Committee for Justice did not receive the completed template form from the Department of Justice but had to rely on papers sent to the Committee for Finance to understand what was going on in the Department of Justice. I want to make it clear that, in future, the Committee for Finance will work to ensure that all Committees receive the information that they need to undertake appropriate financial scrutiny, and I ask the Minister to make it clear to his Executive colleagues that he supports me in doing so and, indeed, all the Committees in the Assembly.

As I have previously acknowledged, the Committee welcomes the engagement from the Department on the Bill. After reviewing the Hansard report of last week's Supply resolution and Second Stage debates, I was pleased to see some healthy debate and the validity of points that were raised during that business.

We are now entering a pivotal phase that requires us to design and deliver a credible plan over the short-to-medium term to help us to cope, as best as we can, with the challenges that, we all recognise, we will face; indeed, that should be our collective aim. At its meeting tomorrow, the Committee will consider important matters and options to support ongoing and effective scrutiny at a departmental and cross-cutting strategic level. They include options that will aim to support and promote economic activity at a strategic level, using levers such as procurement, borrowing and the use of financial transactions capital (FTC) and how we can make use of those levers in the future through continued Committee and Assembly scrutiny. From a departmental perspective, the Committee will also be interested in the targeted rates support for those most adversely by the pandemic and in identifying where further efficiencies can be made through public sector reform to enable us to pull ourselves out of the COVID pandemic.

2.15 pm

Assuming that the Bill receives Royal Assent, it will become the Budget (No. 2) Act (Northern Ireland) 2020. Of course, Minister, that is not the end of the Committee's scrutiny role. Monitoring rounds are an integral part of the role of Committees in scrutinising how the legislation is implemented through the scrutiny of public expenditure by Departments in the

course of the financial year. This week, Committees should be considering their Department's position for the June monitoring round in advance of monitoring returns being submitted to the Department of Finance's public spending directorate (PSD). It was my intention from this platform to urge all scrutiny Committees to take the opportunity of the June monitoring round to explore in depth with their Departments exactly what pressures are being faced, the details of bids, the rationale of any movement of resource and the rationale for retention of resources when spend to date has been less than anticipated.

The in-year monitoring process is a critical opportunity for Departments to identify any reduced requirements to support the Executive in reallocating resources in-year. It is also an important opportunity for Committees to ensure that that happens. That, in turn, will maximise the resources available and minimise the risk of money being lost to the Treasury at the end of the financial year. Unfortunately, the Department of Finance has informed the Committee that, due to an exercise to look at reprioritising measures to fund pressures arising from COVID-19, it will not be able to provide the Committee with details of its June monitoring position at this week's meeting. While the Minister and his officials may think that that is appropriate, the deadline for Departments to provide information to PSD has not been moved. That suggests that Departments are being asked to bypass Committees and submit their monitoring returns to PSD in advance of any Committee scrutiny.

I have asked the Department of Finance's officials to attend tomorrow's meeting of the Finance Committee to outline the process being undertaken in the reprioritising exercise and to explain why they cannot provide oral evidence on June monitoring at this stage. I also want to ask the Minister to clarify whether he intends to put back the deadline for submission of departmental monitoring returns so as to provide Committees with the opportunity to consider them in advance. In view of the latitude with which the Assembly has facilitated the Minister and other Departments, that should be the very least that we all expect.

On behalf of the Committee for Finance, I support the Bill.

Mr Frew: I thank the Chairperson of the Finance Committee for his contribution and for reinforcing the issues of transparency and accountability and the scrutiny that is placed on our shoulders to ensure that we pass legislation that is fit for purpose. A Minister may well bring

a Bill to the House but it is the Assembly that passes the legislation, so we have a critical role, as do the scrutiny Committees. There is absolutely no doubt that we are in unique times and that things are fast-moving, but this is more of a time to scrutinise further and deeper into legislation that the House passes. I am tremendously worried about what we all heard the Chairperson of the Finance Committee say about scrutiny. He, quite aptly, raised the issue that I raised during a debate last week about the way in which the Justice Department has treated the Justice Committee, of which I am also a member.

If I knew then what I know now, I am not even sure that I would support the Department of Finance in the accelerated passage of the Bill. I know that it is the norm that a Budget Bill, for good reason, receives accelerated passage, but I have grave concerns about the transparency of these Departments, the secrecy in which they still conduct business and the way that they treat scrutiny Committees with disdain. We have raised issue upon issue in the Committee. We have done our job in the Committee for Finance. We have asked deep and meaningful questions; not because we want to be awkward or troublesome but because we want to do our job thoroughly, efficiently and effectively, so that the scrutiny Committees can not only scrutinise the Departments but that they can be of assistance and offer guidance and support to the Departments and the Ministers. I must say that I am aggrieved and really concerned by the stance that has been taken by the Department of Finance around financial and budgetary matters.

Mr Deputy Speaker, you will recall the debates that we have had and the media interest in the information around the failed personal protective equipment (PPE) order from China. The scrutiny Committee asked for all emails concerning that issue. It is a budgetary matter, in the crisis that we are in, that will effect the Budget to no end in the coming months and, in fact, probably years. When the Committee asked for all emails concerning that issue, it received a raft of emails that could be easily itemised and timelined. Members realised that there were two days on which there were no emails: 30 and 31 March. Therefore, we asked whether there were no emails on those days, and, if there were, why had we not been given them? We received a response right on the limit of the deadline. That response was from the Minister, who stated:

"The email exchanges between officials over 30 and 31 March, in connection with the

order, essentially relate to volumes, products, specifications and pricing. These exchanges were not regarded by officials as relevant to the Committee's original request".

The original request was for all emails in connection to that issue; not some, not a wheen, but all emails. All emails. The Minister said that the officials did not think that we would want to see them because they were all about dry stuff like volumes, products, specifications and pricing. Every single one of the emails that we did read was about volumes, products, specifications and pricing, so what is the difference?

When a scrutiny Committee asks for all emails, we expect to get all emails. It is not up to an official or a Minister to decide what the Committee should get or what the Committee would like to see. We would like to see all emails when we ask for all emails, so I am very aggrieved that we are in front of the Minister and the Department and that we are in the House to pass very important legislation through accelerated passage — in a way that we have never done before because of the second Vote on Account — and the Department cannot even furnish the scrutiny Committee with the emails that it requested. How long do we have to wait?

When the Minister gave us the explanation as to why the officials did not send us the emails from those two days, he did not even furnish us with those emails, so they are still being withheld. Better than that, Mr Deputy Speaker, a BBC freedom of information request was issued on the same lines, with similar requests, and the Department of Finance has refused that freedom of information request.

We conduct serious business in the Assembly and every single piece of legislation that we pass will affect every single person in our country, not least a Vote on Account and a Budget Bill. Yet the very people who should have first sight of those things, on a scrutiny Committee, are refused access to those emails. That cannot take place. We were promised that we would not be going back to business as usual. Yet what I see is even more secrecy in our Departments and even more subterfuge. We were given the explanation that the emails are too dry and too factual for a scrutiny Committee. Really? Is that where we are in this place? Is that what we are going to pass here today? That is totally and utterly unacceptable and cannot take place.

I, as an individual MLA, cannot and will not support accelerated passage any more for any further legislation that comes before this House or a Committee, nor will I play ball with officials when they want to break deadlines, as the Chair mentioned, passing cans down the road with regard to the scrutiny Committees, yet not changing deadlines for Committees to scrutinise the work of the Departments. That is unacceptable. That rot will creep in to every single Department in this place and will affect transparency and accountability to the point where, even in this House, we cannot get a panoramic view of what is being conducted by our officials and Ministers in our Departments. That cannot take place. I will play no part in that and nor should any MLA worth their salt who values their job and has personal pride in the scrutiny role that they play to scrutinise the Departments and to support, guide and advise. That is not the place that we want to be.

I am aggrieved at having to stand here today to talk about these issues because we were promised a better place. We were promised that Departments would be more accountable. There would be no secrecy, yet we have Ministers and Departments on a weekly basis now preventing the work of the scrutiny Committees and trying to hold up the work of the scrutiny Committees. It is unacceptable, it cannot take place, it should not take place, and I will play no part in that. I expect to see those emails as does the rest of the Committee. If we do not see the emails, we will compel witnesses, and it will not be Ministers and permanent secretaries. We will compel the very people who constructed the emails.

Mr O'Dowd: On a point of order, Mr Deputy Speaker. While all this is very enlightening and may well be valid, I am at a loss to know what it has to do with the Budget Bill?

Mr Deputy Speaker (Mr Beggs): The Member has talked about the exceptional circumstances regarding the Budget Bill, and I am allowing a degree of flexibility around the points that he is making, but he needs to return to the subject.

Mr Frew: Thank you, Mr Deputy Speaker. I will take heed of your warning and your ruling on that. It is everything to do with this Budget Bill and this Vote on Account, this very peculiar second Vote on Account. If the Department cannot even furnish the Committee with emails that we know exist, where are we all in the Assembly when it comes to scrutiny? It makes a joke of this place. It really does. It destroys the credibility of the Assembly, it destroys the credibility of the scrutiny Committees and it

destroys the credibility of democracy. That is something that I will guard very carefully.

Mr Nesbitt: I thank the Member for giving way. I endorse everything that he has said to date about scrutiny, accountability and openness. He said that we were promised no return to the status quo, and the idea that civil servants and Ministers will decide what is and is not of interest to Committees is not only wrong, it is deeply shocking in a post-RHI environment. What he has said has everything to do with this Bill because it has everything to do with everything that we do in the House, and I commend him for making the points.

Mr Frew: I thank the Member for the intervention. I agree 100% with him. I am glad that he supports me in this, and I suspect that every single MLA in the House should too because that is where we need to be. We need to get to a place where there is total transparency and openness between Departments and the MLAs who sit on these Benches, irrespective of party politics or what party you are from.

It is our job as MLAs to scrutinise legislation and policy in our Committees. If we cannot do that or, worse still, are prevented from doing that by a Minister, a Department and officials, we are in a very grave place. I thank the Member for his contribution.

2.30 pm

To get back to the Bill, we have no choice really because bills need to be paid and money needs to flow. However, Departments, including the Department of Finance, need to do so much better. If we have to compel officials to come before our Committees, we will do so. We will get to the truth by hook or by crook. Whether it takes us a week, a month or a year, we will not let this drop. I will not let this drop. I want to see everything and have the information in front of me so that I can judge things on my own. Nobody, except the Committee and its individual members, should decide what information we get and do not get. In this day and age, after everything that we have been through, it is unacceptable that any Department can stop information flowing to a scrutiny Committee. Preventing information going to a scrutiny Committee is unacceptable, unjust and diabolical.

Ms Dolan: The Committee for Finance, of which I am a member, has been kept informed of the financial resources that are necessary to support Departments and of the need for the

Bill to complete the necessary stages swiftly. While recognising that this is not ideal — the Minister himself has acknowledged that it is a very unusual step — we need to be realistic about the consequences of not progressing the legislation in this way. The unusual nature of this measure is reflective of the uncertainty that the COVID crisis has brought with it. Our block grant, which in real terms is £360 million below pre-austerity levels, has left us with health, education, infrastructure and other sectors starved of the resources that they so badly need on a day-to-day basis, not to mention in the midst of a global pandemic.

The way in which the Minister has handled all this must be commended. Since the outset of the crisis, the Minister and his officials have fought to protect livelihoods. He has also ensured that resources have been made available to assist those most in need. All of that has been done, as I said, in the context of a global health pandemic, which brings not only consequences for the health and well-being of our loved ones but very difficult economic consequences. This Budget Bill basically provides authority for Departments to continue to spend until the detailed Main Estimates can be debated later in the year. As I have already said, the consequences of not progressing this legislation would be dire.

Mr O'Toole: This is another debate on authorising spending in which we will support the authorisation of the spending but, I am afraid, lament the lack of scrutiny that we have been able to do. I and my party will support the passage of the Bill. As I have done in the past, I commend the Minister and his officials on the speed with which they have been able to disperse funds in the midst of this crisis. It is worth putting on record, particularly as I am a former civil servant, that civil servants here have worked very hard to make things happen at a rate of knots that they would not normally have done.

Having said that, I will follow on from the fairly strong remarks that Mr Frew made. He and I do not agree on all that much but there are certain things on which we occasionally find some agreement. He is broadly right that we need to increase the collective scrutiny that we do as an Assembly and specifically on finance. Hopefully, the Minister himself would agree that we need to have much greater scrutiny of our budgetary processes going forward. That is not just a reaction to the RHI scandal, important though that is in shaping the entire context of this mandate, as it should given the real collapse in public trust that it prompted.

Part of the reason is the frankly fundamental facts that, in the Northern Ireland Assembly, we have a mandatory power-sharing coalition in the Executive. Through that, we have very few means of setting strategic priorities. One of those is the Programme for Government process; we do not have one agreed yet. The other one, which connects to our Programme for Government process, is our budgetary allocation and how we do that.

The Department of Finance and the Minister of Finance are, in a sense, disproportionately important to the strategic priority setting and delivery of the Northern Ireland institutions. It is not just important that we do more scrutiny of Executive spending, though that is really important, and I will come on to a little bit of that in a couple of moments.

I am sorry to labour the point, but it is also important that we see a more joined-up and strategic approach to government. As I said, while it is welcome that Departments, officials and, occasionally, Ministers have acted quickly in dealing with the COVID-19 crisis, sometimes, to be perfectly honest, they have acted a little too quickly; certainly too quickly in terms of public communication. That has led to a sense that, occasionally, we are engaging in pop-up policy and are getting back to some of the habits that we were, unfortunately, renowned for as an institution, in the earlier part of this decade. We need to get away from that. We need a joined-up Programme for Government and a budgetary process that is connected to that.

As I said, the Budget that was tabled to the Assembly last month was slightly inconsistent. It referred occasionally to the Programme for Government; presumably, the 2016 Programme for Government and those headings. Some Departments referred to them. I think that DAERA did. Other Departments did not refer to them at all. We need to address that sense of slightly confused priority setting, notwithstanding the fact that COVID-19 has shaped everything.

Moving on, I will repeat some of my hobby horses about the need for long-term fiscal priority setting. In yesterday's debate on Caoimhe Archibald's motion on economic recovery, I discussed the importance of a new approach to our fiscal policymaking in Northern Ireland, which, I think, could be guided by the creation of a fiscal commission, in collaboration with the fiscal council that the 'New Decade, New Approach' document set out. I hope that the Minister is in a position to give us an update today on how we are doing with that work. As we come through COVID, we need to strike

while the iron is hot in setting up some of these institutions and putting down the foundations for agreeing, first, how we do short-term recovery. As other Members have pointed out, we still do not have the recovery plan from the Department for the Economy. It also about agreeing a medium and long-term set of priorities.

I have laboured on a few points that I have laboured on before. I think that they are worth putting on the record again. I will briefly remind the Finance Minister that it would cost a very small amount of money for us to support local media. That very small amount of money would be not quite a rounding error, as these are important sums of money, particularly in the context of constraints. However, local media is extremely important to our local communities. If we lose it, and we could lose quite a chunk of it because of the crisis, we probably will not get it back.

Having repeated myself a few times and having raised a few important points to put them back on the record, I will leave the Floor to others.

Mr Muir: We have debated a lot of these issues, so I will try to be brief. As the previous Member to speak said, I will try to avoid repetition.

The Alliance Party will vote for the Budget (No. 2) Bill. We will do so because the Departments urgently require additional resources and in anticipation of the Main Estimates being delivered in the autumn. The implications of not passing the Budget (No. 2) Bill today is something that neither I nor the Alliance Party is prepared to contemplate at this moment when society needs stability from government and properly funded public services.

This is my first experience of a Budget process as a Member of the Assembly, and I want to thank the officials who have worked under extraordinary circumstances to get us to this point. The Budget process thus far has, indeed, been extraordinary. However, I sincerely hope that next year's Budget process is nothing like this one. I hope that, by then, we will long have been working towards a strategic economic recovery plan, delivered by the Executive. I hope that we are agreeing a multi-year Budget for a multi-year Programme for Government, and I hope that there will be sufficient time for thorough scrutiny by the Statutory Committees. These are not nice-to-haves for the next Budget Bill; they are, in fact, essential requirements.

The onset of COVID-19 makes this a financial year like no other, but the underlying challenges

to the financing of our public services remain exactly the same and cannot be ignored.

The time for Ministers to tackle the cost of division — £800 million a year — is now. The time to implement Bengoa is now. The time for an independent review of education is now. The time for public sector reform is now. The time to invest in our infrastructure is now. Those issues have been kicked down the road for a long time, and now there is little road left. We need to make sure that we use our public finances correctly and to best effect. Those issues need to be faced up to, because, if they are not, we will end up with public services that are not sufficiently funded to get us through the crisis and towards recovery and renewal.

2.45 pm

COVID-19 is not the reason to put those reforms on the back-burner — quite the opposite. Those reforms can no more afford to wait than the 300,000 people on our hospital waiting lists can. The newly restored Assembly has the chance to transform public services in the midst of what should be a green recovery. We owe it to the people of Northern Ireland, who have risen to the challenges over the past few months in so many ways, to deliver.

Mr O'Dowd: This is the first opportunity that I have had to speak about the process for this Budget Bill. I was thinking about the entire process, and I accept Members' concerns about the accelerated passage of any legislation. I fully agree that Committees need to scrutinise. Committees will have to get their game faces on in the weeks and months ahead, because, in my opinion and the opinion of many, we are in for a very difficult period financially and economically. To get the best out of our limited resources, Committees will have to be to the fore.

I do not know about the validity of Mr Frew's arguments. My concern was not that he was raising the argument; it was about relevance to the debate. I suspect that some of his comments were directed to somebody who is not in the Chamber rather than somebody who is, but that is not my concern

In most legislatures, when the Finance Minister comes in to deliver the Budget, it is about a number of matters, but core to it is taxation. What levels will the Minister set taxation at? Where does he or she plan to collect taxation? Where does he or she plan to reduce taxation? What are the motivations behind that? Obviously, one of the motivations is that you need finances to deliver public services and

drive the economy. That is the main driver. The other purpose of taxation is to shape public policy and public behaviour. Think of taxation on smoking and consumption of alcohol: it is about shaping public behaviour.

Here we have a process that is not about any of those; it is about divvying up very limited resources among the various Departments as best we can. One of the roles of a Committee is to scrutinise how Departments spend their budgets, and I have seen that from both sides of the fence as a member of a scrutiny Committee and as a Minister. I used to come to the House as Education Minister with a budget, and, quite rightly, I would be asked about my spending. People would read out a list of priorities, and I would say to them, "There's £1.9 billion there. Divide it up as you wish, but that's all that's there". It is about priorities, and everybody — political parties and individuals — will have different priorities; I accept that. It is about priorities. In the instance I mentioned, we had £1.9 billion, and Members would ask me questions such as "What are we going to do about this?" and say "We need to spend money on that", but we still came back to the pot of £1.9 billion and how we were going to spend that. The Finance Minister has considerably more than that, but the issue is how you divide up a certain pot.

I have no doubt that, as the debate goes on, Members will say, "We need to spend money on A, B, C and D" and "This is a very worthy cause" and "That's a very worthy cause". Mr O'Toole, who has left the Chamber, mentioned newspapers. Offering newspapers money is always a good way to get your name into them. That is another good cause. Here is where the rub comes and where the maturity of politics comes. You hear commentators saying — sometimes, I find it offensive; at other times, I am prepared to give them some leeway on it — "Politics needs to mature". Some of our commentators need to mature, but that is another matter. How will politics mature? The day and hour that we enter the Chamber and start talking about how we raise taxation — not individual taxes but taxation in general — and how we gather income into the coffers there will be a challenge. You tax A, B or C or you reduce tax or you find a new tax, but you have to have a motivation for that taxation. There is a need for the Executive to have the levers to allow the Finance Minister to properly fund public services and to allow the Executive, as a whole, to drive the economic recovery that is required after COVID-19 and its implications. The next debate — the mature debate — has to be about how we set up and bring fiscal powers to the Executive.

Mr O'Toole: I am grateful to the Member for giving way. I came back into the Chamber and am really glad that he is talking about this, because I agree with him. Does he agree that, for a body with new fiscal powers to be created, it also has to have economic forecasting responsibilities? It cannot be narrowly focused on the revenue-raising and spending side.

Mr O'Dowd: The exact scope of a commission does not cause me any particular angst. I have concerns, sometimes, that, when bodies are established with economic forecasting powers, they direct the economic process rather than the elected politicians. It is always a fine balance, but I accept the theory that the Member refers to.

I look forward to the debate in which we talk about what taxation is being gathered —.

Mr Muir: Will the Member give way?

Mr O'Dowd: I will, yes.

Mr Muir: We need to have a discussion about revenue raising, but does the Member agree that the next discussion that we need to have is about how we spend our money? We have taken our health service apart to deal with COVID-19. Is it legitimate to put it back together without implementing Bengoa?

Mr O'Dowd: That goes back to the point that I made about being on the other side of the fence as a Minister. I came into the Chamber and said that I had £1.9 billion and asked Members how they wanted to spend it. We know how much money we have, and there is nothing to stop an individual, a political party or a Committee coming forward with alternative proposals, not necessarily for the Budget immediately but in terms of departmental plans, moving forward. If individuals, parties or Committees have alternatives, they should bring them forward. That is as much a challenge to my party as it is to everybody else in the Chamber. We know what we have, so how do we spend it?

I do not wish to repeat yesterday's debate about economic recovery, but points have been made about a fair recovery and a green recovery, a recovery that sees the front-line workers whom we have relied on over the last number of weeks and months being properly resourced and paid. That all brings me back to taxation. In my opinion, that is the next big challenge for the Assembly and the body politic in this society: whom do we tax, how do we tax, why do we tax and what do we spend it on?

Mr Catney: As my colleague said, we support the Bill. I heard what Mr Frew said, and I would prefer that all of the information is given to us at the right time. I do not know all of the reasons, but, as the weeks go by, I would undoubtedly prefer to move on and do the job for which I was elected, which is to scrutinise what comes before us.

I note the Minister's rationale, and I have remarked previously about the 80% spend. How confident is he about that? Again, I want to make the point that the Bill's purpose is to serve the Departments until the end of October, so that we are not creating massive financial stress for Departments for the next five months. I would say that there will be other Budgets. I do not know; I am not the expert. I do not have a crystal ball that allows me to say that. I know that there is money there that, looking down through it, has been held back from infrastructure projects. If we are going to drive our economy on, we need that spend.

There are those in business, such as accountants, who will save £1 million in order to set the books right. However, there is also the salesman, who will spend that £1 million in order to make an extra million.

I hear what they are saying about taxation powers. I, too, would welcome that debate, and I am up for it.

