



# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 4 June 2024

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

*Members observed two minutes' silence.*

## Members' Statements

**Mr Speaker:** The first item of business in the Order Paper is Members' statements. The usual rules apply.

### An Ghaelscolaíocht

**Ms Ní Chuilín:** Faigheann thart ar 7,500 oideachas trí mheán na Gaeilge inár naíscoileanna, bunscoileanna agus iar-bhunscoileanna. Le fás na Gaeilscolaíochta, cuireadh dúshlán mór roimh an Roinn Oideachais agus roimh na seirbhísí reachtúla, agus cuireadh bacainn i ndiaidh bacainne os comhair na hearnála maidir le maoiniú, áiseanna agus tacaíocht. Taobh leis na fadhbanna móra cóiríochta san earnáil, tá bearnaí móra sna creatlacha measúnaithe agus sa phróiseas le ráiteas riachtanas speisialta oideachais (RSO) a thabhairt.

Thug an Roinn Oideachais faoi athbhreithniú ar an Ghaelscolaíocht in 2008, agus rinneadh moltaí ar leith faoi uirlisí ardleibhéil diagnóisice a fhorbairt. In 1999, d'aithin an Chigireacht Oideachais agus Oiliúna go raibh laigí móra sa tsoláthar tacaíochta RSO san earnáil. Cé gur bunaíodh dualgas reachtúil le Comhaontú Aoine an Chéasta leis an Ghaelscolaíocht a chur chun cinn agus a fhorbairt, tá an Roinn ag caitheamh go héagórach le scolairí agus í ag díúltú na huirlisí cuí a fhorbairt. Fiú agus ráitis RSO ann, ní bhíonn na hábhair tacaíochta cuí ann trí mheán na Gaeilge, agus bhí ar na scoileanna a gcuid ábhar féin a fhorbairt thar na blianta.

In athbhreithniú neamhspleách IPSOS a rinneadh anuraidh ar sheirbhísí agus próisis RSO, níor luadh an Ghaelscolaíocht ach an t-aon uair amháin. Níl sé sin inghlactha. I ndiaidh 50 bliain, tá bearnaí bunúsacha tuisceana ann go fóill faoin tumoideachas sna heagraíochtaí reachtúla, seirbhísí tacaíochta agus seirbhísí for-rochtána.

## Irish-medium Education

*[Translation: Around 7,500 children receive a bilingual education daily in our Irish-medium preschools, primary schools and post-primary schools. The growth in Irish-medium education (IME) has brought many challenges for the Department of Education and the statutory services, and the sector has faced repeated opposition for funding, facilities and support. Alongside the major accommodation issues in the sector, there are deficiencies in the assessment frameworks and the special educational needs (SEN) statementing process.*

*The Department of Education undertook a review of IME in 2008, which included specific recommendations to develop high-level diagnostic tools. In 1999, the Education and Training Inspectorate identified weaknesses in provision of SEN support in the sector. Although the Good Friday Agreement established a statutory duty to encourage and develop IME, the Department is treating children unfairly by refusing to develop