All Members are aware of the financial stresses that we are under. I am pleased that the Minister announced the extension to the rates holiday. I congratulate him on that. The Committee sent him a letter stating that at the time. I want to approve the funding. Early warnings of spending pressures are vital to us. If the Minister could see that those warnings came to the Committee as quickly as possible, as we scrutinise, we could share the burden and heavy lifting that has to be done. I ask the Minister and his Department to see that we are furnished with those as quickly as possible.

Since we got up and running, we have been chasing our tails with the Budget process. We are about to put through a second Bill, through accelerated passage, with the hope of a further Bill in the autumn. How confident is the Minister that we can get ahead with the process to allow the important high level of scrutiny that is required?

Finally, I will mention the crisis that no one seems to want to talk about, and which we will be debating today: Brexit. I hope that we can

have a true, honest debate on Brexit because it warrants that.

Mr Lynch: I rise as a member of the Committee and to support the Bill. As a result of the COVID-19 pandemic, we face an unprecedented public expenditure situation. The scale, timing and pace of the COVID crisis did not allow for the normal Budget processes to be carried out and meant that Standing Orders had to be suspended to allow for accelerated passage of the Budget to take place. The reality is that the Departments had to deal with emerging public health crises and get funding out the door as quickly as possible. In some cases, it took days to do what previously would have taken weeks. I commend the Minister for getting the money out the door as fast as possible. Many businesses and people appreciate that.

The Budget Bill is required in order to ensure that public services can continue to be delivered during the COVID-19 response period. As we emerge from the lockdown, it will ensure that the health service is supported and businesses and the most vulnerable are protected.

As we move forward, as others have said, and see some light at the end of the tunnel, a new concept has emerged: the new normal. As I reflect back on the old normal, I realise that there are many things that we should not be seeking to return to, such as the underfunding of vital services; a pursuance of the policy of austerity; the way in which we treat and support our front-line workers; the zero contract issue; a society in which a low percentage of people own 90% of the wealth; a society where CEOs of major organisations, public and private, earn millions in bonuses; a society in which huge inequalities exist, and where those inequalities between those who earn the most and those who earn the least have been massively exacerbated. There are, and will be, better ways of doing things. We should reflect on the lessons learned from COVID.

We are facing financial challenges, as my colleague said a minute ago. We already had pressure on the Budget and, as we know, pressures on the public services have increased over this time. The British Government have also reneged on some of their responsibilities in the New Deal, New Approach agreement. The reality is that all of those financial challenges remain, and we must all make the argument for further investment in our public services — services that have been vital in this public health crisis, and which were stripped bare during 10 years of austerity.

As a recovery Budget plan is debated and formulated, we will oppose any attempt to implement an austerity road to recovery. Evidence over the past decade shows that austerity is counterproductive to building any notion of a fair economy. We should strive for sustainable employment and improved working conditions for many of our low-paid workers, particularly those on the front line who have been pivotal during the pandemic. Over the past week, I have heard nurses say, "Stop the clapping and give us a decent salary and recognition for work we have carried out". The Minister has spoken about how he has asked Departments to look at major capital projects, projects such as the Magee medical school, Casement Park, the A5 and, I should add, the proposed new healthcare centre in Lisnaskea, a project for which I have argued for many years. No doubt, there are many other projects that could be expedited and be key drivers in the economic recovery.

Something that we have learned from this pandemic and through this Budget process is that decisions and measures can be taken quickly. I support the Final Stage of the Bill.

Mr Nesbitt: As ever, Mr O'Dowd made some very interesting and challenging points, and, while I am not going to support him on what he was talking about regarding taxes in the speech that he made, I would certainly welcome the debate.

I agree with him that a measure of the maturity of the devolved Administrations would be whether we were capable and trusted with taking on decision-making on taxes, but, as Mr O'Toole said, surely we should not be doing that without some sort of independent assessment of budgetary forecasting, much like the Office for Budget Responsibility in London. Indeed, for some years now, we have committed to a similar body called the fiscal council, most recently in New Decade, New Approach, that would have an independent view on our finances. I have certainly argued that that should also take an independent look at how we deliver on the Programme for Government because, if we are going to outcomes-based approaches, those have to be measured. There must be data, but that data can be manipulated, so I think that it is important that we are mature enough to bring in experts who are independent and who can mark our homework and say whether a Department that says that it has done what it said it would do has actually delivered.

For example, Deputy Speaker, if you will allow me to roam this far, in the previous mandate,

there was a commitment to giving preschool places to families with children under 4, and, at one point, the Executive were claiming a success rate of over 90%. However, if you drilled down into that statistic, you found that in my constituency, for example, a family from Newtownards was being offered four hours a day in a facility in Suffolk in west Belfast, so, by the time they got there, left off the child and got home, it was time to collect, so it was of no use to them and they did not avail themselves of it, but it was counted as a success and made up part of that 90%. So, I think that we do need independent assessment, but we also need scrutiny.

I noticed that Mr O'Dowd raised a point of order to try to stop Mr Frew when he was on his theme of the lack of accountability and transparency and full delivery of what the scrutiny Committee had asked for. We cannot be doing that. We need to be fully open and transparent. If we are going to go down the road that Mr O'Dowd proposes — I am very open to that debate — of having some control over how we raise taxes, where we raise them, how much we raise them and how we spend them, we surely have to be absolutely assured that this Chamber and its scrutiny Committees are getting full, open and transparent access to the information that we want, otherwise we are walking into another RHI.

I will finish, and I appreciate, Deputy Speaker, that you are allowing me to stray from the —.

Mr Frew: I thank the Member for giving way. I agree with everything that he says. The problem with tax-varying powers is that sometimes you tend to touch the levers too much, and they can go both ways. So you can come under political pressure to reduce taxation as well as having the pain of increasing it. More than that, you would still have a limited pot of money. No matter how much you raised, you would still have a limited pot of money. It is about the efficiency of that spend as much as anything. As much as having the powers, it is how efficient you can be at spending that money that is the real scrutiniser that we need to drill down into to make sure that money is being spent in the best way.

Mr Nesbitt: I thank the Member for his intervention. That is exactly why I am saying today that I would welcome the debate rather than saying that I back the proposal. I do accept that it would be a great sign of maturity if we were able to take on those powers and wield them in an efficient and effective manner on behalf of our people.

3.00 pm

By and large, the Civil Service does a fantastic job, not least at the moment in the middle of this crisis, but we must remember that there is a culture in the Civil Service, possibly not just the UK Civil Service but more globally, of withholding information. I was at a retirement party some time ago for a senior civil servant. I think that the person speaking at the party forgot that there were elected representatives in the room — there were only a couple of us — because he talked about a moment when the person who was retiring had appeared before a Committee of parliamentarians in London and three times in a row had refused to answer an MP's question. The speaker said, "That elevated you to rock-star status with us in the Civil Service".

We need scrutiny powers, and we need to exercise them. Of course, we need to work with our Civil Service colleagues, but we must remember that there is some degree of culture that we must break through if we are to get a truly open, honest, transparent and accountable culture, which is absolutely necessary when we are dealing with money.

Miss Woods: I was not initially intending to speak at this stage, given that most of the points that I had raised were discussed at Second Stage. I will not rehearse them. I want, however, to note the issues that have already been raised by the Chair of the Finance Committee and by my colleague on the Justice Committee, Mr Paul Frew, who rightly and passionately spoke about information not being fully given to some Committee members. He also spoke about the lack of time for scrutiny of this Vote on Account and Budget (No. 2) Bill by the Assembly and its Committees in general, which has also been highlighted. That is not even to mention the lack of New Decade, New Approach priorities.

I recognise that the Vote on Account and the Bill are simply about cash release in order for Departments to front-load and stay afloat. I reiterate what I said at Second Stage, however: noting the situation that we find ourselves in, we must never be put in this position again on budgetary matters.

There also appears to be an issue outstanding that is important to mention, and it is one that I have been raising since I first spoke on Budgets in the Assembly. It stems from yesterday's events and from some Members' comments today on how we spend our money. It was said

that others could bring forward ideas. That is in the context of a motion moved by the Minister's party yesterday afternoon on planning for a just economic recovery after the COVID-19 crisis. We in the Green Party welcomed such debate yesterday and recognised the need to deal with the imbalance that we now have in our society and economy and the need to make things fair for everyone. It was disappointing that we were not afforded the opportunity to speak to the motion, but I will do so today.

Mr Carroll: I thank the Member for giving way. Does she think that it is important that alternative voices be heard in the Assembly and in society — green voices, socialist voices and other voices — in every debate?

Miss Woods: I thank the Member for his intervention. I completely agree. Given that we have seven Members of the Assembly not in the Executive, it is really important that all our voices in the so-called naughty corner be heard.

What we have in the Budget (No. 2) Bill and the further —.

Dr Aiken: Will the Member give way?

Miss Woods: I will give way.

Dr Aiken: Where you are sitting is normally the Ulster Unionist Party's position, not the naughty corner, but thank you.

Miss Woods: I thank the Member for his intervention. We are adhering to the social distancing arrangements, so that is why we have taken up camp here.

What we have in the Budget (No. 2) Bill and the further Vote on Account is a package of financial measures designed to keep Departments afloat until the autumn, yet, remarkably, they do not include any specific allocations related to an economic recovery plan or to a fairer and just transition to a more sustainable economy post coronavirus. Does the Minister agree that there appears to be a bit of a disjuncture in that regard? We are allocating resources to Departments that need them and rightly so, but, as far as I can see from the minimal detail on spending areas, it is unclear how the Executive even intend to resource their recovery plan. Last Friday, the Minister for the Economy published her Department's document on first steps towards economic recovery, which, again, is very light on detail and lacks a clear, coherent vision for our economy for when we come out the other

side of the crisis. It certainly is not the basis for a green new deal or for a just transition.

What discussions has the Minister had with his counterpart in the Department for the Economy to make sure that any future strategies and stages of economic recovery are adequately resourced? Does he think that this Budget Bill will have any implications for what was agreed to yesterday? Have there been any bids for resources from the Minister for the Economy that are tied to a fair and just transitional plan or strategy or to a green stimulus package to make sure that we move towards a more sustainable economy? Is the Budget (No. 2) Bill simply a case of returning to business as usual after the crisis and makes no funding available for what the motion agreed to yesterday seeks to do? What approach is the Minister taking when it comes to properly resourcing an economic recovery plan?

Of course, we recognise that a fair and just transition to a green, sustainable future is the responsibility not of just one Minister or Department but of the Executive as a whole. Nevertheless, perhaps the Minister can update the House on how the Executive's approach to economic recovery will be adequately resourced by the Bill in the context of yesterday's motion and what we are discussing today about cash allocation.

Mr Carroll: I will not speak at length. I have raised fundamental flaws with the Bill ad nauseam, but there still are problems with scrutiny and a lack of detail. What Mr Frew raised is concerning. We probably would not agree on much, but what he raised is very concerning. I hope that he might consider joining me in voting against the Bill for that reason, but I guess he probably will not. What he raised suggests echoes of RHI. Very recently, we were told that everyone had, supposedly, learnt a lesson, but it appears from what he has suggested or implied that maybe some have not.

The problem with the Bill is that it has no economic strategy tied to it that breaks with the past or breaks with the politics of austerity. As I have repeatedly emphasised, there have been at least £50 million of cuts to our health trusts in the middle — I emphasise that again — the middle of a global pandemic. I concur with Rachel Woods: it is ironic that the Minister's MLAs supported a motion yesterday on the need for a just economic recovery, something that I support and, unfortunately, did not get a chance to speak on. The Minister's Budget does not do anything of the sort. It continues the old normal. When will there be a break with

the old economic and political orthodoxy? Somebody once said, "If not now, when?"

For those reasons, I cannot support the Final Stage of the Budget Bill. There are fundamental problems with the details of cuts to the trusts and a lack of detail in other areas. Ultimately, it does not reflect what is needed to ensure that the state plays a fundamental and crucial role in supporting people. Every economist predicts a massive economic recession — the worst in 300 years — but there are no measures in the Bill to support people at this time. For those reasons, I will not support the Budget Bill.

Mr Murphy: I thank all the Members who have expressed their views in the debate today and those who have contributed to the debates over the last number of weeks. We have covered every topic, mostly not related to the Budget Bill in front of us, but we have certainly covered every topic anyway. I have listened with interest to opinions that differ from mine, but it is still useful for me, as Finance Minister, to hear all the views expressed.

I acknowledge the Committee's role in supporting accelerated passage for the Bill from the outset. I come back to the point that this is an unusual method. It is to release more money to Departments to take account of the fact that, during this challenging time of pandemic, the Departments may spend in excess of what we had already released to them. It was not about resetting priorities; it was about giving effect to the Budget that was agreed on 31 March. No matter how many times I explain that, it seems that there are people who just do not get it or, perhaps, choose not to get it and want to engage in other debates.

I entirely accept the Chair's point about the scrutiny role of Committees for all Departments. In my time, I have chaired scrutiny Committees, and I agree with the need for information sharing with Committees. It is something that I absolutely believe in, and I am happy to look at all requests from Committees.

It was made clear that the monitoring round for June coincides with a much more significant reprioritisation exercise going round all Departments. As both events were taking place at the one time, while officials were happy to go to the Committee tomorrow, they may not have the information that the Committee will require at that stage. The information is more likely to be available next week. They will attend the Committee tomorrow and will return to the Committee to provide further evidence as the exercise proceeds. I can assure you that the Committee will be provided with full details of

the Departments June monitoring returns and assessment of COVID pressures. The Committee will have the opportunity to review and scrutinise those pressures and take evidence from officials, and that will take place before the Executive consider the Department's returns and make decisions on the way forward. I hope that that satisfies the Committee and gives it certainty about the information going to it.

Paul Frew spoke with the zeal of a convert about disclosure. I am sure that it was not lost on him that there was further disclosure today on matters that were in front of the RHI inquiry that involved the current chief executive of his party. I presume that he will bring the same righteous indignation to party meetings when the disclosure of information is discussed. I suspect that, if he were to do so, he would not remain in the position of Deputy Chair, but there you go. Nonetheless, he has a position here. Of course, I am happy to consider any requests for appropriate information from the Committee, and I will look again at the issues.

Mr Frew: Will the Minister give way?

Mr Murphy: No. You have had your chance for your performance; now I am having my chance to have my say. As I say, I would be interested to see whether you bring the same level of indignation to your party meetings. I very much doubt that you do.

Matthew O'Toole was right to acknowledge civil servants, an issue that Seán Lynch touched on as well. The speed of decision-making — he raised other converse points — is a lesson for going forward. We had a significant reputation for sluggishness in turning things around. Obviously, I can speak mostly about the people in my Department with whom I have worked over the past number of months, but the way in which people rose to the task and showed willingness to take risks to get matters quickly and get support on the ground to meet a very challenging situation was commendable. That, of course, requires scrutiny. In attempting to achieve haste, you must not lose propriety. However, there is a lesson for the future in how quickly the system here can respond to political priorities as they develop and can be much more efficient in its approach.

I agree with Mr O'Toole on the need for a joined-up approach, and any significant intervention that we made with COVID-19 money was made on the basis of the three main themes: support for public health; support for business; and support for the vulnerable. It was under those three broad categories that the

Executive agreed to issue money. Most was allocated in sizeable portions so that we could bring all bids into the template and allocate accordingly. All had Executive agreement.

I also agree with the Member on Ministers going out on their own and adopting their own position, but we cannot censor all our Ministers. We can criticise them, but we cannot censor them. They have the ability to issue their own view of things. It has been a very challenging situation, one that no Executive have experienced. When restored on 11 January, this Executive faced the significant challenges, as Members outlined, of austerity, Brexit and managing relationships in a five-party coalition. Then we were hit by the pandemic. It is, I think, recognised that all parties in the Executive have performed admirably.

Mr O'Toole raised the idea, as did Mike Nesbitt and John O'Dowd, of a fiscal commission. I have said many times that I support that idea. A commitment to a fiscal council is also made in various agreements. The Department has suspended an awful lot of activity, as have all Departments, including some of what was to be developed under NDNA, in order to meet the immediate challenges. Over the past number of weeks, we have been getting back to picking up those pieces of work, including the piece relating to a commission. Those are big debates, as John O'Dowd and Mike Nesbitt said.

Interestingly, when Mike, a former leader of the Ulster Unionist Party, talked about whether we had the maturity to handle these matters and take these decisions, I cast my mind back to one of his predecessors, Reg Empey, who made exactly the same comments when we were debating the transfer of policing and justice powers to the Assembly: perhaps the Assembly did not have the maturity to handle those issues. For those who have been here long enough, I contend that the Department of Justice has probably been one of the least controversial Departments since those powers were transferred. Sometimes, we have to back ourselves and test ourselves to see whether we are able to manage these things.

Matthew O'Toole's final point was about local media. I have been considering that matter and will give it urgent consideration. I recognise the problems that he and others have raised with me. Our local media play an important role, and we want to see how it is possible to ensure that they get support. We are looking at that issue.

Andrew Muir raised the issue of multi-year budgets. Of course, we have expressed the

desire to get to that point. It will require the outcome of the spending review.

The spending review was to have happened over the course of the summer in Westminster and Whitehall, but it is now happening, we are told, in the autumn. That will give us a clear position as to how we can move towards all that.

3.15 pm

Pat Catney is gone now but he asked about the sureties of having a further Budget Bill. As I said, I have committed to that and to much more in-depth scrutiny by Committees in the run-up to that Budget Bill in the early autumn. I give him that assurance.

Rachel Woods and Gerry Carroll made similar points. Rachel has left the Chamber. It does not matter how often I repeat it, it does not seem to have landed that, when we agreed the Budget on 31 March, which was set pre-pandemic, and we voted on a Vote on Account to allocate some money to allow Departments to spend for a set period, the experience of the pandemic means that some of that money may run out earlier than could be given to the Bill. It was necessary to bring in a device. This exercise, over the last number of weeks, has simply been a technical device to make sure that Departments have money. It is not a full-scale Budget, nor is it a response to the pandemic. It is not a new departure in supporting fair, balanced and green economic recovery. This is the Budget that we agreed on 31 March, that was set pre-pandemic, so it took no account of what we were facing into. We are simply voting to allocate more money in that regard.

If there is a genuine misunderstanding, I am happy to repeat that. It was never intended to be the Budget that you are looking for, indeed, that Mr Carroll has criticised. I hope that, in the last telling of the tale of this piece of legislation, people finally understand that this is simply a device to allow us to spend more money and ensure that Departments do not run out of money. A Budget that we agreed pre-pandemic could not possibly respond to the situation of the pandemic.

The Executive will discuss economic recovery, and we will try to develop our plans as best we can with the resources that we have. There may be more available. We will bring ideas, such as the ones debated yesterday, to that discussion on economic recovery, so that it is fair, green and set in a way that can give hope to people and support to those who,

undoubtedly, will be faced with economic hardship as a consequence of the pandemic. Those are the arguments that, as one party of five parties in the Executive, we will bring to the table. I hope to hear the arguments from other Ministers.

I have tried to respond to as many of the issues as possible. They have been very varied over the course of the several debates on the legislation. Nonetheless, there has been a significant debate on the Bill and the associated Supply Resolution. It is imperative that the legislation debated today completes its passage through the Assembly to secure the cash and resources needed, so that public services can be delivered, as we begin hopefully to emerge from the COVID-19 pandemic.

I ask Members to support the Bill.

Mr Deputy Speaker (Mr Beggs): Before we proceed to the Question, I remind Members that, as this is a Budget Bill, cross-community support is required.

Question put.

Some Members: Aye.

Mr Carroll: No.

Mr Deputy Speaker (Mr Beggs): The Question will be put again in three minutes. Members should continue to uphold social distancing, and those who have proxy voting arrangements in place should not come into the Chamber.

Before I put the Question, I remind Members that, if possible, it would be preferable if we could avoid a Division.

Question put a second time.

Resolved (with cross-community support):

That the Budget (No. 2) Bill [NIA 5/17-22] do now pass.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

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

Committee Business

Domestic Abuse and Family Proceedings Bill: Extension of Committee Stage

Mr Principal Deputy Speaker: Order. I ask Members to resume their seats. Thank you. The next item of business is a motion from the Committee for Justice to extend the Committee Stage of the Domestic Abuse and Family Proceedings Bill.

Mr Givan (The Chairperson of the Committee for Justice): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 15 October 2020, in relation to the Committee Stage of the Domestic Abuse and Family Proceedings Bill [NIA Bill 03/17-22].

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on the debate. I call the Chairperson of the Committee for Justice, Mr Paul Givan, to open the debate on the motion.

Mr Givan: The Committee Stage of the Domestic Abuse and Family Proceedings Bill began on 29 April 2020. The Bill consists of 28 clauses and covers a range of issues, including the creation of a new domestic abuse offence that focuses on non-physical abusive behaviour, including coercive or controlling behaviour; domestic abuse aggravators for sentencing, including where a child is involved; prevention of cross-examination of witnesses by persons who are accused of domestic abuse in criminal proceedings and family proceedings; special measures for the protection of witnesses in domestic abuse proceedings; and the prohibition of a person who is charged with domestic abuse to the right to trial by jury.

As outlined during Second Stage, the Bill is an essential piece of legislation. On 28 April, I referred to the Police Service statistics for 2019, which indicated that the level of recorded domestic abuse incidents in Northern Ireland, which included 18,033 domestic abuse crimes, was the highest of any 12-month period since 2004-05. The number of crimes had increased by 14.8% on the previous 12 months, and made up 16.9% of all police-recorded crime. Do not forget that those figures reflect only the incidents that were actually reported.

3.30 pm

At that time, fears were expressed that, during the COVID-19 lockdown, victims would become more isolated and vulnerable and that instances of domestic violence and abuse would increase. Unfortunately, those fears have been realised. There have been three domestic homicides since lockdown. The PSNI published statistics for weekly calls in relation to domestic abuse, indicating that, for the week beginning 20 May, a total of 636 calls were received, the normal average being 570. The Minister, when she attended the Committee meeting on the 30 April, also outlined that calls to the helpline had substantially increased and covered a range of issues, including physical, sexual and verbal abuse, emotional abuse, coercive control, rape and child sex abuse. Women's Aid is also very concerned that the increased volume of calls has not been reflected in referrals and that victims are not accessing the support and assistance that they desperately need. Home is definitely not the safe haven that the majority of people take for granted. The recent lockdown has only emphasised the need for the Bill.

The Committee has issued a call for evidence through media notices in the main newspapers and on the Assembly website. It has also written to a wide range of organisations and key stakeholders, inviting their comments and views to assist with scrutiny of the Bill. A communications plan, focused on social media platforms, such as Twitter, Facebook and Instagram, has also been implemented, with the aim of reaching the widest possible range of organisations and individuals not already captured by other methods.

There is clearly wide public interest in the Bill. The Committee has already received a number of written submissions from organisations and correspondence and emails from victims of domestic abuse, male and female, outlining their personal experiences and their experiences of the justice system. We particularly welcome and appreciate the contact from victims, as we recognise how difficult it must be for them, first, to make contact with the Committee and then to recount their often horrific experiences. It is, however, those experiences that emphasise the need for the legislation and the need to get it right.

The closing date for written submissions is the end of this week. We expect to receive a substantial volume of evidence on the Bill by that point. The Committee will take oral evidence on the Bill from next week. We will want, in particular, to explore how the legislation enhances legislation already in place and whether it fully addresses the gaps in existing law and improves the ability of the

justice agencies to prosecute domestic abuse cases; whether the new offence is adequate and whether there are likely to be any issues regarding investigation and prosecution of it; whether the reasonable defence provision is framed appropriately and that the intent of when it could be used is clear and unambiguous; whether the penalties in the Bill are appropriate and adequate and whether there are other approaches, legislative or non-legislative, to tackling domestic abuse that are not currently in place that should be taken forward in the Bill, in another piece of legislation, or by other means.

The Committee intends to undertake detailed, careful scrutiny of the Bill, and, despite the limitations caused by the current circumstances and the continued need to adhere to social-distancing requirements, we will take evidence from key stakeholders and, most importantly, hear the views of victims of domestic abuse to ensure that the legislation is as robust and effective as possible.

Mindful of the need to ensure that the Bill becomes law sooner rather than later, given the urgent need for it, we will not take any more time than is necessary. At our meeting on 30 April, members agreed to seek an extension to the Committee Stage until 15 October 2020. That extension will enable the Committee to assist in ensuring that, hopefully, the Bill can be enacted before the end of the year, but, most importantly, that it will provide the time and opportunity for those who have suffered domestic abuse, and those who provide support and assistance to them, to have a voice in shaping the final outcome and so that the Committee can give the Bill the detailed scrutiny that it merits and make sure that it meets the specific needs of Northern Ireland and that we get it right.

The Committee will report to the Assembly on the Bill as soon as possible within the proposed timescale of no later than 15 October 2020. I commend the motion to the House.

Mr Principal Deputy Speaker: No one else in the Chamber has indicated that they wish to speak on the issue. Strictly speaking, the Chairperson of the Committee could be called to make a winding-up speech on the debate, but I do not think that that will be necessary.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 15 October 2020, in relation to

the Committee Stage of the Domestic Abuse and Family Proceedings Bill [NIA Bill 03/17-22].

Mr Principal Deputy Speaker: I ask Members to take their leave for a few minutes so that there can be a change of personnel in the audiovisual unit. We will then continue with the business in the Order Paper. Just to be clear, you have about 10 minutes to kill. Thanks.

The House took its ease from 3.35 pm to 3.45 pm.

3.45 pm

Private Members' Business

EU Withdrawal Transition Period: Extension

Mr Principal Deputy Speaker: The next item on the Order Paper is a motion on the extension of the European Union withdrawal transition period.

Mr O'Toole: I beg to move.

That this Assembly notes its unique role as a named party to the UK-EU Withdrawal Agreement and the unique impact of Brexit on Northern Ireland; further notes the ongoing COVID-19 crisis and the extreme challenges facing businesses and workers; and calls on the UK Government to request, and the European Union to agree, an extension of the current Brexit transition period beyond 31 December 2020 in order that businesses have adequate time to prepare for the implementation of new arrangements.

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published in the Marshalled List.

Mr O'Toole: For the past four years, Northern Ireland has been at the centre of an enormous diplomatic and political dilemma. The UK's exit from the European Union was always going to profoundly and uniquely affect our region. The EU is an organisation whose aim is peacebuilding but whose means are deepened economic integration and legal obligation across member states. Those are technocratic terms, but what it amounted to was breaking down borders and creating connection between people and places. Nowhere is that sense of connection more important than in Northern Ireland. We are a place defined not just by division but by being connected to two jurisdictions and, indeed, two nations, being in two places at once: on the island of Ireland but not in the Irish state; in the British state but not on the island of Britain. Our society is shaped by these complexities and contradictions, as is this institution, which is specifically designed to accommodate our uniquely complex society. Managing that complexity was always going to be an enormous challenge during the Brexit

process, and so it proved, but despite being at the centre of that debate, we were absent from it.

For the vast majority of the past four years, the Northern Ireland Assembly has not been sitting to scrutinise or debate what was happening in the Brexit process, even when it so obviously affected the lives and livelihoods of all the people whom we represent, and there was no Northern Ireland Executive to make representations on behalf of people here, even when our future was the most talked about issue in European politics. If anyone is in any doubt that a functioning Executive and Assembly might have made a difference, they should look to one of the most rational and balanced documents produced in Northern Ireland on Brexit. It was a letter dated 10 August 2016 and co-signed by the then First Ministers, Arlene Foster and Martin McGuinness. Despite the subsequent differences that arose in our parties, that document set out a clear set of asks from the UK Government, most notably that the Northern Ireland Executive:

"be fully involved and represented in the negotiations".

Mr Principal Deputy Speaker, suffice to say we were not.

Our institution's absence from the stage could hardly have been timed worse. The Assembly collapsed in January 2017. That was just two months before article 50 was triggered. We did not return here until after the UK Parliament had ratified the withdrawal agreement, and barely three weeks before the UK would leave the European Union. Not only were we not at the races, we gave our wallet to a gambler to spend as he pleased. Well, we are here now, better late than never.

That brings me to the substance of today's motion. We are now too late to stop Brexit. The UK, including Northern Ireland, has left the European Union. I bitterly regret that that is the case and I hope that, in the future, before I get too old, we will have the opportunity to rejoin it. We did, after all, vote to remain, but let me be absolutely clear, that is not what today is about. This is not about rerunning the debates of the referendum or the subsequent three years, it is about where we are now. Where we are now is in the midst of not just the greatest global health emergency of our lifetimes, but entering into what could be the deepest recession in recorded history. The Congressional Budget Office in the United States estimated yesterday that COVID-19 could cost the US economy \$8

trillion — trillion — over the next decade. To put that in context, the total size of the UK economy in 2019 was around \$3 trillion. There are no precedents for what is about to happen to our economy and our society.

Currently, the UK, like most developed economies, including the Republic of Ireland, is paying to deep freeze a large section of its economy and its workforce in the expectation that economic activity can be safely restarted over the coming weeks and months. The Executive, as with Governments all over the world, are undertaking similar experiments, and that is what they are: experiments. No one knows how much demand remains for services and goods that have been shut down for months. No one knows whether entire sectors of our economy will even be able to operate within social-distancing guidelines. No one knows what proportion of the workforce will be in self-isolation at any one time, having been in contact with a positive case. Those are all unknowns. They are common to every country battling COVID-19 and seeking to deal with the profound economic consequences, but only one country is holding open the option of rupturing its biggest trading relationship in the middle of this crisis.

The UK Government insists that it will not extend the Brexit transition period beyond the end of this year. Let us be clear what the transition period is. It is not EU membership; it is a holding position that maintains the practical economic benefits of membership until a new relationship can be agreed. The UK's chief negotiator, David Frost, as well as multiple senior Ministers, in particular Michael Gove, have insisted that it would be unthinkable to extend the transition period and that the UK should exit that transition on 31 December this year, whether there is a new UK-EU trade deal or not. That is mad. It is a bit like driving 30 miles to test your eyesight: it is mad and it is dangerous. It is especially dangerous because we know how close we came, in recent weeks, to serious disruption to supply chains across these islands. If we end this year with no trade deal and no extension to the transition, we could face the very real prospect of significant disruption to supply chains, not just between Calais and Dover but between Holyhead and Dublin — a route that is critical to the Northern Ireland market — and at Belfast and Larne. As I and my colleagues have raised repeatedly, it could prevent us from doing essential cross-border contact tracing because we will need a UK-EU data equivalence regime to share information in real time on people who are crossing, for example, back and forth between Derry and Donegal.

I have not yet dwelt on the detail of the Ireland protocol. The protocol offers, in my view, vital protections to Northern Ireland, but real commitments, including financial commitments, need to be made by the UK Government to enable the Executive and other parties to implement the protocol in a way that works for businesses and workers here. The best way to make a burden of that protocol is for the UK to crash out of the transition period without businesses being given adequate time to make preparations, because that protocol will still be binding on the UK whether it leaves without a transition extension or not. The protocol is there in black and white and will have to be implemented. If we want it to work in the smoothest way possible, and I hope that everyone in the Chamber does, as the Agriculture Minister says he does, the last thing that we need is to crash out of the transition period at the end of this year.

Some will say, "What is the point of this motion? Boris Johnston and his gang will do whatever they want. Stormont is irrelevant". Except that last part is not true. At the insistence of Boris Johnston's Government, the Northern Ireland Assembly is a named party to the withdrawal agreement. That is unique. The Scottish Parliament is not mentioned; the Welsh Assembly is not mentioned; Dáil Éireann is not mentioned; the Bundestag is not mentioned; but we are.

The treaty says that the Northern Ireland Assembly must have a say on the continuation of the Ireland protocol, and the Command Paper that was published by the British Government, just a fortnight ago, said that the Northern Ireland Assembly was critical to the implementation of the protocol and, by extension, Brexit itself. How can our voice be central to the implementation of the protocol but irrelevant to whether the UK crashes out of the transition, when that crash out will, itself, be the biggest determinant of how the protocol is implemented?

Whether you are Remain or Leave, whether you are in favour of, or opposed to, the protocol, I ask all Members to consider whether their constituents deserve the consequences of a crash out of the transition at the end of this year, in the middle of the biggest global health crisis that any of us have lived through. For too long, during the past four years, the Assembly was silent while things were decided for the people whom we are elected to represent. Now that we have our voice back, let us use it. I commend the motion to the Assembly.

Miss Woods: I beg to move the following amendment:

Leave out all after "facing" and insert:

"all sections of society and the economy; and calls on the UK Government to request, and the European Union to agree, an extension of the current Brexit transition period beyond 31 December 2020 in order that Northern Ireland is given adequate time to rebuild and prepare for the implementation of new arrangements."

Mr Principal Deputy Speaker: You will have 10 minutes to propose the amendment and a further five minutes to make a winding-up speech. After that, all other Members who are called to speak will have five minutes. I ask you to open the debate on your amendment.

Miss Woods: First, I want to thank the SDLP Members for tabling the motion. The simple fact that should not be forgotten throughout the debate is that the global health emergency arising from the pandemic has understandably forced Governments around the world to focus their attention, priorities and resources towards tackling COVID. The workload for Ministers and Governments is significant, and we have acknowledged that throughout. We also know that the Executive's response to the pandemic has been in the form of society-wide restrictions and an economic shutdown that has caused and will cause further damage and hardship for all our citizens.

Ulster University's Economic Policy Centre predicts that economic output could fall by as much as 9.6% in 2020 and estimates that roughly 235,000 workers have been either temporary laid off or furloughed. Analysis from Ernst and Young notes an approximate 6.7% contraction in the NI economy and 78,000 job losses. The most recent survey from the NI Chamber of Commerce suggests that around three in five businesses have experienced a significant fall in income, with most down to their last six months of cash reserves. The Bank of England estimates that we will be in the worst recession in 300 years. I am sure that Members will agree that all that paints a very bleak picture for us and, as many continue to point out, even in the most optimistic scenarios, there will be no return to business as usual. There will be significant changes in consumer behaviour and investment, and employment will continue on its negative trend.

The additional shock of Brexit and the looming friction in trade and the burden that it will place on business here is not welcome. In fact, it is

completely reckless. The impact of COVID-19 is not only felt in economic terms, nor is the damage that will be caused by Brexit. Our amendment to the motion seeks to recognise that calls to extend the transition period must take account of the shock waves that the COVID-19 crisis has sent through our entire society and the fact that Northern Ireland, as a whole, is not ready or adequately prepared for the protocol coming into effect in January.

Mr O'Toole: I thank the Member for giving way. In giving way, she enables me to say something that I omitted to say in my speech: my party will support the amendment and we are grateful to the Green Party for tabling it. It adds to the motion.

Miss Woods: I thank the Member for his intervention and his comments.

In a report that was published yesterday by the House of Lords EU Select Committee, the grim reality, endless uncertainties and serious challenges that the Brexit cliff edge poses for Northern Ireland are laid out in black and white. It states:

"The combination of uncertainty, lack of momentum and lack of time, compounded by the shock of the COVID-19 pandemic, is a potent threat to economic prosperity and political stability in Northern Ireland."

The reality is that we are months away from the Northern Ireland protocol coming into effect and we still have no detail on how it will work. The fact remains that all necessary resources and work involved in preparing for it has been lost or sidelined due to the pandemic. The report notes the contradiction that lies at the heart of the protocol, that:

"Article 4 states that Northern Ireland is part of the customs territory of the UK"

while

"Article 5 ... applies the entirety of EU customs legislation, including the Union Customs Code, to Northern Ireland."

Still, we have no clarity on how new processes for goods moving between NI and GB will be managed and what the impact will be on the costs. Are we moving to a situation in which goods will cost more for people living in Northern Ireland, which will be coupled with our lower wages and higher poverty rates, never mind the impending recession because of COVID?

The Northern Ireland Retail Consortium and the Northern Ireland business network have expressed frustration at the lack of engagement and have outlined how onerous, expensive and hugely damaging such checks could be to businesses here. As was rightly pointed out yesterday during the debate on economic recovery, what is harmful to the economy is damaging to society as a whole. If business models prove economically unviable under the new arrangements, it will have serious knock-on effects. We are not just talking about businesses here: we must also speak about livelihoods, families and the pressure on public services, health, education and our environment.

4.00 pm

The protocol also addresses issues such as the rights of individuals, the common travel area, the single electricity market and North/South cooperation. The refusal to grant the EU's request to open an office in Belfast is a refusal by the Tories to ensure that Northern Ireland is adequately protected throughout the processes of implementing the protocol and that both sides in the withdrawal agreement fulfil their promises.

Once again, as my colleague Clare Bailey pointed out in the Chamber in February, we are being held hostage to the fortunes of a Prime Minister who this House does not trust, and who is putting flawed, ideological rhetoric ahead of the well-being of our citizens.

Most remarkably, we have a party in the Executive — the DUP — that follows him blindly into the chaos while the rest of us despair. DUP MPs in Westminster voted for regressive immigration legislation that would severely limit the number of people who could come to live and work in Northern Ireland and contribute to our economy and society. This is the same legislation that the Minister for the Economy acknowledged would cause serious difficulties for the agri-food industry and hospitality sector here, in an answer to my question for written answer.

DUP MPs in Westminster also voted in favour of legislation that deliberately excluded minimum standards on food post-Brexit — an absolutely shocking move, with the Agriculture Bill described by former MEP Jim Nicholson as, potentially, the last nail in the coffin for agriculture in Northern Ireland. We have no indication if Minister Poots will follow the lead of other devolved Administrations that have made provision to develop agriculture legislation that addresses their own needs.

Mr Nesbitt: I thank the Member for giving way. As I understand it, this debate is about whether we need more time to negotiate with the European Union, whereas what the Member is doing is criticising decisions that have already been made.

Miss Woods: I thank the Member for his intervention but this is all part of the debate, and I will continue to get to my point of why we need the transition period extended.

So, that, surely, must be done before the end of the transition period in order to keep our hard-fought standards and protections in place and build on them. Of course, we learned yesterday that the DUP refused a proposal to the Executive to call for an extension to the transition period. That is not surprising, given the examples that I mentioned. It appears that they are more concerned about the fanciful dream of leaving the EU than the evidence staring us all in the face that Northern Ireland is on the brink, and that this crisis that we are all facing will be compounded by an even bigger one if we do not act now.

At the end of April, we learned that the Brexit subcommittee was scrapped, presumably because of urgent decisions that needed to be progressed while the COVID crisis engulfed all government business, and that policies and approaches are now discussed in private at the Executive table. How, then, is the Assembly able to properly scrutinise and provide genuine suggestions and recommendations around the issues of the protocol and Brexit, and their implication for Northern Ireland?

The subcommittee was also part of the NDNA agreement but now it is gone. Where is it? Where is the impact assessment that we were promised? Is this an example of dodging difficult questions and scrutiny?

We are several weeks away from a deadline when the British Government have the opportunity to call for an extension to the transition period. We should follow the other devolved Administrations and send a clear signal to Westminster that Northern Ireland needs that time to recover from the pandemic and prepare for the protocol coming into effect. We are the region most affected and most inextricably intertwined with the negotiations, and, so far, the Executive have done the least of all the devolved regions in calling for such an extension.

It is not just businesses suffering as a result of COVID-19, and it is not just businesses that will need to prepare for new arrangements arising

out of Brexit. We must recognise the difficulties and uncertainties that exist across society in terms of domestic violence and abuse, mental health, social care and many others. We must not see any reductions in rights standards or protections. If required, the Executive must step up and bring forward legislation before the transition period ends.

I urge all Members to support the motion and the amendment.

Mr Principal Deputy Speaker: Thank you. From this point on, Members will have five minutes in which to speak.

Mr Storey: Sir Francis Bacon once said that reading maketh a broad man, speaking a ready man, and writing an exact man. That forces you to read what people have written, and, in doing so, gives you a sense of where they are really coming from.

Despite all of the words in the motion and the amendment, it brings us back to the salient point: that there are those who are still opposed to us leaving the undemocratic and overly bureaucratic European Union. They will stop at nothing to overturn the democratic decision of the people of the United Kingdom over four years ago to leave the European Union. In the motion and the amendment, they have decided to employ the COVID-19 crisis and to use it as a mask to cover their real intention, which is to deny the democratic wish of the UK as exercised through the ballot box.

I say to the Member who proposed the motion that, despite his coming from a party that claims they were the advocates of democracy — one man, one vote and recognising the ballot paper and all of that — it seems that now you can set all of that aside when it does not suit and the outcome you wanted is not what you got. Members also need to recognise that they are not alone in that regard, because we have seen EU negotiators and their supporters ruthlessly exploiting the current global crisis, particularly in relation to economies that are in meltdown. They use the same flawed arguments as we have already heard in the Chamber this afternoon.

Why would the EU not want further delay? Of course, it would mean one thing: that the United Kingdom would continue to pay. The Paymaster General has decided to leave the club. That is why Europe was in such a quandary and in such a political tizzy when the democratic wish of the United Kingdom was expressed via the ballot box. The UK Paymaster General has also decided to take away the chequebook that

Europe would like us to continue using because they would like us to still contribute to their coffers.

It also means that the UK cannot benefit from any free trade deals that it wants to engage in. What we have heard is a panacea of doom, worry and fear, rather than grasping the opportunities of being unshackled from a system that is undemocratic and riddled with inconsistencies and inappropriate financial behaviour.

It has to be remembered that an extension to the transition period could cost the United Kingdom Government somewhere in the region of £380 billion. Of course, there are those who believe that all you have to do is just to ask for more money and you will get it; the bigger the bowl, the bigger the receipt. However, there are consequences of an extension and there would be consequences if we were not to fulfil the obligation.

An extension to the transition period would prevent us from taking the radical steps needed to rebuild the post-COVID-19 economy because the United Kingdom would continue to be bound by EU rules and unable to influence them. What is more ludicrous than for Members who talk about scrutiny, getting more information and having more detail, when rules would be made in Brussels that could not be changed in Belfast. Therefore, —

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

Mr Storey: — there is much more that we could say about this issue. We will be opposing the amendment and the motion. I look forward to the completion of our removal from the European Union.

Ms Anderson: Ba mhaith liom labhairt i bhfabhar an rúin agus i bhfabhar an leasaithe fosta. I stand to speak in favour of the motion and the amendment. The majority in this Assembly do not support Brexit. The majority in the North do not support Brexit, and yet in just under seven months' time, the British Government are prepared to drag us over a Brexit cliff. The Irish protocol in the withdrawal agreement is, without doubt, an ugly compromise, but, ugly as it is, it will stop a harder border on the island of Ireland.

Brexit and partition are also ugly impositions put on the shoulders of the majority of the people in Ireland against our will. Brexit is stripping away our democratic rights, and the partition of

Ireland is the reason for that, yet Brexit has accelerated a new dynamic into the conversation about Irish unity. I acknowledge the EU Council's statement and contribution that it made on the political momentum for change and for ending partition and advancing Irish unity. On 29 April 2017, the EU Council said that, in the event of reunification, the whole of Ireland will remain in the EU. I acknowledge the work undertaken in the EU to protect the Good Friday Agreement in all its parts, with article 2(1) of the protocol stating that there will be no diminution of Good Friday Agreement rights.

Our communities, our businesses and our people are battling with COVID-19. That is the reality. They are not even slightly prepared for what could hit us at the end of this year. Even the most fanatical Brexiteers know that. So, we need an extension to the transition period. The clock is ticking, because such an extension needs to be agreed by the Joint Committee in four weeks' time.

Many businesses will be shocked as they battle to come to terms with border control posts and custom checks in the Irish Sea because they are simply going to happen. There has been no preparation or work to help businesses to deal with all that.

People in the North will suffer from bill shock, as they will be paying for roaming charges post-transition. Community organisations the length and breadth of the North, whether they come from the Shankill or from Galliagh, women's groups and other organisations will see £3.5 billion of European funding lost to the North. Workers from across Europe who have made the North their home enrich our society, bring skills and talent, but Brexit has left them feeling unwanted and unwelcome, compounded, I have to say, by comments, some carelessly made even by authors of this motion. People feel unwanted and unwelcome and are leaving.

If we are fortunate enough to live through this deadly pandemic with an economy that has, thus far, been hit with the equivalent of three economic recessions, the last thing that we need is to go over a Brexit cliff on 1 January 2021. We need an extension, and it would be absolutely foolish not to allow people to prepare for a border in the Irish Sea.

The Scottish and Welsh Governments have both called for an extension. The EU chief negotiator, Michel Barnier, has said that the EU is prepared to offer an extension up to 2022. So, let us grab the opportunity for our society, for our business, for our workers, for our

environment — and I know that Philip McGuigan is very much focused on the impact that it will have on our environment — and, most of all, for all our people. For all those reasons and many many more that I could go into, we support both the motion and the amendment before us today.

Dr Aiken: We in the Ulster Unionist Party cannot support the motion or the amendment.

While we understand the desire of the SDLP and the Green Party to raise these issues, after the Executive's discussions yesterday, when it was unanimously decided to wait until this current phase of negotiations has played out, we feel that, at this stage, rather than debating this, we should be debating the reality of the Irish Sea border. That was the basis of our amendment, which was, regrettably, not taken by the Speaker. Today's discussions will only be seized on and utilised by those who wish to seek bargaining advantage between Mr Frost and Mr Barnier and those who seek to maintain further material advantage at the expense of everyone in Northern Ireland.

4.15 pm

The UUP recognises that today marks the start of a critical phase of the negotiations between the UK and the EU. Those are discussions where the future economic and social well-being of Northern Ireland are purportedly central to the outcome of any agreement that may or may not be made. We note that in the ensuing debate over the last four years, although regrettably not in the Assembly, a common theme has always placed the Belfast Agreement as the main feature of all discussions. Indeed, the interpretation of the principles of that agreement are what all actors have said is the driving force of their deliberations with respect to maintaining as minimal an impact as possible on Northern Ireland and its economy. Regrettably, this is a form of code speak that disguises the more realistic assessment that, compared to the level playing field, financial passports, modified movements, security and fisheries, Northern Ireland is unfortunately but a mere bargaining chip in these discussions. That is as regrettable as it is inevitable. Indeed, if the Assembly votes to pass this motion with cross-community consent, it is certain that that position would be utilised as another part of that discussion. Regardless of what some Members may think, compared to EU members' national priorities, the interests of Northern Ireland will not be put to the fore.

Indeed, with the lack of detail on the derogation of what is deemed an at-risk good, the overriding and primary jurisdiction of the Court of Justice of the European Union, our having to remain part of the union customs code and all that that entails, the technical and environmental regulations, VAT and excise, the single electricity market and state aid, all coupled with the primacy of EU executive agencies within Northern Ireland, it has been admitted by the UK Government that the European Court still has more jurisdiction over the UK with respect to Northern Ireland than it has over the member states, which is to say on infringement proceedings and the ability to fine. That will give unelected EU officials considerable power that we, as an Assembly, will have no say over. It will bring a very real threat of a Northern Ireland business that is trading exclusively within our UK market having goods described by an EU official as "at risk" and being hauled in front of the European Court of Justice without any recourse to appeal to our United Kingdom Supreme Court.

This also raises the issue of when we will debate these issues. When will we be briefed on differential VAT requirements, the implications of state aid rules or the impact of the so-called level playing-field, when any EU country will be able to challenge our Northern Ireland Executive's decision on, for instance, reduced VAT on tourism or air passenger duty without any recourse outside an unelected and unaccountable joint committee?

Mr Beggs: Will the Member give way?

Dr Aiken: Certainly.

Mr Beggs: Any talk of extension of the Northern Ireland and UK's remaining in Europe will occur after the UK people and Parliament have voted to leave. As such, the UK budgetary rebate has come to an end already and any such decision would be very costly. Does the Member agree with me that, rather than continuing to kick the can down the road, the negotiators should be getting in there and minimising the bureaucracy that is going to land on Northern Ireland business and cost our consumers in the future?

Dr Aiken: Yes indeed, and thank you very much indeed for —.

Mr Principal Deputy Speaker: Mr Aiken, you have an additional minute.

Dr Aiken: Thank you very much indeed.

So much for taking back control. The costs of all of these will be significant. The reality of attacks on goods coming into Northern Ireland from the rest of our own country — a Tesco-Asda tax, if you will — whereby like-for-like goods will be more expensive here will be a permanent reminder to some parties of the folly of supporting both Brexit and Boris Johnson's totally worthless reassurances. That no paperwork can be translated into electronic declarations definitely belies some recent assertions that the end of the transition period will result in a cost- and regulation-free option. I do not think that that is ever going to happen.

Rather than debating those issues today, we are talking about a motion that, if passed, means all parties in the Executive will have decided to look at this again when some actual detail is known. We should instead be asking our Executive and, in particular, the Executive Office and Agriculture, Finance and Economy Departments to tell us in detail what the likely mitigation factors are, what we will need and how we will pay for them; the cost of bespoke customs and declaration systems; the compensation and regulation costs for consumers; recruitment and training costs; and all the excess regulations that we have. In short, we need a comprehensive plan, delivered by all the Executive parties, on preparing for the oncoming end of the transition period.

Rather than debating and raising expectations on a highly improbable outcome, we should wait until we see the shape of the outcome of the talks and, then, dependent on those talks, decide what our approach should be. Today was, unfortunately, a wasted opportunity. We will not support the motion or amendment.

Mr Blair: I rise on behalf of Alliance to support the timely and relevant motion and the amendment. I thank those responsible for bringing them forward. At the outset, I assure you that I have no intention of making any attempt to rehearse Leave versus Remain arguments, because, as I am sure that all of us agree, this is not a Leave versus Remain debate. This debate is centered on how we address very serious and imminent problems.

The challenging time frame of just one year to negotiate a comprehensive free trade agreement has been made impossible by the onset of coronavirus. No one takes any comfort from that position. We know that the UK and Irish Governments, the three devolved Assemblies and the EU have rightly diverted their focus and resources into dealing with this crisis and emergency, leaving an extensive list of questions surrounding Brexit unanswered,

and that too is a reality. Yet time has continued to pass, and self-imposed deadlines loom ever closer.

An extension to the transition period is, therefore, essential to ensure that any systems and mechanisms put in place are workable and have been thought out and scrutinised to the best of our collective ability. The decisions should not be made on the basis of rushed-through processes during the time of an unprecedented public health crisis. They should be considered carefully.

There has been much commentary already about the compelling economic and social reasons why the transition period should be extended, but today I will focus on specifics within the agriculture, environment and rural affairs brief that I cover for my party. I assure Members across the House that I raise these issues for no reason other than that they are questions that I have raised many times and to which I have received very few or no answers or clarification at all. These concerns centre mainly around infrastructure at our ports, migrant labour and the future of fishing rights.

The UK's approach to the Northern Ireland protocol, published last month, finally acknowledged that new infrastructure will be required to check goods coming into Northern Ireland from Great Britain. The need for that new infrastructure at our ports had been apparent, it seems, to basically everyone, for some time, yet the UK Government have left it to only a few months before the end of the transition period to even acknowledge that necessity. The fact that we do not have any detail whatsoever on how those checks will work in practice is also extremely concerning. Businesses in Northern Ireland have no clarity on the administrative burden that is about to be placed on them. We simply need that extension to the transition period to ensure that any checks put in place work effectively and efficiently, without further disrupting east-west trade.

Additionally, we are just one month away from the deadline of 1 July, detailed in the political declaration, to secure an agreement on fishing rights. Again, that is incredibly problematic for the Northern Ireland fishing industry, and, again, there has been no clarity at all on local fishing boundaries. For example, at what point in Carlingford lough does a fishing trawler pass from UK waters into Irish or EU waters? At what point in the Irish Sea does that happen? A question that I have raised a number of times, including on the Floor of the House, is this: what are the practical difficulties of moving from

one jurisdiction to five or, if you include the Isle of Man, to six? The clock is ticking and no answers are being provided to those questions. An extension to the transition period, therefore, is the course of action that will ensure a fair and sensible solution to fishing rights in the post-Brexit era.

Lastly, we need further assessment of the impact that the UK Government's proposed post-Brexit immigration system will have on our vital agri-food industry. The high wage threshold and the very dubious classifications of migrant workers into "skilled" and "unskilled" workers could have a severe impact on our economy. Alliance is committed to seeking special mitigations for Northern Ireland in any Brexit scenario. Immigration policy simply must take our local circumstances into account. Extending the transition period therefore allows us the breathing space to craft an immigration system that is fair to migrants and to each region of the UK rather than pursuing hastily arranged legislation that is based on someone else's Little Englander philosophy.

To conclude, the impact of coronavirus has damaged Government planning and left us with a series of unanswered questions regarding the Northern Ireland protocol and post-Brexit structures. Extending the transition period will give us time and breathing space to create mechanisms to minimise any negative impact of leaving the EU and reduce economic and social disruption. Therefore, I support the motion and the amendment.

Mr Frew: I am probably the most pro-European MLA in this Chamber. I love Europe: I love its peoples, I love its history and I am fascinated by its architecture. I love Europe. It is because I am so pro-European that I am, by design, so anti-EU. What the EU will choose to become is a question that no one in this Chamber can answer.

Fair play to the SDLP, because throughout its history it has been very pro-EU and, before that, pro the Common Market. I suggest that even some SDLP Members cannot answer and grapple with the question of what the EU will become. It is already a bureaucratic giant; how will that ever be conducive to, and good for, democratic processes on the continent of Europe? It is beyond me.

My natural home in politics is libertarianism, which is not to be confused with, as it has been on many occasions in this House, with liberalism. I cannot understand the logic of any libertarian supporting the beast that is the EU and its direction of travel.

I will defend the right of any MLA to bring a private Members' motion to the Assembly Chamber for debate, so you have got me there, and I will debate it graciously. I respect the SDLP as it is in its DNA to support this. I cannot help but question the motive for an extension to the transition period. Is it to try to stifle, ruin, wreck and sabotage the British negotiating stance? If it is, that would be harmful to us all.

What really takes me to the fair is the stance of the party opposite. The party opposite is the biggest anti-EU party on this island and has been throughout its history. It just so happened that its members were very quiet coming up to the referendum; very quiet indeed. Not like them; very quiet. Then, all of a sudden, when they saw the results, my goodness how they turned tail. Now their party is the biggest pro-EU party about. They try to rewrite history —.

Ms Anderson: Will the Member give way?

Mr Frew: I will give way.

Ms Anderson: You think that you understand Sinn Féin's policy position, but it is quite clear from your utterances in the Chamber that you have not got a clue. Sinn Féin critically engaged —.

Mr Principal Deputy Speaker: Excuse me, Ms Anderson, all comments should be directed through the Chair.

Ms Anderson: OK. Sinn Féin critically engages with the EU and has always done so. In fact, before the date had even been set for the Brexit referendum, Sinn Féin went on a diplomatic offensive. I led our position against Brexit along with the late Martin McGuinness. So, we were very clear about our position. We have critically engaged with the EU, and, since the referendum, lots of other delegations in the European Parliament have wanted to critically engage with the EU. So, we did something that resulted in many other delegations coming on board with our position.

Mr Principal Deputy Speaker: The Member has an extra minute.

4.30 pm

Mr Frew: Yes, and, of course, interventions should be short.

The fact is that Sinn Féin sold its soul to the EU in order to create a divisive matter on this island and in Northern Ireland itself.

Mr Storey: Will the Member give way?

Mr Frew: Yes, I will.

Mr Storey: I will be quick. Let us remember that the former president of Sinn Féin said that the backers of the EU treaty were "Thatcherites". That was the former president of Sinn Féin, Gerry Adams, who cannot remember that he was in an illegal organisation.

Mr Frew: Yes. I cannot understand how any libertarian worth his salt could support the bureaucratic nightmare that the EU is and will become increasingly to its peoples. I am glad, for one, that the UK is getting out. The problem for this country — this nation, here in Northern Ireland — is the protocol and the damaging effect that it will have. The nature of EU's aggression towards Northern Ireland is such that it has, basically, held us hostage. It has seen the UK leaving through the door and has grabbed little Northern Ireland to use it as nothing more than a bargaining chip in the only way that the EU knows how: by negotiation. That is not a place where any of us should be.

If the most ardent Remainer in the Chamber thinks that they can prolong an exit without trying to get a settled view, once and for all, to move forward, they are only heaping more damage onto the business community and the people of Northern Ireland. That is something that I cannot ever support. We have seen the aggressive nature of the EU at its worst throughout the negotiations. That surprised me, because I would have been in favour of giving people a choice and give a referendum to the people to decide. I never thought, in my worst nightmares, that the EU's stance and aggressive nature towards this little part of the world would be so intense.

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

Mr McGuigan: I support the motion and the amendment. I am delighted to follow my constituency colleague, who explained the difference between libertarianism and liberalism. I assure him that nobody will ever mistake him for a supporter of liberalism.

It is indicative of the dogmatic, destructive, insular and xenophobic policies of English Tories, unfortunately supported and backed by the DUP in the House and others here, that we need to have a debate on the subject. I would have thought that an extension to the Brexit process in the context of the current coronavirus pandemic was plain common

sense. The key priority for the Assembly or any other elected Chamber on this island, on the neighbouring island or, indeed, across Europe for that matter over the next few months needs to be about protecting the lives of our citizens and protecting our businesses, jobs and economy against the impacts of COVID-19, which is the worst health and economic crisis that we have faced in over 100 years. Businesses in the North are worried about their imminent futures and survival. The last thing that they need is the shock of another crisis — a Tory/DUP-made crisis that they are ill prepared for. I could add our farmers, the agri-food sector, tourism, hospitality and every other sector of society in the North to that list.

The majority of people here voted against Brexit and rightly so. There is no such thing as a good Brexit. The British Government have been reckless and cavalier about the impact of Brexit on our economy, our peace process and our society in the North from day one. That is not just my view; the report from the British House of Lords Select Committee on the European Union has found that the British Government's approach to Brexit poses a

"potent threat to economic prosperity and political stability"

in the North, unlike the rosy, sunny uplands predicted by the DUP and others.

The Irish protocol, as my colleague explained, was a hard-fought for and hard-won minimum protection against the worst elements of Brexit destruction. However, given the disdain shown by the British Government for the views of the people in the North, the full implementation of the protocol is vital. That will take time to work out for businesses to adapt and prepare for.

As Sinn Féin environment spokesperson, I am well aware of the concerns about the impact that Brexit could have on environmental protections in the North. There is a fear, as there is with all kinds of issues, that the British Government want to lower and regress from current environmental standards. The British Government have introduced the Environment Bill at Westminster in an attempt to plug the gaps in environmental protection left wide open by their Brexit debacle. It is my view and that of Sinn Féin and many local environmental activists and NGOs that the Bill marks a significant weakening of the protections and regulations currently enjoyed by EU members. Not only will we lose many EU directives and regulations, but the directives and regulations that the Bill attempts to emulate are to be enforced by a new Office for Environmental

Protection (OEP) that has very weak enforcement powers. A disorderly exit could cause major environmental headaches on the island of Ireland in the absence of a clear, common rule book regarding species, emissions, water quality and hazardous waste. It is the firm view of Sinn Féin that there can be no regression from EU environmental standards or regulations of an all-Ireland nature.

As COVID-19 has clearly shown us, there are no borders on this island for viruses. The same applies to our environment. It would make no sense to have one set of environmental protections and rules in Derry and a different set in Donegal, one set in Newry and a different set in Dundalk or even one in Dublin and another in Dunloy. There must be a shared and harmonised regulatory approach.

I thank the Members for tabling the motion and the amendment, which we will support. The people of this island, particularly in the North, need time to work through the current crisis in the best interests of all of our citizens.

Ms McLaughlin: It is fair to say that leaving the European Union has not been easy. It is also fair to say that our economy is enduring unprecedented strain due to the pandemic and that we cannot have a bounceback recovery. The economic impact of COVID is devastating. Regardless of how much Members supported Brexit, those unforeseen realities call for more time, more clarity and more preparation. There is precious little time left. Failure to agree a deal with the EU is not in the interests of those who voted "Remain" or "Leave" in the referendum.

Let us look at what we are dealing with in what is intended to be the last seven months of the transition period. The House of Lords EU Select Committee has just given its judgement on the obstacles outstanding. Its report states that Northern Ireland feels like "a pawn" in a bigger game played between the UK Government and the EU. It states:

"For Northern Ireland's people, businesses and stakeholders, the Protocol represents what one witness called a 'seismic change', and very little time is left before it becomes operational."

It is unclear what impact the protocol will have on Northern Ireland after the UK enters new trade agreements, and it is the same with EU trade agreements. It is unclear how the movement of goods will be checked, It is unclear what definition will be used to decide whether goods will, potentially, pose a risk to the EU single market and how goods will be

classified as being for internal UK trade. It is unclear what declarations will be required for goods travelling from Great Britain to Northern Ireland. It is unclear how goods sent from Northern Ireland to Great Britain will have unfettered access to the GB market. It is unclear how Northern Ireland businesses will operate VAT rules for next year. It is unclear how state rules will be applied in Northern Ireland. Meanwhile, the technical adviser group that was supposed to propose alternative arrangements is in abeyance. Those are just a few of the points raised by the House of Lords Committee.

Mr McGrath: Will the Member give way?

Ms McLaughlin: Certainly.

Mr McGrath: Does the Member agree that, given the lack of clarity that she has just detailed, there is supposed to be a joint consultative working group within the structures that we have in the North but it has not even met? It is supposed to provide feedback, expertise and understanding on what the impact of Brexit will be through to the negotiations, so that a decision can be taken in a few weeks on whether we need to exit at the end of the year. There is a lack of clarity, and we need time to get that clarity.

Mr Principal Deputy Speaker: The Member is entitled to an extra minute, but I warn Members not to take a minute to earn their colleagues an extra minute.

Ms McLaughlin: I agree with the Member. We are running out of time, and we have no governance or scrutiny. That seems to be a theme of the Executive, as we heard in the previous debate.

We have also had a report from the Institute for Government that makes many of the same points but says even more. It warns the UK Government that capacity has been sucked out by the COVID-19 crisis, making it difficult to negotiate with the EU. Members, I can tell you that capacity in the Northern Ireland Executive has been absorbed by COVID-19 as well and has not been concentrated in any meaningful way on what we face with Brexit. It warns that the Irish Sea border will look more like the border between England and France than the one between England and Scotland. It warns that 64 different administrations in the UK will have a role in administering the Irish Sea border. It doubts that negotiations can be completed in time, and it doubts that the border can be operational by the end of the year.

Underlying all of that, says the Institute for Government, are the core challenges. The institute says that the UK and EU negotiators see the negotiations differently. The UK wants to amend the protocol; the EU wants to agree how it is implemented. The UK trade negotiator has accepted that there will be friction in trade between the UK and the EU in order to create benefits for the UK. Many of those frictions will apply to trade between Great Britain and Northern Ireland. We hear every day of the need to take expert advice when it comes to COVID. We should take expert advice when it comes to the transition arrangements. That expert advice is clear: we have to extend the transition period. Time is now too short to resolve the vast number of technical challenges that we face.

Mr Storey: I thank the Member for giving way. Will she accept that one of the experts who has given us advice on Europe is a Sinn Féin MEP who, in 2016, said:

"The economic and fiscal policies of the European Union have had catastrophic effects on the lives of many of its citizens."?

That is the party that tells us that Europe is a wonderful place and we never should have left it.

Ms McLaughlin: Thank you, Member, for your intervention. I want to indicate that this is not about Brexit or Remain. This conversation is about whether we are ready, and we are not.

I agree with my colleague Matthew O'Toole. The Assembly was silent while things were decided for the people whom we represent. We now have a voice, and the motion should be approved unanimously by the Assembly. It is not in the interests of anyone, whether they voted "Remain" or "Leave" in the referendum, to have a disorganised exit. It is certainly not in the interests of wider society, workers and businesses to lay a crisis on top of the immediate one. Let us display unity today by supporting the motion. I ask the Chamber this: can we just deal with one crisis at a time?

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

Ms McLaughlin: I commend the motion to the Assembly.

Mr Principal Deputy Speaker: I think that I have three more Members to speak, and I need to call Rachel Woods at one minute past five.

There is time for everyone to get in, if we are reasonable.

Mr McAleer: I welcome the motion and commend those who tabled it. As most of us will know, the Brexit debacle has created a huge impact on the agri-food sector. As I said in yesterday's debate, we have 25,000 front-line farmers who support 48,000 people employed in the food and drinks trade across the North, a trade with a turnover last year of £4.5 billion. The sector here had already been under pressure already with the COVID crisis, and I am aware that the industry had been lobbying the Minister; indeed, we have found through the Committee and our engagements that the industry wants Brexit paused to give it more time. The motion today is in line with the overwhelming majority of the voices in the agri-food sector.

As I said yesterday, the sector is particularly vulnerable. We export 87% of the agri-food produced in the North. A good bit of it goes to Europe, and a huge amount of it goes across the water to Britain, so the implementation of this protocol is absolutely crucial. We need unfettered access to the rest of Ireland and, indeed, the EU. We also need unfettered access across the water to Britain, which is a huge market for agri-food from here.

4.45 pm

As a Member said earlier, there is a lot of uncertainty. With Britain moving away from the EU, there is uncertainty around tariffs, around VAT and around regulatory divergence. I will reflect on some comments made earlier. It is easy to blame the EU, and, led by Martina and others, we have engaged critically with the EU. It was the British Government's decision, however, to implement Brexit and to opt for regulatory divergence from the EU. They have created the possibility of additional checks at our ports here.

I refer to the technical note. It was the British Government that committed to applying in the North of Ireland annex 2 to the protocol, which relates to sanitary and phytosanitary (SPS) requirements for all our agri-goods. The technical note states:

"animals, plants, and their products entering"

the North

"from either a third country or ... Britain must comply with EU SPS requirements".

The North is a unique place. The letter of August 2016 from Arlene Foster and Martin McGuinness to the then Prime Minister, Mrs May, reflected that and recognised that agriculture is one of the areas in which a special solution is needed for here. The worrying thing, however, is that there is uncertainty over access to the British market.

Most recently, the Commission's technical note made the point that the British Government should clarify whether they intend to have additional posts for the performance of controls in the North, such as at Larne, and stated that if that does not happen:

"there will be no entry point solution ... for live animals and for products of animal origin"

from across the water. That could create a:

"significant risk of disruption to the trade flows entering"

here.

There is therefore a huge challenge facing us. Whatever your view is on the EU, the situation has been brought about by the fact that the British Government decided to take us out of the EU and by the fact that the British Government decided to diverge from the regulations of the EU.

Mr Storey: Will the Member give way?

Mr McAleer: Hang on.

The DUP then undermined Theresa May's deal, which created the possibility of this regulatory border. Go ahead.

Mr Storey: The Member says that the British Government took us out. I know that his party was aligned with the policy of an Armalite in one hand and a ballot box in the other, but I thought that it had made some progress and that the ballot box had primacy. Will he accept that the United Kingdom, of which we are a part, voted to leave? That is the reason. It was not one individual but the people of the United Kingdom. Yes or no?

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr McAleer: Thank you for that additional minute, Mr Storey.

I represent the people of West Tyrone, where 77% people voted to remain. The vast majority of people in the North voted to remain. That is whom we represent. If you want to refer to the British Parliament, that is OK, but it was England that took us out of the EU. It was not Scotland, and it was certainly not here. Therefore, no, because we represent here. That is the most important point. We want to represent the interests of people here. Indeed, the letter from Arlene Foster and Martin McGuinness in August 2016 referenced that this is a unique place. Here is different, because of our situation. OK?

The point is that the agri-food industry wants a pause. The other big thing that is totally connected to this is the British Agriculture Bill. I know that we are talking about transition, but this so important. The British Government did not accept the food standards amendment to the British Agriculture Bill. In doing so, they have not protected Britain from the importation of low-standard goods. That again raises the question of how we are going to stop low-standard foods getting in here, as well as the question of how all of this is going to be checked. Moreover, the points-based immigration system that the Home Office has talked about recently will have a huge impact on seasonal agriculture workers.

In conclusion, I commend the motion, and we offer it our wholehearted support.

Mr Nesbitt: If there were a time to call for an extension, this would not be it, and I am glad to hear that the Executive came to that conclusion yesterday. I note that Mr Blair thinks that today's debate calling for an extension is timely. I hate to see such a bad split in the Alliance Party, so he may want to have a word with his party leader about how she behaved at the Executive yesterday.

You can have an extension. You can extend by a year or by five years, but, at some point, you will have to start making decisions, and that is my concern. Four years on, we are still the most affected but least prepared region of the United Kingdom for the withdrawal. It is not just negotiations between the UK Government and the EU, but between us and the UK Government. It is under two weeks since the Cabinet Office published the latest periodic report on negotiations between the UK Government and the devolved administrations.

Ms McLaughlin: Will the Member give way?

Mr Nesbitt: I will give way in a minute.

The Scottish, Welsh and the UK Government agreed in October 2017 the principles that will inform the common frameworks that will govern the UK single market after transition. Of course, we did not agree those principles because we did not have a devolved administration then, but we have had one for months now, and yet that document says that we have not agreed those principles.

I have looked at the principles, and I do not understand the problem. For example, the first thing that it says is that the common frameworks will:

"enable the functioning of the UK internal market, while acknowledging policy divergence".

Surely, then, we need Ministers to be in those negotiations, not civil servants who can only give factual input. We need elected reps who can talk about policy. For example, elected reps who can say that because we are so dependent on air transportation — in fact, we are more dependent than any other region of the UK, outside of the Highlands and islands of Scotland — air passenger duty disproportionately and negatively impacts our economy.

The principles also deal with justice, which has cross-border elements, and with the security of the United Kingdom. Why are we going to be silent about that? For how long will we be silent?

Although the frameworks will also:

"respect the devolution settlements and the democratic accountability of the devolved legislatures",

it says that the competence of the devolved institutions will:

"not normally be adjusted without their consent".

Yet, section 12 of the European Union (Withdrawal Agreement) Act allows the UK Government to temporarily freeze devolved competence. In other words, they can impose regulations on us that we do not like and that could be injurious to our economy but beneficial to the rest of Great Britain. Why are we silent on this?

I give way to the Member for Foyle.

Ms McLaughlin: I just thought that I would get you an extra minute. Does the Member agree that there is a very short period of time for the UK Government to make a request for an extension of the transition period? When is a good time for the UUP to get engaged? We have four weeks left — I reckon that it is time to start talking and making your mind up.

Mr Nesbitt: I thank the Member for her intervention. However, that question needs to be directed to Nichola Mallon who was a Minister at the Executive yesterday when they agreed that this is not the time.

Ms McLaughlin: That is not true.

Mr Nesbitt: Oh. Oh.

Mr Principal Deputy Speaker: Excuse me, it is not — never — in order for a Member to say to another Member, "That is not true". Please continue, Mr Nesbitt.

Mr Nesbitt: Thank you, Mr Principal Deputy Speaker. Perhaps Ms McLaughlin is privy to more information than I am about a conversation at an Executive that is supposed to be private.

The principles that we have not agreed to are not silent on the protocol. They recognise the:

"economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU."

Importantly, they also say that they will:

"adhere to the Belfast Agreement."

Again, I ask the question: what is there to disagree with? Why have we not signed up to those principles that were agreed by everybody else in October 2017?

There is also a five-phase approach to the common frameworks, and, at phase 2, which we have hit with some of the frameworks, the:

"DA portfolio Ministers",

who, in this case, I understand to be the Ministers of the Executive Office,

"are sighted to agree the policy direction",

which does not appear to have happened. It continues:

"the UK Government has sought to develop a shared cross-cutting approach to the UK internal market with the Welsh Government, Scottish Government and with factual input from the Northern Ireland Civil Service."

Why? Officials from the UK, Welsh and Scottish Governments:

"have developed a joint approach for formal Parliamentary scrutiny of frameworks".

We have not. Why are we not being consulted by the Northern Ireland Executive?

Finally, on the protocol, we hear that the UK Government and our Executive are meeting to determine the impact on individual frameworks and the programme as a whole. This is through analysis — analysis. It is time for decisions.

Yesterday, as at least two Members mentioned, the House of Lords published a 100-page report on the Ireland/Northern Ireland protocol, highlighting serious contradictions in language that you would, I am sure, not hear in the House of Lords. It is time for us to get our finger out.

Ms Armstrong: As my colleague stated, the Alliance Party supports the motion and, in particular, the amendment because it extends to all society and recognises the current crisis. Alliance has made clear its position on this over a long period. Indeed, Alliance MP, Stephen Farry, raised the issue of extending the period for negotiations due to the challenges of COVID-19 at Prime Minister's Questions on 18 March.

This is not, as others said, a Leave versus Remain matter. It is about having the time for negotiations on the future UK/EU relationship. I do not understand why people think that this is a bad thing. Brexit has happened, but the deals are not yet done. One year was already a very ambitious and unrealistic timetable. With COVID-19, it is now even more challenging. The Government need to be focusing their resources on managing that crisis and its aftermath. Businesses and other stakeholders have only so much bandwidth. There are sole traders and self-employed people who have not yet received any support from the Assembly — we are still waiting for that — and charities that have not yet received finance grants. Yet we expect those people to switch their focus from surviving to planning for the withdrawal agreement and what will happen after December.

The end of the implementation period entails the end of the right to freedom of movement. That has particular implications for key aspects of our economy and society, particularly our health service and social care, at a time of extreme stress due to COVID-19. Is anybody addressing this? No.

The Government are running to a very tight timescale for agreeing their future relationship with the EU. This is about more than the economy and trade; it is also about matters such as policing and security. No deal, including no trade deal, a retreat to WTO rules or an Australia-style deal, would have a severe impact on the UK economy as a whole. The UK would be needlessly distancing itself from its nearest and most important market. Many independent economic studies, as well as the Treasury, have already indicated that this would be the most damaging scenario.

Some may argue that this presents less of a risk to Northern Ireland, given that we have the protocol and will have an ongoing relationship with the EU. However, the more distant the relationship between GB and the EU, the greater the requirement for checks and barriers in the Irish Sea. Under the protocol, checks cannot be avoided entirely. The protocol is the sad and inevitable outworking of the UK Government's decision to seek a hard Brexit. We need a UK/EU deal to mitigate the scale of the impact. Any downturn in or hit to the GB economy would have a severe impact on us in Northern Ireland.

There is a suspicion that the UK Government are determined to proceed with the current timescale and end the implementation period in order to mask the economic damage of Brexit, even one without a trade deal, in the wider recession and economic turbulence arising from the COVID-19 pandemic.

I want to be very clear — this is already in the press — that Alliance and the SDLP asked for an extension at the Executive. What was voted on was a proposal to come back to this in two weeks' time. If the Executive can come back in two weeks' time, surely, this country, the people who work here and the businesses currently in financial crisis need time. Do people think that COVID-19 does not exist? Do they think that the upcoming redundancies are not real and that the people who have had to move on to universal credit because we are in such a social crisis do not exist? How can we keep piling on the problems? It is time to look at the negotiations. The EU has said that it is prepared to open a longer period of time and I say thank you to them for that.

5.00 pm

I do not know about the rest of you, but how much more pressure do you want to put our businesses under? How much more stress, how many more mental health problems, are you prepared to put on the owners of businesses? It is time to catch ourselves on. We need extra time, and we need the Government in Westminster to recognise the fact that this will have a detrimental impact here. We are in a health crisis, and we are looking at an economic crisis because of it.

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

I want to make a general point of order. It is an accepted convention that meetings of the Northern Ireland Executive, and what goes on at them, are private. Individual Ministers may choose not to accept that, but on the Floor of the Assembly it will be accepted. It is not appropriate for Members to reveal the details of private Executive meetings. I do not think that that —

Ms McLaughlin: Do you mind if I comment?

Mr Principal Deputy Speaker: No, I do not want you to comment. I just want to park that there.

Ms McLaughlin: There is press —.

Mr Principal Deputy Speaker: Yes, it may be in the press, but what I am telling you is that Ministers may choose not to abide by the convention that Executive meetings are private, but that convention will be observed on the Floor of the House.

Mr Allister: Make no mistake. This motion is not about delaying Brexit, it is about killing Brexit. It is not about getting a more opportune time for Brexit, it is about cancelling Brexit.

To do such a thing, to delay Brexit, at this time, would be economically catastrophic because, a nation like ourselves, coming out of the incredible damage caused to our economy by COVID, would then be hit, for the next two years, with billions upon billions of financial demands from Brussels, with no say over how one cent of it is spent and, on top of that, we would lose the flexibility, the agility that our nation will need to plot a way forward economically. We would be tied into that bloc which is the most ill-suited to find novel ways of dealing with an economic crisis. The EU is so overburdened with its own bureaucracy, so

stilted and rule-bound that it is the worst equipped to show agility in coming out of an economic crisis.

The United Kingdom would subject itself to that situation, over which it would have no control. What the United Kingdom needs, is an opportunity to show agility and deal with the economy in novel ways which the EU's regulations would never entertain. Therefore, I can think of no worse time to delay Brexit than this.

Of course, there is a way to avoid the need to extend, and that is to get a deal. If the EU wants to avoid a crash-out by its paymaster, the way to do it is to reach a deal. They should be mindful that they stand to lose more than we in the United Kingdom. If they want a deal, or to avoid a cliff edge, they should get down to business. This really should be make-up time for the EU. Instead of that, of course, they persist with trying to pillage our fishing industry and bind us to what they call level-playing-field commitments, which will tie our hands behind our back economically, and shape and restrict the type of trade deals that we can do. If they want a deal, they can have a deal, but it has to be on fair terms.

The principle of Brexit remains absolutely sound and necessary. Sadly, it has been largely emasculated for us, in Northern Ireland, through the iniquitous protocol. However, the principle of Brexit remains sound. I greatly regret, I have to say, the slippage I am detecting from the DUP on the issue of the protocol.

This all, of course, started with the foolhardy letter, which Mr O'Toole referenced, in August 2016, when the First Minister and the then deputy First Minister laid the groundwork for special status and, ultimately, for this protocol. We have now reached the situation where the protocol can be implemented only with the acquiescence and the active involvement of the Executive. That presents the unionist parties in the Executive with an opportunity to thwart that. Mr Poots told me, in answer to a question, that he would be providing no infrastructure at our ports, yet, last week, he was back-peddalling and soft-peddalling and talking in the lingo of Remainers about there being an opportunity both ways. It saddens me that, instead of standing firm and recognising the ability to thwart the protocol, there now is a spirit abroad, it seems, to acquiesce. That is not serving Northern Ireland's interests well.

This is not the time to stop Brexit. This is the time to proceed with Brexit. To stop it would be

fatal economically for the whole United Kingdom.

Miss Woods: I thank Members for their contributions to the debate today. I will now try to summarise the main points as best I can while making some remarks.

Mr Storey claimed that the motion and amendment are an attempt to stop Brexit. That is a complete misrepresentation. As I have said, the NI protocol is coming into effect in January next year, and the motion and our amendment are about addressing the fact that Northern Ireland is reeling from a global health crisis and is not adequately prepared.

Ms Anderson took an alternative view, speaking in favour of the motion and the amendment, and she noted that a majority in the Assembly and a majority of people in Northern Ireland do not support Brexit. She described the protocol as an "ugly compromise" and supported the request for an extension, noting the impact on the community and voluntary sector and the funding shortfall that leaving the EU will bring.

Dr Aiken questioned why we are having this debate today. He highlighted the critical phase of negotiations as well as the need for a plan, including on the cost of goods coming into Northern Ireland. Our view is that action must be taken now and that the voice of this Assembly must be heard before the deadline for extending the transition process passes. He also raised the issue of a lack of debate and scrutiny of all the issues around the Northern Ireland protocol on Brexit. We would, of course, welcome that and welcome more detail from the Executive being given to every Member of the House.

John Blair noted the significance of decisions that need to be taken and said that they should not be rushed and that the extension is needed to stop the disruption from new arrangements on fishing rights and other infrastructural issues. He also spoke about the need to avoid future immigration systems that will be hugely damaging to Northern Ireland, and we totally support that sentiment.

Paul Frew outlined his support for Europe but questioned the motive of the motion. I say: look at the evidence and look at the forecasts. An extension is needed to limit the damage to Northern Ireland.

Mr McGuigan noted how such an extension is just plain common sense. He also outlined his concerns over environmental protections for Northern Ireland, on which there should be no

regression. We completely agree with that. I would also like to point out that the Minister of Agriculture, Environment and Rural Affairs has failed to bring forward any plans for an independent environmental protection agency, which the Assembly called for earlier this year. The onus is on the Minister and his Department to ensure that there is no regression in protections.

Sinead McLaughlin outlined the reasons why we need more time and said that the unforeseen crisis and the workings around the protocol necessitate an extension. We agree. That is something that other Members have chosen to ignore. She also appealed for unity.

Mr McAleer raised his concerns about the effect of Brexit on the agri-food sector on top of the COVID pandemic, highlighting its vulnerabilities alongside the implementation of the protocol.

Mike Nesbitt then rose and shared Dr Aiken's concern over the timing of the debate. He accepts that we are the most affected and least prepared, so how can the party not support a call for more time to get ready?

Kellie Armstrong reiterated that this is not a Leave versus Remain matter, which we agree with, but said that, given our situation, the timetabling for this year is difficult for everyone, including businesses.

Jim Allister claimed that the motion is about cancelling Brexit, which, again, is a complete misrepresentation. It says nothing in the motion or amendment about preventing Brexit, and, unfortunately, he chooses, like others, to simply ignore the extreme circumstances that we face.

Many aspects of our lives have been effectively put on hold by the global health crisis. Holidays have been cancelled or rescheduled, family get-togethers have been put off and birthdays have been celebrated alone, for example.

Indeed, if elections are being delayed in some parts of the UK, that is acknowledgement that our work needs to protect the public first and foremost rather than stick to political timetables that were drawn up before COVID-19. Brexit is absolutely no exception. If the firm timeline to "Get Brexit done" is being stuck to by the Tories and others, that is to the detriment of the people, environment, community, businesses, wider society and economy of Northern Ireland. What we need is time to actually prepare for it, rather than shoot ourselves in the foot once more.

For my party, the point is still this: why, when people are trying to recover from one crisis, would we deliberately hit them with another in the form of a no-deal Brexit or arrangements that destroy livelihoods and damage communities here?

Mr Principal Deputy Speaker: I call Mr Colin McGrath to conclude and wind up the debate on the substantive motion.

Mr McGrath: I suppose that I have the easy task of trying to mop up all the views of this particular debate. I want to thank you, Mr Principal Deputy Speaker, for letting us have the debate, and Members for their contributions. I appreciate that the motion calls on the UK Government to act. However, the fact that no Minister from the Executive Office felt that they could attend to respond or offer their thoughts makes me wonder whether it is a case of out of sight, out of mind. In other words, if they pretend that they do not have their divisions on Brexit, maybe those divisions do not exist.

The vote to exit the EU was in June 2016, nearly four years ago. Article 50 was triggered in March 2017, just over three years ago. In the past number of years, there have been protocols, withdrawal agreements, the pantomime in Westminster and, eventually, Boris and his majority wading through the Brexit for which the people of the North did not vote. Yet, today, four years later, we are having our first substantive debate on the matter. That debate has not been led by the Executive, but by my party, the SDLP.

The confusion and concern that exists out there in communities and businesses is palpable. Not only are people scared of the pandemic and coronavirus, but businesses and other groups in the community are fearful of the impact of Brexit. They have heard much about how funding might dry up and how new trade conditions and regulations will add days to their processes and astronomical costs to their businesses. There is real fear that many businesses will not survive. As I have said, coronavirus and its impact could not have been predicted. While people have begun to move a little, businesses have not. They have slowed up. Many have not opened up at all. If there were ever a need to stop, gather, take a breath and see where we are with regard to the economy, it is now.

The SDLP has always been and always will be, proudly, a pro-European party. We are not here to rerun the referendum debate — the people of Northern Ireland have had their say on that —

but it would be remiss of me not to suggest that we may be at a better place politically if more public representatives gave weight to the counsel of people here than to the positions of voters elsewhere.

Our proposal for an extension to the transition period is not motivated by a politically partisan approach. It is designed to seek consensus in a polarised atmosphere. In the tradition of Hume, I see institutions that respected the differences and diversity of a continent that was emerging from conflict and sought to bring warring people together in the spirit of common purpose and endeavour. However, I accept that mine is not the only outlook. I have listened for years to the points that have been made by other people. Whether you are a member of Boris's Brexiteer ultras or an 'Ode to Joy'-loving Remainer, the issue that is at the heart of the debate is whether your political objective cannot be reasonably achieved in the four weeks that are left before the opportunity to extend the transition period is lost.

We already had significant concerns about the impact of Brexit on the economy. It is impossible to argue that the crisis that we face currently is immaterial to those concerns or will, in some way, be neutral. Renegotiating our relationship with our largest external trade partner at a time when the economy is about to enter significant recession on the back of the most significant public health crisis in living memory is not ambitious. This is not something that can be fuelled by the spirit of Dunkirk. It is dangerously irresponsible and will cost the livelihoods of thousands of people.

Mr Allister: Will the Member give way?

Mr McGrath: Yes, of course.

Mr Allister: Does the Member not consider that the path to avoiding an extension to the transition is to get a deal? Therefore, in that regard, and bearing in mind that he represents a coastal constituency, has he any criticism to offer on the intransigence of the EU in seeking to rape and pillage our fishing waters? Has he any criticism to make of that, at least in the name of the fishermen of south Down?

5.15 pm

Mr McGrath: I thank the Member for his intervention. I will, of course, mention fishermen later in my speech. All indications are that there is no deal and that a deal is not likely. The Assembly has the opportunity, here and now, to

ask for an extension. That is what we want to put on record.

The Assembly holds the unique distinction of being a named party to the withdrawal agreement. We have a responsibility, above and beyond other devolved Administrations, so it is imperative that we exercise our role, and the power of our voice, to compel London to act in the interests of those whom we represent.

I would like to take a few minutes to discuss Members' contributions. Rachel Woods in her amendment, which we will be supporting, mentions the significant impact of coronavirus on the capacity to deliver Brexit. That key point was articulated last week in evidence to the Executive Office Committee by the lead official from our Executive, Andrew McCormick. He agreed that the Department is, in all likelihood, not as ready as it could be because of the impact of Brexit. Officials have been working on other priorities, not Brexit. If they are not working on the preparations for Brexit, we may not be ready. Miss Woods also raised the significant issues that businesses will have to face. There are many, many unanswered questions, and an extension would give us the space and the opportunity to address those questions and concerns.

In his contribution, Mr Storey said that he will stop at nothing. I can take that sentence and say, "Do you know what? We will stop at nothing". We will stop at nothing to help businesses that will struggle; we will stop at nothing to help our food supply that will suffer; we will stop at nothing to help our communities that will suffer. However, we will not do so for partisan reasons, as he claimed. It is simply because we want to protect those businesses; we want to support those food supplies; we want to protect those communities.

He also highlighted the costs of the EU. Yet Northern Ireland is a net beneficiary of EU membership. The people whom we, in this Room, represent get more out of being in the EU than we give in. Yet people say that they want to exit the EU to save money. I am sure that the little Englanders will be delighted by your contribution, but we represent the people of the North.

Martina Anderson said that Brexit is causing a reconsideration of people's views on a united Ireland. That is a point that does, indeed, frighten many of those opposite. If Brexit does lead to a referendum, I wonder how often we will hear then about the democratic will of the people and the mandate offered. Like others, she highlighted that Wales is calling for an

extension, that Scotland is calling for an extension, that Europe is calling for an extension. It would be good to see that the majority of people here will probably call for an extension as well.

Mr Aiken highlighted that many questions about Brexit remain unanswered. With only a few weeks to go, it is one of the strongest arguments that I have heard in favour of asking for an extension. If there is a plethora of unanswered questions, let us take time to get answers to them; let us not go into the unknown.

Mr Blair's contribution focused on the imposition of Brexit on our ability to trade freely and that there is a lack of clarity. He also referred to the fishing communities and the uncertainty that they will face. Being from south Down, I absolutely get the point about our fishing communities.

Mr Frew discussed the process and theory behind Brexit. However, he missed the point: we are not here to rerun the debate about EU membership; we are here to say, "Can we have the extension to allow us to give our businesses and our communities the best opportunity to thrive?". That cannot happen if we are going into the unknown. Businesses need to go into the known.

Mr Nesbitt: Will the Member give way?

Mr McGrath: Yes, go on ahead.

Mr Nesbitt: Is the Member not rerunning the debate by talking about the fact that we are net beneficiaries of the EU?

Mr McGrath: I am sorry; I did not hear you. Can you go again?

Mr Nesbitt: Och, forget it. *[Laughter.]*

Mr McGrath: I am sorry. I could not hear you over here. I apologise. However, I am coming to the contribution that you made. You also detailed how many questions remain unanswered and how officials are contributing to the negotiations and not Ministers, but that it needs to be Ministers. I think that, in order to do that, we need to be able to take an extension to give us the extra time to allow our Ministers to make their contributions.

Mr O'Toole: I thank my colleague for giving way. Does he agree that the Ulster Unionist Party was extremely persuasive in describing how difficult it will be for the Assembly to

scrutinise what is happening with the protocol and for us to implement the requirements in the protocol? Does he further agree that talking about the immense difficulties that we face in the coming months and then saying that now is not the time to ask for an extension are incompatible positions?

Mr McGrath: Absolutely. I completely agree. I think that both contributions were eloquent on behalf of the motion that we presented today. *[Laughter.]*

Mr Principal Deputy Speaker: The Member will not give way, because he has seven seconds left.

Mr McGrath: I believe that we must stand with our brothers and sisters in Scotland and Wales — that means all of us, Leavers and Remainers — and counsel a response that maximises the chances of agreement and defends the interests of those whom we represent. We support the motion and the amendment.

Mr Wells: On a point of order, Mr Principal Deputy Speaker. I am raising this at this stage, because the next subject that we are debating is extremely serious. You exercise enormous power in this Building, so can you explain why, given that this is the highest temperature that has been recorded in June in Northern Ireland for 40 years, the heat is on in this Building at the moment? We are about to enter into a heated debate, and it is going to be a long night. Why, oh why, are the radiators on in this Building on the hottest day of the year?

Mr Principal Deputy Speaker: Strictly speaking, that is a matter for the Commission, although I suspect it may be some Civil Service scheme to grow tomatoes around the place as a renewable food source or something, because it is warm enough for you to grow tomatoes in this Building.

Question put, That the amendment be made.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Clear the Lobbies. The Question will be put again in three minutes. I remind you that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber. I again remind Members present that, if possible, it

would be preferable if we could avoid a Division. Fat chance.

Before the Assembly divides, I want to remind you that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. It is important that, during any Division, social distancing in the Chamber continues to be observed. In order to facilitate this, I ask the following. Any Members in the Chamber who are not due to vote in person should consider leaving the Chamber until the Division is concluded. Those Members who wish to vote in the Lobbies on the opposite side of the Chamber to where they are sitting should leave the Chamber by the nearest door and enter the Lobby via the Rotunda. Those remaining Members who are sitting closest to the Lobby doors should enter the Lobbies first. Any Member who has voted may then wish to leave the Chamber until the Division is concluded. However, any Member who needs to vote in both Lobbies should not leave the Chamber. I remind Members of the need to be patient at all times, to follow the instructions of the Lobby Clerks and to respect the need for social distancing.

Question, that the amendment be made, put a second time.

The Assembly divided.

Ayes 50; Noes 38.

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Mr Carroll, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Ms C Kelly, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Ayes: Ms McLaughlin and Mr O'Toole

NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley,

Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Dr Aiken and Mr Buckley

The following Members' votes were cast by their notified proxy in this Division:

Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle and Mr Muir.

Mr K Buchanan voted for Mr M Bradley, Ms P Bradley, Mr T Buchanan, Mr Buckley [Teller, Noes], Ms Bunting, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Mr Butler voted for Mr Swann.

Mr McGrath voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Ms McLaughlin [Teller, Ayes], Mr McNulty and Mr O'Toole [Teller, Ayes].

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Miss Woods voted for Ms Bailey.

Question accordingly agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes its unique role as a named party to the UK-EU Withdrawal Agreement and the unique impact of Brexit on Northern Ireland; further notes the ongoing COVID-19 crisis and the extreme challenges facing all sections of society and the economy; and calls on the UK Government to request and the European Union to agree an extension of the current Brexit transition period beyond 31 December 2020 in order that Northern Ireland is

given adequate time to rebuild and prepare for the implementation of new arrangements.

Mr Principal Deputy Speaker: Members should take their ease for a few moments while we change the top Table.

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

Abortion Legislation: Non-fatal Disabilities

Mr Deputy Speaker (Mr Beggs): This, clearly, is a highly emotive subject area. I ask Members to recognise that and be measured and sensitive in their language.

Ms Bunting: I beg to move:

That this Assembly welcomes the important intervention of disability campaigner Heidi Crowter and rejects the imposition of abortion legislation that extends to all non-fatal disabilities, including Down's syndrome.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and is published on the Marshalled List.

Ms Bunting: This is the first debate that we have had in the Assembly since our law on abortion was changed. I am not intending that the debate should be a discussion of how we got here, although, in passing, it must be noted that we have been subjected to constitutional indignities that I could never have imagined a year ago. Neither Wales nor Scotland would ever countenance being subjected to the extraordinary denial of constitutional due process that was meted out to Northern Ireland on this issue.

There are occasions in life — not very often, but sometimes — when we get to meet someone who is truly inspirational, someone whose passion and vision change the way in which we see the world. That is the case when you meet Heidi Crowter, the young woman who is named in the motion. Heidi is 24 and has Down's syndrome. She works in a children's hair salon, and next month, on Independence Day — 4 July — she will marry her fiancé, James Carter, who also has Down's syndrome and whom Heidi describes as gorgeous. This lady is a joy and brings joy.

When you leave a conversation with Heidi, you leave with your heart full. Heidi Crowter is an extraordinary human being; since February she has been in the news, because she is challenging the law in England and Wales that allows abortion up to birth in cases of disability but not in other circumstances. Heidi describes the law in Great Britain as offensive and hurtful.

In 2020, why would we countenance the disability discrimination that the Westminster Parliament was persuaded to vote on thirty years ago, in 1990, before the advent of disability discrimination legislation and before the UK became a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD). We cannot and must not separate the regulations from the people to whom they would apply. The reason why the general upper limit for abortion in Great Britain was set at 24 weeks in 1990 is that 24 weeks was then regarded as the point of viability; that is, the point at which a baby could survive outside the womb. Today, things have advanced, and well over 50% of babies born at 24 weeks survive. The figure becomes much higher as gestation progresses. Notwithstanding that fact, regulation 7(1)(b) of the abortion regulations allows abortion up to birth in circumstances where,

"if the child were born, it would suffer from such physical or mental impairment as to be seriously disabled".

We know from statistics in England and Wales that abortions on the grounds of cleft palate, cleft lip and club foot, which are all conditions that can be addressed through surgery, are deemed to meet the threshold of "seriously disabled" and do happen. The problem with that, as Heidi and other disabled people point out, is simple: it means clearly saying that viable human beings with non-fatal disabilities and conditions like Down's syndrome are worthy of less protection under the law than viable human beings who are deemed to be able-bodied. In turn, that clearly says that people with Down's syndrome or other disabilities are of less value than people without disabilities. That is completely unacceptable in 2020. If we do not agree the motion, we signal to every person with a disability that their life is valued differently from that of others. It is wholly wrong for such discriminatory provisions to have been forced on us.

In the last 30 years, since 1990, Northern Ireland, like every jurisdiction in the UK, has introduced legal protections for individuals with disabilities. Those laws seek to illustrate that

those with disabilities are equal to everyone else. The Disability Discrimination Act 1995 (DDA) protects the rights of persons with disabilities. The Northern Ireland Act 1998 placed a statutory duty on public authorities to have due regard to the need to promote equality of opportunity for persons with a disability. The Disability Discrimination (Northern Ireland) Order 2006 further amended the DDA and included a requirement that public authorities promote positive attitudes towards disabled persons. In 2009, the UK as a whole ratified the UNCPRD. Those laws are just laws. They reflect the fact that each and every person, regardless of ability or disability, is of value and worth. Do we wish to negate all that progress?

Given the changes in the last 30 years, it is astonishing that the UK Government should give Northern Ireland the 1990 legislation in 2020. There has been no attempt to consider whether the legislation is suitable in a 2020 Northern Ireland context. The only concession to bringing the provision up to date is to change the language from "seriously handicapped" to "seriously disabled". Is "seriously disabled" not quite a high threshold? The threshold of "seriously disabled" in regulation 7 has exactly the same meaning as "seriously handicapped" in the Abortion Act 1967. Ironically, the change from "handicapped" to "disabled" simply reflects the fact that the word "handicapped" is now rightly rejected as pejorative by disabled people. That misses the more basic point that, if one wants to update the law to reflect changing attitudes to disability, the more appropriate way of doing that would be to not allow abortion on that basis at all.

It is extremely disturbing that the Government have chosen to ignore the views of the UNCPRD in its latest report on the UK, which stated:

"The Committee is concerned about perceptions in society that stigmatize persons with disabilities ... and about the termination of pregnancy at any stage on the basis of fetal impairment ... The Committee recommends that the [UK] amend its abortion law accordingly ... without legalizing selective abortion on the ground of fetal deficiency."

Nor has the UK Government acknowledged the views of the Supreme Court, which has considered the issue of whether, under the European Convention, there is a human right to abortion in cases of non-fatal disability. The court, albeit in a non-binding judgement, found

that no such right existed; indeed, Lord Kerr stated:

"UNCRPD is based on the premise that if abortion is permissible, there should be no discrimination on the basis that the foetus, because of a defect, will result in a child being born with a physical or mental disability."

He also said:

"many children born with disabilities, even grave disabilities, lead happy, fulfilled lives. In many instances they enrich and bring joy to their families and those who come into contact with them."

I think that everyone in the Assembly would agree with that assessment.

In truth, the UK Government's explanatory memorandum makes it plain that, rather than being guided by the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) report, which actually suggests far more modest changes to Northern Ireland's abortion laws than those in the regulations, their guiding concern is to make sure that any abortion that a woman can have in England can also be had in Northern Ireland. That is why, for all the talk about 12 weeks, the regulations actually allow abortion up to 24 weeks on effectively the same grounds as apply in England and up until birth in cases of disability. Neither of those provisions is required by CEDAW.

Lord Shinkwin, who is seriously disabled, introduced the Abortion (Disability Equality) Bill in the 2016-17 session of the Westminster Parliament. He said:

"I utterly reject this medical mindset that clings to the idea that a disabled baby is a medical failure to be eradicated through abortion. I beg no one for my equality. I know I have as much right as anyone to be alive."

The charity Disability Rights UK, commenting on Lord Shinkwin's Bill, said:

"fundamentally it is about equality. Wherever Parliament sets the number of weeks after which abortion is not permitted, it should be exactly the same whether the pregnancy is likely to result in a disabled or a non-disabled child. All lives are equal."

Let us be crystal clear about what voting for the motion means. You will be voting to say that Northern Ireland rejects abortion law that directly discriminates against a human being purely on the basis of disability. Only that group of viable humans can be aborted up to term. You will be saying that the Assembly does not agree that it is right that unborn children with Down's syndrome or a cleft palate can be aborted just because they have those conditions. You will be voting to reject the imposition of abortion legislation on Northern Ireland. Abortion law is a devolved matter, and we are responsible for reflecting our society's values in this area, not Great Britain. You will be voting for life.

I shall leave you with the words of Heidi Crowter:

"It makes me feel like I shouldn't exist in this world."

Is that the message that the House and we as individuals want to send to our disabled community? Is that who we are? Heidi said:

"My life has as much value as anyone else's. I am asking all MLAs ... to reject Westminster's regulations – please don't vote for more discrimination against people like me ... Please let Northern Ireland continue to be a country where disabled people are valued."

I implore you to support the motion.

Ms Sheerin: I beg to move the following amendment:

Leave out all after "rejects" and insert

"the specific legislative provision in the abortion legislation that goes beyond fatal foetal abnormalities to include non-fatal disabilities, including Down's syndrome."

Mr Deputy Speaker (Mr Beggs): The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Ms Sheerin: The DUP motion today is an attempt to undermine any and all abortion provision in the North. We in Sinn Féin oppose the DUP's attack on women's reproductive rights, and we oppose the DUP's attempt to undermine our right to modern healthcare. The amendment that we have tabled would see a refining of the law to offer abortion services in

the North mirrored with the services that we already have in the Twenty-six Counties.

Sinn Féin is not just a parliamentary party; we are a political movement, and we decide policy as a collective with membership having a say on every decision. That is democracy, and it is one of the things that first inspired me when I joined Sinn Féin.

It is the political activism that I have been involved in as a member that I am most proud of. As has been well documented, Sinn Féin activists have been on the ground delivering food parcels to those most in need over the course of the coronavirus pandemic. That was made possible, in most instances, by my comrade Minister Deirdre Hargey, who has been a fantastic advocate for communities since she took on her role in the Executive team just six short months ago. In the midst of this health crisis, we have been involved in our respective communities on local initiatives, from litter picks to sponsored walks, demonstrating leadership and lifting spirits in what has been a tough time for everyone. We continue to drive the little things that make big improvements in the places that we call home. That is what we do; it is activism. When the eighth amendment was repealed in the South just over two years ago, Sinn Féin activists were at the heart of the campaign. The movement that drove for repeal was a broad church. Sinn Féin members took their place and organised just as we would on any other campaign for social justice.

6.00 pm

Abortion is an incredibly sensitive topic that has divided Irish society, and indeed societies across the world, for a long time. Many are uncomfortable with the issue. Only after years of dialogue and a willingness to understand the hurt and pain dealt with by generations of Irish women in crisis situations did we see the conditions whereby over 66% of voters in the Twenty-six Counties chose to repeal the eighth amendment from the Irish Constitution. This tells us that the public understands the need for safe and compassionate abortion services for women. Following on from this, our members in the Oireachtas Committee supported the recommendations of the clinicians and implemented the current abortion legislation in the Twenty-six. Sinn Féin supports abortion in instances of fatal foetal abnormalities, for victims of sexual crime and for anyone whose life or health, including their mental health, is in danger. Our party policy states that any gestational time limit should be set according to the advice of medical practitioners, which is

what guided the legislation in the Twenty-six Counties. Sinn Féin's amendment today is merely an expression of that party policy.

In the lead-up to the referendum, I canvassed in Cavan, Monaghan and Donegal and spoke to people on doorsteps about how they would be voting. Indeed, since the change to our party policy at an Ard Fheis preceding the referendum, I have had many conversations with voters, former voters and potential voters about the issue of abortion. As a representative from a political party, I have been lobbied by and engaged with people on all sides of the argument. It is an incredibly sensitive and emotive topic, and none of us knows what any other person has lived through or the experiences that they have had that have shaped the position that they hold. To simply dismiss people who are uncomfortable with the legalisation of termination as backwards or regressive is not helpful. This debate requires sensitivity, empathy and respect. Ultimately, it is about healthcare.

The past is shameful enough and must be left in the past. Generations of pregnant Irish women and girls were treated with disdain for the crime of being pregnant and shunned even in their own homes, villages and towns. Young girls were abandoned by their families and sent away to Magdalene laundries in a whirlwind of secrecy and shame. Mass graves containing the remains of unnamed babies demonstrate the regard in which life was held by some in the Church. Women who could afford it were exploited by illegal abortionists in backstreet rooms masquerading as clinics, and a blind eye was turned to their plight so as not to upset appearances.

There is not a family in Ireland that this has not touched. It is only when a person finds themselves in a position of desperation that they know what they would do. That people in crisis situations here are still not able to receive treatment at home is not good enough. We, in Sinn Féin, would have liked to see abortion services delivered across Ireland by legislators here in Ireland. For us not to have been able to do that is a shame but, when a right is delayed, it is denied. It is for this reason that we supported the regulations that came into force in the North at the end of March. We welcomed the decriminalisation of women. People in already difficult circumstances were being punished, which added untold trauma to the lives of thousands of women who lived in fear of being found out for what they had done.

I wrote to the Minister of Health asking that the regulations as set out by the British

Government are implemented and properly funded by the Department of Health locally, so as to see a fully commissioned service across all five healthcare trusts here. The Health Minister has abdicated his responsibilities on this issue, failing to give clear direction to the health trusts that adheres to the law. That leaves women in limbo. Sinn Féin wants to see an end to that. We want to see a proper, safe, legal service for anyone in crisis, whatever their story. We also acknowledge the work of disability campaigners, such as Heidi Crowter.

Sinn Féin wants to see a fair and just society. We want to see an end to all injustices, both deliberate, state-led, institutionalised discrimination, of the kind which is being talked about at the minute worldwide, and the societal prejudices that are held by people who think that they are doing nothing wrong. It is only when that is called out that the legitimisation of such views is halted, and Sinn Féin will continue to do that.

Mr Allister: Will the Member give way?

Ms Sheerin: I will.

Mr Allister: Before the Member finishes her party political broadcast, and might I remind her that this is not all about Sinn Féin, would she have time to give any thought to the rights of the innocent in the womb, who are denied the most basic right of all, which is the right to live? Does she have any thought for them?

Ms Sheerin: I thank the Member for his comment. I am a Sinn Féin representative, and, as such, I speak for Sinn Féin.

To serve disabled people properly, we need to build infrastructure that is totally accessible. We need to have inclusivity to properly service section 75 obligations across all public-sector bodies and to raise awareness of the issues that face less-able people in their daily life.

Sinn Féin does not believe that a non-fatal foetal abnormality is an appropriate criterion for an abortion. Our party position, mandated by our party membership, has a modern and compassionate approach to healthcare at its core. That is why we are opposed to the DUP motion. We do not support the DUP's cynical attempt to attack the entire body of human rights-compliant healthcare for women. We are not in favour of blocking the ability of people in crisis to make the decision that they feel is best for them just because other people are uncomfortable with it. The motion would undermine the regulations in totality, by stealth,

and Sinn Féin is completely opposed to that. It is 2020, and women here must be afforded modern healthcare in this area, as a right. There can be no further delays. We have waited long enough. I urge Members to support the amendment.

Mr Deputy Speaker (Mr Beggs): Before I call the next Member to speak, I remind Members that the Business Committee determined that this is a time-limited debate and set the limit of time for the debate. Clearly, there is considerable interest in this debate, but, clearly, as a result of the guidance that has been given to me, I will not be able to call everyone.

In accordance with Standing Order 17(4), the Business Committee has agreed a format for Members to be called to speak that reflects party balance, but, further to that, Speakers can use some discretion when determining who to call. However, in doing so, we must have due regard not only to the balance of opinion and the number of Members who have indicated a desire to speak but to party strengths.

Members, I ask you all to be realistic about how often you can expect to be called. I cannot call everyone who wishes to be called.

Mrs D Kelly: I welcome the opportunity to speak on the motion. It provides me and many of my party colleagues, who have a free vote and are not excluded from their party should they differ from the party line, to give voice to and reflect the sincerely held views of the many thousands of constituents who are opposed to abortion and the current legislative proposals by the British Government. I recognise the absolute responsibility on all Members who speak to ensure that their contributions are respectful of the opposing views of others.

This debate is a very emotive one, made more powerful by the intervention of a young lady, Heidi Crowter, who has Down's syndrome. I was fortunate to have the opportunity to speak to her and her mother, Liz, via Zoom, last night. Heidi shared with us her plans for her wedding, which is due to be held next week, but the celebrations for her wedding may have to be postponed due the current COVID-19 restrictions. She has, very sensibly, alternative plans in place. I am sure that you will join me in wishing her and her fiancé, James, a long and happy life together.

This debate provides an opportunity to send a strong message to those in Westminster who seek to put in place regulations in Northern Ireland that offer abortion with no gestational limits for children with disabilities. What does

that say about the value that is placed on the life of a person who is born with a disability? It is almost beyond belief that abortion would be allowed up to full term.

The amendment at Westminster that gave rise to this debate was inappropriately attached to a technical Bill that dealt with the postponement of Assembly elections. Many argued that the amendment was clearly outside the scope of the Bill, and all MPs from Northern Ireland who were in attendance voted against it. People here were prevented from having their say on the abortion regulations. Indeed, some, including my good friend and former Member Alban Maginness, have pointed out that that intervention has weakened devolution and the responsibility of the Assembly to address our social and economic problems, no matter how intractable they are. That is one of the reasons why I can't support the Sinn Féin amendment. I fail to understand why a so-called republican party supports a British Government determining on the right to life of unborn Irish children. It is a long way from the proclamation of 1916, which promised to cherish all the children of the nation equally.

My colleague Justin McNulty argues that by removing the words, "rejects the imposition of abortion legislation", from the motion, Sinn Féin's amendment gives cover to an overreaching British Government that chose to override the democratic wishes of people in this part of Ireland. I cannot support the amendment for that and other reasons.

I am very conscious of the public interest in this debate and the arguments from both sides, but especially from people with disabilities who live within our families and communities. Very many people with a disability live independently and have rich and fulfilling lives, but that is not the reality for all. Therefore, as a society, it is not enough for us to pay lip service to families and carers who struggle to cope with their caring responsibilities. We must invest in support and respite services to enable individuals to live as fulfilling a life as possible. Diversity and inclusion should be celebrated.

I support the motion and conclude by referring to Heidi, who tells us that we are "amazing just the way we are".

Mrs Barton: I take part in this debate with a sense of bewilderment and irony. Over the past three months, the country has listened to accounts of individuals who have been striving to live, and our medical profession has been doing all in its power to save lives in the face of COVID. Yet, we are here to reject

discriminatory abortion legislation that extends to all non-fatal disabilities.

As a result of both Houses of Parliament supporting a change in the law on abortion in Northern Ireland and ignoring the rights of the unborn child, one finds oneself having to defend those rights; the rights of the baby in the womb. We are debating the imposition of abortion legislation that treats children in the womb with non-fatal disabilities differently from those who do not have a disability. Is that not discrimination? Everyone has a right to life; those who are disabled and those who are not must be treated and valued equally. All life is sacred.

Not one of us in this Chamber is perfect: we are either too tall or too short, too small or too large. The list is endless, yet, because of this new legislation, the helpless in the womb, because of their imperfections, such as a cleft palate, a club foot or Down's syndrome, may have their lives terminated on the basis of their non-fatal impairment. How diabolical.

6.15 pm

Last year, I had the pleasure of being invited by a young man with Down's syndrome to watch him participate in the qualifying rounds for the Special Olympics football team. What a joy it was for his parents and me. How wonderful it was to see him taking part in a team sport, passing the ball, listening to the pep talk at half-time and going on to score the winning goal. How proud were his parents, like the other parents who had come to stand on the sidelines to encourage and cheer on their sons? That same young man had been away from his parents for a week, training for his matches, leading a life in many ways similar to those of our household names who represent their country at sporting events. When not playing sport, he was helping out on the family farm. Who can say that that young man was not leading a fulfilling, independent life? How could that young person be denied his opportunity? A young lady whom I know who also has Down's syndrome leads a full and busy life helping in the kitchen of her local school, preparing and serving lunches, the very school where she was once a pupil.

Both of those young people are evidence of how important their individual roles in society are, no matter how minor or major their limitations. Think of how much they have enriched the lives of their parents, siblings and wider family and how much society has learned and gained from them. Yes, having a disabled baby may be a challenge, but who has not been

challenged by a baby, be it restlessness at night due to colic or just not wanting to sleep? How many of us are not challenged by our children's behaviour, whether they are able-bodied or not?

Before I conclude, it is important to make the point that we have to remember the health workers who work with these people. They may have an issue of conscience with the law. Finally, it is important to remember that one cannot tolerate and promote disabled babies having less protection in law than babies who are not disabled. All humans should be valued and protected equally. Therefore, I welcome the intervention of disability campaigner Heidi Crowter and support the motion.

Ms Bradshaw: I will speak in a personal capacity, as abortion is a matter of conscience for members of the Alliance Party. I will not support the motion or the amendment.

On Thursday evenings, we all go out at 8:00 pm to clap for our medical workforce, as we value their clinical credentials, their professional judgement and the care and compassion that they show to COVID-19 patients. Yet, what the motion and the amendment suggest is that we are not to value their clinical credentials, their professional judgement and the care and compassion that they show to pregnant women on a Friday morning. I trust our registered medical professionals, and I trust women.

By week 20, when we get the big scan and women have thought of names and chosen prams etc, receiving important news about complexities with your pregnancy would floor any one of us. If any MLA thinks that a woman would make a choice to terminate a late pregnancy without days of completely fretting and agonising through every aspect of the rest of the pregnancy and beyond, they, in my opinion, are viewing those women with disrespect and a lack of empathy. The DUP, in bringing this non-binding motion, and Sinn Féin, in proposing the amendment, are playing politics by trying to imply that any MLA who does not support them does not care about children born with a disability. Nothing could be further from the truth.

The motion refers to those who live with Down's syndrome. My aunt Margaret, who is now, sadly, passed, lived with Down's syndrome. She passed away in her 50s and was a very much-loved and central member of my mother's family circle. So, if my daughter, for example, came to me with such a diagnosis during a pregnancy, of course I would support her. However, the regulations are not about me and

my family; they are about the unknown women whose personal circumstances I know nothing about. The regulations are not about compelling a woman to terminate a pregnancy; they are about providing that healthcare option in our country.

Last year, when the Northern Ireland Office engaged with political parties and other stakeholders, they made it clear that they were looking at abortion laws and regulations across the UK, Ireland and western Europe in order to learn from their experiences. I have no doubt, therefore, that the NIO officials considered the Health Act 2018 in the Republic of Ireland, which restricts foetal anomaly-related abortions to those deemed fatal. That means that medical professionals do not feel comfortable with such ambiguous terminology in the regulations, so women from the South have had to continue to travel to England to access their healthcare. That Act is not preventing abortion; they just continue to export the problem. As a legislator in the Assembly, I would hate to see any woman forced to make such a lonely and heartbreaking journey.

Parts 3 to 7 of the regulations spell out clearly the grounds for abortion, with particular reference to the role of the two registered medical professionals. When the Health Minister has been asked about how that works in practice through Assembly questions for written answer, he has replied:

"My Department has made it clear to medical professionals that abortion is now legal and they should assess on a case by case basis whether a woman's individual circumstances meet the grounds for a termination of pregnancy. This would include surgical abortion where this is clinically necessary."

He did not use the words "desirable" or "capricious": he used "clinically necessary".

Professional accountability mechanisms are built into the regulations. They give the General Medical Council and the Nursing and Midwifery Council powers to investigate whether the fitness to practise of a registered medical professional is impaired, and the governance and transparency mechanisms are built in, with a requirement on the registered medical professionals to report every termination to the Chief Medical Officer.

The truth is that procuring an abortion is never an easy decision for a woman, whether it is a crisis pregnancy for which she seeks an early medical abortion or when she receives news of a severe foetal impairment or a fatal foetal

abnormality. As a compassionate society, we must do all that we can to support her, not judge or vilify her.

Mr Deputy Speaker (Mr Beggs): I encourage Members to be concise in their contributions. They do not have to take their full five minutes. It may assist me to get another Member in if they do not.

Mr Buckley: I speak on an issue that is one of the most crucial of our lifetime: the sanctity of life. It is an issue that transcends traditional political and community lines and one that was cruelly taken from us and exploited by English MPs at a time of Westminster political chaos. Since I took my place in the House, I have sought to fight for the defenceless, the weak and the innocent. Surely, others in the House have been moved by the incredible crusade of Heidi Crowter, a young lady with Down's syndrome who is determined to fight for justice and equality. Moving as Heidi's story is, it does not stand in isolation. Many homes in Northern Ireland are filled with laughter, joy and happiness by those born with disabilities. Who are those disabled people? They are brothers and sisters, aunts and uncles, nieces and nephews, children and grandchildren. They are real people. Who are we to say that their life is worth less?

I stand saddened and bewildered that, at a time when communities, Governments and the field of medicine around the world have been mobilised to save the lives of the most vulnerable, we are debating an issue that, if left unopposed, would strip those innocent, preborn babies of the most basic right of all: the right to life. Regulation 7 is a transparent expression of discrimination. It means giving non-disabled viable babies in the womb greater legal protection than disabled viable babies in the womb. That would, of course, be discriminatory. The legal difference of treatment that we are talking about here is immense, meaning that, on the one hand, the life is protected, while, on the other, far from offering protection, the state will happily acquiesce in the termination of viable disabled human beings. That is no ordinary discrimination: that is fatal discrimination.

Is it any wonder that Heidi Crowter has said, as a lady with Down's Syndrome, that the law makes her sad and cry? It would make me sad and cry if I had Down's Syndrome. To be honest with you, it makes me sad and cry even though I do not. I salute Heidi and her boldness in going to the courts to try to get this discriminatory law struck down. I want the

Assembly to compassionately respond and say, "Not in our name".

I do not believe that any part of the United Kingdom has been subject to worse constitutional abuses in modern times than Northern Ireland has in the development of the abortion regulations. Regardless of what we may or may not think of their content, no self-respecting Member of the House should accept them because of the way in which they have been developed. Abortion is a devolved matter. The amendment that sought to change Northern Ireland's abortion laws in spite of this was, according to the Commons Clerk, out of scope and got through only because of the pressure of a large number of signatures by MPs from outside Northern Ireland.

Mr Givan: Will the Member give way?

Mr Buckley: Absolutely, yes.

Mr Givan: Will the Member agree with me that that was an abuse of parliamentary and, indeed, constitutional norms?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Buckley: Absolutely, and it is for those very reasons that the regulations cannot be cherry-picked. That is why we cannot support the Sinn Féin amendment. They rise together or fall together.

Let us look at what happened. Northern Ireland MPs were ignored on what was a Northern Ireland-only issue. There was a 17-minute debate on a matter of life and death and an NIO consultation where the proposals were overwhelmingly opposed by 79% of submissions. The essence of constitutional democracy is not simply majoritarianism; it is majoritarianism subject to rules. As long as the abortion regulations exist, they openly mock the people of Northern Ireland and their right to the dignity of constitutional due process. The litany of constitutional offences that has informed the way that Westminster and Whitehall have handled the issue since last July is now massively compounded by the fact that, despite the restoration of the Northern Ireland Assembly, Her Majesty's Government instead propose to ask Westminster to vote to pass legislation on a devolved matter. We must call on the Government to respect devolution, to abandon the regulations and to repeal section 9. Quite simply, the lives of our unborn depend on it.

Dr Archibald: The motion tabled by the DUP is a transparent attempt to undermine the progress made to date and deny women reproductive rights. The legislative framework on abortion in the North prior to last October failed women. Based on archaic legislation from 1861, it criminalised those accessing abortion and forced people to travel for healthcare or access medication online with the fear of prosecution if anything went wrong. It disproportionately impacted on those from poorer socio-economic backgrounds and caused additional stress and trauma to so many people.

Like many others, I campaigned for the repeal of the eighth amendment and for the long overdue change in the law in the North. The fact that Westminster had to legislate is regrettable, but it was necessary because of the failure of the DUP and others to uphold human rights obligations. My preference and that of my party would have been for the Assembly to legislate for those who we represent. However, we now have the legislative framework that entitles women to access abortion services, and the Health Minister should implement the regulations and commission the services as a matter of urgency. I commend all of those who campaigned for many years to bring about the change and those who continue to campaign for the right of women to access modern and compassionate healthcare.

We should not conflate issues in what is already an emotive debate for many people. I doubt that anyone here does not agree that we must support and campaign for the rights of persons with disabilities and for proper access to support and services for all those with additional needs.

6.30 pm

We must support those who choose to continue with a pregnancy with a diagnosis of foetal abnormality and put in place adequate perinatal healthcare services. We must not, however, stigmatise any individual who makes the difficult decision to terminate a pregnancy. Whatever one's personal view on the issue, we, as legislators, have a duty to ensure that there is provision of modern healthcare for all citizens, including local access to abortion services.

Mrs Cameron: What kind of society do we want to live in? That is the fundamental question. My view is that how we treat those with disabilities and how we shape society for them goes a long way to determining the answer. At the heart of the matter before us

today is this question: are those with a disability equal citizens? Is the remarkable and inspiring Heidi Crowter an equal citizen to every MLA in the House?

The stance that the House takes on regulation 7(1)(b) and regulation 13 in the Abortion (Northern Ireland) Regulations 2020 is a test for all of us who believe in equality. In a genuinely humane society, it would be entirely wrong to allow the termination of any viable human being, whether they have a disability or not. What is particularly appalling about this legislation from a disability perspective is that it compounds the offence by stating that it would be wrong to terminate another viable human being of exactly the same age because they do not have Down's syndrome or another non-fatal disability. That sends out a message, loud and clear, that human beings with Down's syndrome or other non-fatal disabilities are worthy of less protection in law because they are less worthwhile and less valuable.

That is the ethic of a eugenic society that I, for one, have no desire to be a part of. In England and Wales, in cases in which women received a diagnosis before birth that their child had Down's syndrome, the abortion rate between 2015 and 2017 was a staggering 85-1%. I have been disturbed by some of the arguments that have been advanced in favour of allowing abortion upon the diagnosis of Down's syndrome from the point of viability until birth. Those arguing refuse to engage with the fact that we are talking about a viable human being and focus just on what, they say, is the right of the woman to abort in those circumstances.

There is sometimes an attempt to give legitimacy to the notion that we should sanction disability discrimination in abortion legislation because of the health of the mother. That simply will not do. If one prohibits discriminatory abortion for disability, it does not change the fact that it is still legal to abort up until birth if the life of the mother is in danger. That has always been legal in Northern Ireland, although if it is possible to save the mother's life by removing the child in a way that keeps the child alive as well, that clearly must be striven for. Others have simply tried to change the subject by saying, "Why don't they focus more on providing support for our mothers and children with non-fatal disabilities?".

I will address the amendment standing in the name of Sinn Féin MLAs. First, I am pleased that Sinn Féin is clear that it cannot support abortion on the basis of non-fatal disability up until birth, but its amendment falls short, as it fails to acknowledge the concerns over other

aspects of the regulations and the constitutional violation against the devolved settlement by imposing Westminster rule on the people of Northern Ireland in this area. I do not believe, because of the extraordinary manner in which they have been developed, that any self-respecting person in Northern Ireland should accept the regulations.

Moreover, devolution has now been restored. We are quite capable of developing our own legislation. Rather than ask the Westminster Parliament to vote for regulations, the next step that the UK Government should take is to ask Westminster to recognise that devolution has now been restored for nearly five months and that it is time for it to repeal section 9, which has now been overtaken by events.

As the mover of the amendment that became section 9 said at the time:

"if it was not for the fact that we do not have an Assembly, this would absolutely not be the right way forward, but we do not have an Assembly and we will not have one any time soon."

That statement was made on 9 July 2019. We now have an Assembly, and Westminster has still not voted on a new abortion law for Northern Ireland, so now is absolutely not the right time for such a vote. Instead, the Government should ask Parliament to recognise the restoration of the Assembly by repealing section 9, and let the business of defining our own abortion law take place. Thank you.

Mr Gildernew: Let me start by stating that I am opposed to this motion. It clearly aims to rollback elements of the progress on rights and access to appropriate medical care for women in our society, who should be treated with respect and compassion. I wish to speak in support of the amendment.

Abortion is a sensitive and emotive issue for many people, but change is clearly needed. Before being repealed on 22 October, women who found themselves in the difficult position of seeking an abortion were criminalised under section 58 and 59 of Westminster's Offences Against the Person Act. In order to access abortion services, women had to either travel overseas, which delayed the termination and added expense and stress, or purchase abortion pills without proper medical advice and supervision. We cannot leave women to deal with these situations without support and appropriate healthcare; nor can we continue to turn a blind eye to the plight of those who are

struggling with issues arising from rape and fatal foetal abnormality.

There are no perfect or easy solutions here. However, as legislators, we must do our utmost to address these issues as best we can. The Health Committee has written to the Minister of Health to urge him to provide appropriate abortion services for women, particularly in the light of the additional complications that have arisen as a result of the COVID-19 pandemic. At this time, he has a duty to ensure that services are provided in a safe and accessible way.

Sinn Féin's preference was for the Assembly to introduce legislation on safe and compassionate abortion services for the North of Ireland, so that women on the entire island will have the services that they deserve. In the South, legislation was developed following detailed consideration and discussion via a citizens assembly, and was strongly ratified by those living in the 26 counties via a referendum.

Sinn Féin believes that abortion should be available where a woman's life, health or mental health is at risk, in cases of fatal foetal abnormality and in cases of rape or sexual abuse. Sinn Féin believes that abortion without specific indication should be available through a GP-led service in a clinical context as determined by law and licensing practice for a limited gestational period. We support the joint Oireachtas Committee finding that it is not possible to legislate for abortion in the case of rape in a compassionate way. That is reflected in 'A new legal framework for abortion services in Northern Ireland', which says:

"that this provision is proportionate and appropriate in order to avoid building a system that could lead to further trauma for victims of rape or incest or act as a barrier to access for victims of sexual crime."

However, Sinn Féin does not support CEDAW's recommendations to provide abortion in the case of severe foetal impairment such as Down's syndrome. Our amendment welcomes the important intervention by disability campaigner Heidi Crowter, who has been referred to today, and rejects the specific legislative provision in the abortion legislation that goes beyond fatal foetal abnormalities to include non-fatal disabilities such as Down's syndrome. I support the amendment.

Mr O'Toole: I will speak, extremely briefly, on the motion and the amendment. First, this is an extraordinarily difficult and complicated subject. It is easy to portray this as a completely black

and white question, but it is not. As multiple Members have mentioned, abortion is an extraordinarily sensitive subject. It divides people and families. It can divide good-willed people who are in an honest and ethical disagreement about these very profound issues.

As my colleague Dolores Kelly outlined, my party enables a conscience vote on this issue, which recognises that it is extraordinarily sensitive. Before I move to the substance of the motion and the amendment, I want to say very clearly that I believe that it is possible for good-willed, moral and ethical people to take different views on this subject.

Moving on to the substance of the motion, I will not support the DUP motion this evening. A few weeks ago, I said in the Chamber that I believed that it was a positive step forward in healthcare for woman in Northern Ireland that provision had been made to, in a sense, bring us closer to provision in the rest of the UK and, indeed, the rest of Ireland. As a legislator, which I now am, key for me in coming to this practical decision, while thinking through all the moral and ethical implications, was not to try to come to a catch-all position for everyone. As a legislator, is it my job to limit the options that are available to women who are in extraordinary distress? Although I may have reservations about specific instances and specific issues, it really is not for me, in every circumstance, to say to women in extreme distress that they cannot access healthcare.

I found it difficult to hear testimony from people with disabilities who expressed views on this. None of us can pretend that this stuff is easy. There is a range of views in the disabled community. It is also true that there is a range of other ways in which we as a society and as a state can do better by disabled people. I want to say, as others said, that in no way are my views on abortion care a reflection of my views on the value of disabled people. I will not support the motion, which, I believe, would start to take us back in terms of abortion care in Northern Ireland.

I think that it is legitimate for the motion to be debated. I do not think that the Northern Ireland Assembly should not be able to have this debate. In the debate on the previous item of business, I talked about the importance of the Assembly having its voice heard, and I completely accept that. Many in the Chamber, including some from my party, will take a different view from me. We are here now, and I respect your right to make your voice heard on this.

I will not support the DUP motion. I will not support the Sinn Féin amendment, in part because I am not entirely clear on what it is intended to do. I also think that it would contribute to a whittling away of rights. That said, it is important that people are able to debate these issues, and I respect the fact that we are able to debate them tonight in the Assembly. I hope that we can proceed with the debate in as respectful a way as possible.

Mr Butler: As a member of the Ulster Unionist Party, this is for me, a matter of conscience, and I will speak personally.

For me, today's motion is not about the rights and wrongs of abortion. If it were, I fear that we would simply be rehearsing the very old and long-held positions that, in many ways, paved the way for the Westminster Government and the NIO to dream up such extreme and discriminatory measures, disregarding the vast majority of responses to the consultation on the proposed legislation and regulations.

In my mind, the motion and amendment are about our attitudes to equality and disability. I will go much further: almost all of us in the Chamber are engaged in politics because we are fuelled by the desire for justice, equality and humanity. Sometimes, depending on the setting of the story, that narrative becomes blurred, but not in this case. When elected to the Assembly in 2016, I established two new passions. One, as everyone in the House will know, is mental health. The other, born of my active membership of the relevant all-party groups (APGs), is learning disability and disability. I have learnt many things from participating in these forums. Perhaps the overriding theme common to these APGs is that of stigmatisation, discrimination and the ongoing battle for equality. I cannot overstate the conversations in which I have been involved with stakeholders of these groups. Those conversations demonstrated the real difficulties and barriers that people with a disability or learning disability still face here in Northern Ireland in 2020.

I have enjoyed every moment of learning more about disability and learning disability, having to challenge my perceptions and the myths about what a normal life is, what a life of fulfilment is and what really matters.

A number of years ago, at an event with Mencap in the Long Gallery, I had the absolute privilege of holding and nursing a two-year-old boy. His mum handed him to me, and I do not exaggerate when I say that, as he smiled into

my face, I absolutely fell in love with him. I will not use his name, because I do not have the permission from his mum, but I can tell you, that young man, who has Down's syndrome, left an indelible mark on my heart.

6.45 pm

In Lisburn, we are very proud of the work done by Stepping Stones. Since 1996, the team have striven with great passion and determination to offer support and value to people with learning difficulties and disabilities. All the trainees have a learning difficulty, many of them men and women with Down's syndrome. Recently, I called with their CEO at their new premises — Avenue 1 — for coffee and a snack. What struck me was the reception I got from the front-of-house waiter. I was shown to my seat, order taken and advice given on what was evidently a menu that he had contributed to. That young man with Down's syndrome showed me an attitude of hospitality and customer service sometimes missing in other settings.

At Christmas time, I look forward to getting an invitation. We all do. We love to get those invitations to carol and nativity services. In addition, the ones I look forward to most are the invites from Mencap and from Parkview Special School in Lisburn. To my great delight, two years ago, I got an invitation to the Glenveagh Special School nativity play. Even if you do not like Christmas, I suggest you seek out an opportunity to go to one of those nativity scenes.

There can be no suggestion but that, for many of these individuals and very special children, life can be a challenge and, for some, quite difficult.

However, to see the joy, concentration and effort, the professionalism — and often the mischievousness on their faces and of their actions — only reaffirms, if required, that every life is precious and that we must do all we can to empower, support and demonstrate to those children and pupils, that they are valued every bit as much as we value ourselves.

A number of disability champions are worthy of mention. However, for the purpose of this debate, there is only one that I will name, as many of you have done so far, and that is Heidi Crowter. I spent 40 minutes on a Zoom call on Saturday morning with Heidi, Paul, Joanne and myself, I can safely say that, if I needed any validation to support the motion, I got it in spades.

The sad reality remains that Heidi has to speak on an issue of legislation and regulation which seeks to devalue the person she is.

Mr Givan: Will the Member give way?

Mr Butler: Yes, indeed.

Mr Givan: In that call, which I was able to share with Robbie, you will agree that she really spoke to the heart, and is a powerful advocate on this issue.

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute. I ask Members to speak towards the Chair, to ensure that the microphone picks up what they say.

Mr Butler: Thank you, Mr Deputy Speaker, and thank you for the intervention. Indeed, as has been pointed out by Dolores Kelly, a moment spent talking to Heidi reaffirms the heart that there is. There are champions out there, working in really challenging circumstances.

As I said, Heidi has Down's syndrome, and she is talking about a regulation that speaks about her. Put simply, regulation 7(1)(b) allows abortion for serious foetal "impairment":

"Where there is a substantial risk that if born the child"

— that is the word used in the regulation —

"would suffer from such physical or mental impairment as to be seriously disabled."

Imagine having to have a face-to-face discussion with someone who was born with what, in England and Wales, is, for the purpose of abortion legislation, deemed, "a serious foetal impairment."

That same person, Heidi, will soon be 24, and, as we have heard, she is going to be married. She is a disability champion. She will soon marry her fiancé. Could any of you seriously sit face-to-face with Heidi and say, "You are not equal"?

Today, we have an opportunity to set aside —

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Butler: — the wider abortion debate, and insist that this legislation is challenged and changed. I say to Heidi, and others who have Down's syndrome and other non-fatal

disabilities that, even as an unborn baby, you are equal, you are valued and you are seen.

Mr Lyttle: Alliance Party policy on abortion is a matter of individual conscience, therefore, I speak in a personal capacity. I also say, at the outset, that it would enrich the debate — I say this sincerely — if the DUP were able to speak to the work of the Education Minister to help pupils with disabilities at this time.

I have spoken on this serious matter of abortion in the Assembly on a number of occasions. I have done my best to engage with health professionals and families affected by it and with widely different views on it. In February 2016, over four years ago, in part because of that engagement, I voted in favour of legislative reform, proposed by our colleagues Trevor Lunn MLA and Stewart Dickson MLA, for abortion on the grounds of fatal foetal abnormality, legislative provision that the courts have since required of this jurisdiction.

I acknowledge that there are, however, many people who support the inclusion of severe foetal abnormality as grounds for abortion in legislation due to concern that its omission could limit access to termination in cases of fatal foetal abnormality, and I will do my best to engage with those concerns in my role.

There are, however, many people in the Assembly and in Northern Ireland who cannot support legislative provision for abortion on the grounds of serious disability. Indeed, the DUP and Sinn Féin appear to agree on that matter, but somehow have conspired to disagree in the debate today, which appears to be a real missed opportunity. As far as I can see, the text of the DUP motion rejects abortion legislation that extends to all non-fatal disabilities, and the same provision is contained in the amendment. It is a real shame and a disappointment that some degree of agreement was not reached in that regard.

I am not able to support legislative provision for abortion on what I believe are ill-defined grounds of severe foetal abnormality, particularly if it provides for abortion on the grounds of serious physical or mental disability. My assessment of the amendment and the motion is that someone who is unable to support abortion on the grounds of non-fatal disabilities ought to vote in favour of the amendment and the motion. As far as I can see, they oppose abortion on the grounds of non-fatal disability, and I will, therefore, vote for the amendment and the motion on those grounds on this occasion.

It must be acknowledged, however, that neither the amendment nor the motion do anything to change what is a legal duty on the UK Government to implement CEDAW recommendations on abortion, which include the grounds of severe foetal abnormality. I had hoped that the UK legislation would have accepted fatal foetal abnormality to satisfy the CEDAW requirement, but that does not appear to be the case at this stage. It is also an inescapable fact that the UK abortion legislation exists because the Northern Ireland Executive did not. I do not know if Northern Ireland legislation can amend primary UK legislation, but, if people are serious about delivering fit-for-purpose abortion legislation in Northern Ireland, a three-year Executive hiatus and private Member's motions will not achieve that.

I will continue to do my best to engage respectfully, openly and inclusively on the serious matter of abortion legislation with anyone who gives me the opportunity to do so.

Ms Bailey: I am one of very many who are very thankful to the Westminster MPs, and to Stella Creasy in particular, for changing our laws. Instead of debating why Northern Ireland is still without regulations, we are debating laws that we cannot change.

Reducing an abnormality clause to permit only fatal abnormalities can, as shown by the example in the Republic of Ireland, actually limit fatal diagnoses due to the unattainable certainty required. The motion and the amendment would compel medics to make impossible distinctions between fatal and non-fatal abnormalities, limiting access to abortion healthcare. If the motion and amendment were enforced, it would mean that women and girls would be forced to continue to travel to England and beyond, just as they were before the legislation changed. A similar clause in the Irish Republic has resulted in women and girls whose pregnancies are diagnosed with severe and life-threatening abnormalities continuing to travel overseas to access abortion, just as if the law had never changed.

I am stunned at the Sinn Féin amendment. I am stunned at the forked-tongue language. The amendment would force women to continue to rely on healthcare in England, and that was not Sinn Féin's election message, which was about equality for all and compassionate healthcare. This is what a clawback of women's rights looks like, this is what political opportunism looks like and this is what populism looks like.

It is ironic for the DUP to claim that it is morally unjustifiable to use a foetus as a political

bargaining chip when the same DUP Members write to their constituents and request a letter-writing campaign to promote a change in legislation. But at least the DUP is consistent in its disdain for women, their bodies and their choices. The motion and amendment are not compliant with CEDAW, and our law states that we need to be.

The CEDAW report recommends that:

"abortion on the ground of severe foetal impairment be available to facilitate reproductive choice and autonomy, States parties are obligated to ensure that women's decisions to terminate pregnancies on this ground do not perpetuate stereotypes towards persons with disabilities. Such measures should include the provision of appropriate social and financial support for women who choose to carry such pregnancies to term."

We should be discussing significant increases in funding to enable disabled people, rather than trying to broadly restrict rights for women in Northern Ireland. The Green Party will not support the start of a clawback.

Disabled Women Ireland has stated:

"social and financial support to disabled people and their parents is the strongest way to deal with concerns for disability rights. Recognising the full extent of disabled people's rights from infancy to old age – to education, to early childhood support, to personal assistance – will make meaningful changes to the quality of disabled people's everyday lives. Restrictions on abortion will only place further restrictions on the reproductive rights and freedoms of people with disabilities."

The motion and the amendment would disproportionately harm disabled women whose pregnancies are diagnosed with a foetal anomaly and contravene the state's obligations under the Convention on the Rights of Persons with Disabilities. Mr Gildernew has already spoken in the debate. I will quote something that he said recently:

"women in the north must be able to access modern and compassionate healthcare services that have been legislated for... Sinn Féin welcomes the decriminalisation of women and the legalisation of modern health care services for women in the north. This means that women in crisis will now

have the benefit of local medical services, advice and support."

However, the amendment will mean that women from Northern Ireland will still have to travel to access abortion healthcare. That is not my understanding of "local". Deputy First Minister Michelle O'Neill has stated:

"Sinn Féin is opposed to the extension of Britain's 1967 Act to the north but British legislation which criminalises women who have an abortion should be repealed immediately."

Well, that has been done. What the motion and the amendment mean is that, although Sinn Féin might not want British legislation, it is happy to continue to export Irish and Northern Irish women to Britain for healthcare. That is simple hypocrisy in my book. What happened to the platitudes about trusting women —

Mr Deputy Speaker (Mr Beggs): Will the Member draw her remarks to a close?

Ms Bailey: — to make decisions about their bodies, lives and pregnancies? What happened to the slogan, "The North is next"?

The Green Party will vote against the motion and the amendment. I urge other Members — Sinn Féin included — to do the same.

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

Ms Sugden: First, I would like to say a few words about Heidi Crowter. Heidi really is a remarkable young woman. I get goosebumps when I see her and other young women like her speaking up for what they believe in. I have not met Heidi — I would really like to — but, from what I see and hear, I know that her challenges have not limited her; rather, she takes value from those challenges to enable and strengthen her. We could learn so much from that spirit. Heidi's intervention is important because she represents an informed and experienced voice that is affected by the debate. Like other MLAs, I have received significant correspondence from constituents and others expressing their view on the issue. I appreciate the time that they have taken to contact me not just in the past week but in the time since the legislation was passed at Westminster.

I rise not to support the motion or the amendment for a number of reasons that, I hope, I have time to outline. I appreciate the opportunity that the proponents of the motion

have given the House to discuss the issue. We are a devolved region of the United Kingdom with statutory responsibility for health and justice issues, and it should have been for Members of this House to progress the legislation and subsequent regulations. I sought to do that when I was Minister of Justice in a previous mandate, alongside the then Health Minister, in respect of fatal foetal abnormalities. I genuinely believe that that would have happened had the Executive not collapsed. At the time, I was criticised for sitting on a report. I did not; I was giving my Executive colleagues time to consider it. If they had no intention of supporting any change, they would have rejected it from the outset. They did not.

7.00 pm

I have no doubt that the intention behind the motion is to give its proponents an opportunity to express and put on record their partisan position on abortion generally, subsequent to legislation that was passed in Westminster last year. I have no difficulty with that. I reiterate my earlier point: the issue should have been debated and progressed in this House. But it was not. It happened at Westminster, where the party that has moved the motion today had, at that time, the power there to stop it happening. If I overstate that power — I do not believe that I do — I would really welcome an intervention from the DUP to explain why they did not try to stop it at that point, especially considering the action that they have taken today and took in October. Yes, you voted against it, but you had the ear of Downing Street and could have done much more. I do not think that you did.

Mr Givan: I appreciate the Member giving way. Let me assure the Member that, at every opportunity, the DUP, at its highest levels, engaged with the Prime Minister about not pursuing this course of action. The Member will know that this matter is a free vote, as it has for other parties, and there was an inability to whip Conservative MPs on it, so the vote was overwhelmingly passed in Parliament. Our MPs, as the Member indicated, voted against it, and we continued to seek to stop what has been happening. This motion is part of that ongoing campaign. I ask the Member to reflect on that, and I will make more comments and hope that she can come to a different position to what she has outlined.

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Ms Sugden: Thank you. I appreciate that, but I still feel that you had power to do something

more than vote against it and pay, I suppose, lip service to the fact that you did not support that motion.

Mrs Foster: Will the Member give way?

Ms Sugden: Yes, of course.

Mrs Foster: The Member needs to understand that it was a free vote in the House of Commons and that the majority of Conservative MPs did not vote in favour of what went through the House. She will recall that, at that stage, there were a considerable number of others in the House. It was not like today, when they have a majority. Therefore, the House voted in a particular way. It did not really matter what the Prime Minister had to say about the matter; the matter went through the House on an amendment, as she will remember, tabled by the Labour Party. It is unfair of the Member to characterise it as this party not doing enough to stop the matter. Unlike other parties in the House, we have been consistently in favour of pro-life positions. It is very wrong of the Member to do that.

Ms Sugden: I thank the leader of the DUP for giving me that side of it. I disagree, but that is obviously something that we will have to agree to disagree on.

That said, I fully respect the varied opinion on the issue, and I genuinely welcome the discussion. I just do not like the choreography, which also extends to the amendment tabled by those on the other side of the House. It is easy to agree with decisions when you have relinquished responsibility to someone else, but, when you are called on it, please be honest.

Nonetheless, there are many opinions, and I have taken time to listen to all of them. It is clear to me that this is not a simple binary choice of pro-life versus pro-choice. It is not black and white; it is the greyest of greys. I remain deeply conflicted about abortion, and I am not even sure I entirely agree with the position that I am taking. It is a highly emotive issue, and my guide tends to be compassion for everyone involved. Our previous law and our leadership vacuum could not facilitate compassion for women, their partners, their families and the babies they carried, so the law needed to change.

When I initially read the motion, I was inclined to support it, because I have difficulty with the regulations, namely part 3, which enables termination up to birth in certain circumstances.

I thought that the motion was referring to that. I reread the motion and found that it rejects all imposition of abortion legislation, including not only Down's syndrome but everything else —

Mr Deputy Speaker (Mr Beggs): Will the Member draw her remarks to a close?

Ms Sugden: — including FFA and other issues. The wording is ambiguous, and, knowing the proponents' policy position on the matter, I do not think that I can support the motion.

Lastly, I will make a point about why people do not feel supported.

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

I call Gerry Carroll. I advise you that there are only two minutes remaining in the debate, should you choose to take them.

Mr Carroll: It is important that I get a chance to speak, but it is a shame that I do not get the same time as others.

Today's debate about abortion has created confusion and outrage, and it is not difficult to see why. On the one hand, the Supreme Court declared that the restrictions on abortion at the heart of the DUP motion and the Sinn Féin amendment are a breach of human rights. The UN Deputy High Commissioner for Human Rights deemed such restrictions as "gender-based violence" and "unconscionable" and said:

"It's inhuman, it's cruel and it's tantamount to torture in certain conditions."

When Westminster intervened to decriminalise abortion, the majority of people here welcomed it.

On the other hand, the two largest parties have now banded together to send out a clear message that abortion should be heavily restricted, despite the brutal experiences that that creates for women and pregnant people. There is confusion, too, around the basis for Sinn Féin's amendment, which seems to totally ignore its own policy on women's health and abortion and is wholly out of step with the pro-choice rhetoric that it used during the repeal referendum. Forcing women to travel for abortion is not pro-choice, nor is it humane.

Finally, there is confusion as to why this agenda is being pushed when the evidence shows that around the world, where abortion restrictions are lifted and it is treated as healthcare rather

than a legal issue, the rates of later-term abortions actually fall. In Canada, there are no restrictions and no time limits, and the rate of abortions after 20 weeks is just 0.6%, three times less than the rate in Britain. Medical professionals, royal colleges, the UN, Amnesty and other rights-based organisations overwhelmingly endorse the removal of barriers to accessing abortion as best medical practice.

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw his remarks to a close.

Mr Carroll: For all those reasons, I oppose this shameful attempt by Sinn Féin and the DUP to restrict reproductive rights, and I will vote against the amendment and the motion. It is important that we trust women to make the decisions that they know are best for them.

Mr Deputy Speaker (Mr Beggs): I call Pat Sheehan to wind up on the amendment. He will have five minutes.

Mr Sheehan: From the outset, I want to say that Sinn Féin will oppose the DUP motion, which is aimed at denying women access to their reproductive rights. I stand here as a member of the Health Committee to talk about an issue that relates to women's health, and I appreciate that we are discussing a very emotive and contentious issue, with very strongly held views on all sides of the debate. It is important that respect is shown to all views in this debate.

Sinn Féin has a very clear view on the issue of abortion, and I want to set out our position so that there is no ambiguity or misunderstanding about where we stand. Sinn Féin is an entirely democratic political party, and our policies on all issues are decided at our ard-fheiseanna on an annual basis by our party membership. Our party members clearly expressed a view at our ard-fheis in 2018 that previous legislation on abortion, North and South, was failing women on this island, and also that it was incompatible with human rights law.

Clearly, there is a mood out in society that is demanding changes to abortion law, and that same mood exists within Sinn Féin. That is not to say that we support the introduction of the British Abortion Act 1967 here in the North; we do not. Our position is clear and consistent. Sinn Féin supports the introduction of termination of pregnancy only in very clearly defined circumstances. Abortion should be available where a woman's life, health or mental health is at risk; in cases of fatal foetal abnormality; and in cases where pregnancy has

occurred as a result of rape, incest or sexual abuse. We do not support abortion on grounds of non-fatal foetal abnormality. Our party policy on that issue is absolutely crystal clear. That is what our party members voted for, and it has nothing to do with populism or opportunism.

The motion proposed by the DUP today is a rejection of any legislation that would permit abortion here under any circumstances. Sinn Féin will not support that position; if our amendment falls, we will vote against the DUP motion.

A Member: Will the Member give way?

Mr Sheehan: No, I am not giving way.

Abortions have been taking place for many years — even centuries. Previously, most were backstreet abortions, with all the attendant health risks and dangers for the woman. More recently, women from here have had to make lonely and traumatic journeys across the water to access abortion, often incurring significant financial cost. More importantly, they frequently had to travel without the family support and emotional solidarity they would have had if they could access the same healthcare here at home. In this technological age, women and girls have been accessing abortion pills on the internet and taking them without medical supervision. That is an unacceptable situation, and that is where the DUP wants to bring us back to. They are entitled, of course, to do that. However, it is beneath contempt that they have cynically tried to manipulate emotions around Down's syndrome children in an attempt to undermine the right of women to modern and compassionate healthcare and to roll back the progress that we have seen belatedly on this issue. That is why Sinn Féin brought forward its amendment and why it is totally and absolutely opposed to the DUP motion.

Mr Deputy Speaker (Mr Beggs): I call on Paul Givan to conclude the debate on the substantive motion.

Mr Givan: I thank all Members for taking part in the debate. I thank those who have spoken in support of the motion and for the measured and respectful way that they have engaged in the debate. I thank Members who have indicated concerns, again, for the respectful way that have done that. Some of the language has been regrettable: "cynical exploitation" and "playing politics". That is not the case. The attack on Sinn Féin by Clare Bailey and Gerry Carroll is highly regrettable. Similarly, they used the same language against Sinn Féin that Sinn

Féin used in respect of those who support the motion, and I think that is regrettable. We need to debate this in a very sensitive and measured way.

On non-fatal disability, Sinn Féin accepts that both lives matter. We accept that both lives matter in many more circumstances. Supporting both lives is vital.

It is important to acknowledge the contributions that Members made, and I thank them for that. I thank the Member for East Belfast Joanne Bunting for opening the debate and for her powerful contribution, and that of others. My appreciation is to Members who spoke in support of the motion, in particular Robbie Butler and Rosemary Barton. I thank Patsy McGlone and Dolores Kelly for their support and the approach that they have taken on this issue in advance of the debate today. That cross-party and cross-community approach is a demonstration of the shared values that we have.

This issue is not a DUP issue, it is an issue for all of us. For Assembly Members today, as in the past, when I worked with people such as Pat Ramsey, Alban Maginness, Danny Kennedy and indeed the late Seamus Close, it is something that we have common cause in and can work together on.

It is extraordinary that the UK Government should have included in these abortion regulations a provision that is years out of date and would be a regressive and backwards step in the campaign against discrimination and equality for people with disabilities. In 1995, we had the advent of the Disability Discrimination Act, and, in 2009, the UK signed up to and ratified the UN convention on the rights of persons with disabilities. Yet, here we are with a law that invites us to view viable human beings that have non-fatal disabilities as less deserving of the protection of the law than viable human beings of the same age who are not disabled. We are dealing with a law that lays the foundations for fatal discrimination. It is discrimination that says that someone's life can be ended because of their disability. Regulation 7(1)(b) and regulation 13 are, quite simply, extraordinary, and it will bring shame on the UK Government and Westminster if they approve them later this month.

It is enough to completely devastate any person with a non-fatal disability, such as Heidi Crowter, or anyone who has such a person in their family. No one can spend time with Heidi, or anyone with Down's syndrome, and feel that that would be acceptable.

I had the pleasure, as colleagues have said, of speaking with Heidi, a remarkable woman who celebrates her birthday on 4 July, Independence Day. There she is, campaigning for her equality of treatment and for freedom for people like her, who have the chance of being born with Down's syndrome. Her life has been one full of joy and happiness and she is due to get married later this month to James. When we listen to Heidi speaking of being deeply hurt and offended by this legislation, that she is viewed as being less valued than other people, that should make all of us moved with compassion and compelled to take action.

Many of us will know people in those circumstances. The oldest person in the UK and Ireland with Down's syndrome, George, celebrated his 76th birthday yesterday. His family gave their support to this motion, saying, "We love our wee brother. He has brought us so much love and joy. He has had a great life". My great-uncle, my father's Uncle Samuel, had Down's syndrome. He lived for 57 years and he had a love for animals. My father speaks about the tremendous work ethic that he had on the farm and what joy he brought to that family. I never had the opportunity to meet him. The idea that Down's syndrome is some huge problem that should be addressed by abortion is chilling, and it suggests a complete lack of interest in how people with Down's syndrome and their families see the world.

7.15 pm

The problems with regulations 7 and 13, however, do not pertain just to what they do but to the way in which they were developed. The story of these regulations is a litany of constitutional abuses that no self-respecting democracy should ever countenance. The regulations are the result of a vote to change abortion law in Northern Ireland in which the votes of actual MPs who represent the people of Northern Ireland were silenced by the votes of other MPs, none of whom represent this place. The legislation, pushed through via an amendment to an unrelated Bill that was subject to accelerated procedure, should never have been the case. The original amendment, tabled and commended by Clare Bailey in the name of Stella Creasy, was so incoherent that, rather than amending it, the House of Lords totally rewrote it. Then, the entire new provision was sent back to MPs, and they had only 17 minutes' worth of a fragmented debate, which took place around Brexit, and they passed a vote, but not specifically on that amendment from the House of Lords, which was grouped with wider amendments. I will give way to Mr Lunn.

Mr Lunn: I thank the Member for giving way. He could perhaps help me to decide which way to vote on the DUP motion if he would explain what the DUP's position is here. Is the intention, as I gathered from Mrs Bunting's excellent speech, to concentrate on the one clause, 7(1)(b), to try to get that changed, or is it what Mrs Cameron appeared to let out of the bag, which is, frankly, a much wider discussion about the abortion Act in total? If he could clarify that for me, it would help a lot.

Mr Givan: I will. I am going to address that point as I conclude. The Member does raise a valid point, and I can understand why he makes it.

Up until that point, it was Parliament that had treated Northern Ireland badly, but from here on in, the Conservative Government made matters worse. In the first instance, they had a consultation on the regulations that was much shorter than the usual 12 weeks, especially on controversial topics; it lasted six weeks, and only four of those days were outside of a general election campaign. In the second instance, they completely ignored the fact that 79% of respondents said, "Please, do not do this". Then, the Secretary of State proceeded to develop regulations in a way that undermined devolution to a greater extent than Parliament actually required. That point has been spelt out in a legal opinion by one of our leading constitutional lawyers, David Scoffield QC.

It would have been bad enough had the Secretary of State compounded the undermining of devolution in a context where the Assembly was suspended, but he continued with that approach even after the restoration of devolution. If that is not bad enough, the body charged by the UK Government with checking these regulations, uniquely, had no representation from Northern Ireland. That meant that regulations that relate only to Northern Ireland were checked by a UK Parliament body consisting of Scottish, English and Welsh parliamentarians.

There are other concerns in respect of the regulations. Regulation 4 provides access to abortion up to 24 weeks on the same basis as GB. Dolores Kelly outlined concerns on that, and I do not intend to repeat them.

The way in which the abortion regulations were developed by the UK Parliament and the UK Government show that they have treated Northern Ireland with contempt. No Member of this Assembly would tolerate the Executive or a Minister acting in that way. In this context, it

does not seem appropriate for this Assembly to go out of its way to infer that it is prepared to accept other aspects of these regulations, beyond 7 and 13, when the manner of their development as a whole has involved meting out to Northern Ireland such a litany of constitutional abuses.

Mr Lyttle: I thank the Member for giving way. I ask sincerely, does he take any responsibility for the passage of this legislation being as a result of failed leadership in Northern Ireland?

Mr Givan: Let me just deal with that point. We are where we are today. Clare made that point. We can go over what happened in the past, but Members are asked to deal with the circumstances today. Viewing this through a prism of wanting to be politically critical of a party and its approach in the past, whether it is right or not, does a disservice to what you are being asked to consider today. I know that there are Members who have wrestled with how they should vote on this matter. I understand the sincere considerations that you have about giving your support to the motion. Today is not about me; it is not about my party. The issue is much too important for that. I know that not everyone will agree with my position and I may not agree with their position, but we should all agree, as elected representatives of the people, that we take responsibility for reflecting the values of our society in the Assembly and should seek to reach common ground. I appeal to Members —.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Givan: I appeal to Members: if you cannot listen to me, hear the voice of Heidi Crowter and people like her. I ask Members to support the motion as tabled.

Some Members: Hear, hear.

Question put, That the amendment be made.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): Clear the Lobbies. The Question will be put again in three minutes. I remind Members that they should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come into the Chamber.

Before the Assembly divides, I want to remind you that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. It is important that, during any Division, social distancing in the Chamber continues to be observed. To facilitate this, I ask that any Members in the Chamber who are not due to vote in person consider leaving the Chamber until the Division has concluded. Those Members who wish to vote in the Lobbies on the opposite side of the Chamber to where they are sitting should leave the Chamber by the nearest door and enter the relevant Lobby via the Rotunda. Those remaining Members who are sitting closest to the Lobby doors should enter the Lobbies first. Any Member who has voted may then wish to leave the Chamber until the Division has concluded. However, any Member who needs to vote in both Lobbies should not leave the Chamber. I remind Members of the need to be patient at all times, to follow the instructions of the Lobby Clerks and to respect the need for social distancing.

Question, that the amendment be made, put a second time.

The Assembly divided.

Ayes 32; Noes 52.

AYES

Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart.

Tellers for the Ayes: Dr Archibald and Ms Sheerin

NOES

Mr Allister, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Blair, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mrs Long, Mr Lyons, Mr McCrossan, Mr McGlone, Mr McGrath, Miss

McIlveen, Ms McLaughlin, Mr McNulty, Mr Middleton, Mr Muir, Mr Newton, Mr O'Toole, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Miss Woods.

Tellers for the Noes: Mrs Barton and Ms Bunting.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Durkan, Ms Mallon, Mr Nesbitt

The following Members' votes were cast by their notified proxy in this Division:

Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle and Mr Muir.

Mr K Buchanan voted for Mr M Bradley, Ms P Bradley, Mr T Buchanan, Mr Buckley, Ms Bunting [Teller, Noes], Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Swann.

Mr McGrath voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Ms McLaughlin, Mr McNulty and Mr O'Toole.

Mr O'Dowd voted for Ms Anderson, Dr Archibald [Teller, Ayes], Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin [Teller, Ayes].

Miss Woods voted for Ms Bailey.

Question accordingly negatived.

Mr Deputy Speaker (Mr Beggs): I wish to allow Members a few moments to come back into the Chamber, so we will pause for a moment.

Main Question put.

The Assembly divided:

Ayes 46; Noes 40.

AYES

Mr Allen, Mr Allister, Mrs Barton, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Catney, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Lyons, Mr Lyttle, Mr McCrossan, Mr McGlone, Mr McGrath, Miss McIlveen, Mr McNulty, Ms Mallon, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mrs Barton and Ms Bunting

NOES

Dr Aiken, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms Bradshaw, Mr Carroll, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.

Tellers for the Noes: Dr Archibald and Ms Sheerin.

The following Member voted in both Lobbies and is therefore not counted in the result: Ms Hunter

The following Members' votes were cast by their notified proxy in this Division:

Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle and Mr Muir.

Mr K Buchanan voted for Mr M Bradley, Ms P Bradley, Mr T Buchanan, Mr Buckley, Ms Bunting [Teller, Ayes], Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.

Mr Butler voted for Mr Swann.

Mr McGrath voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Ms McLaughlin, Mr McNulty and Mr O'Toole.

Mr O'Dowd voted for Ms Anderson, Dr Archibald [Teller, Noes], Mr Boylan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin [Teller, Noes].

Miss Woods voted for Ms Bailey.

Main Question accordingly agreed to.

Resolved:

That this Assembly welcomes the important intervention of disability campaigner Heidi Crowter and rejects the imposition of abortion legislation that extends to all non-fatal disabilities, including Down's syndrome.

Mr Deputy Speaker (Mr Beggs): I remind Members that the next plenary sitting of the Assembly is on Tuesday 9 June.

Adjourned at 8.07 pm.

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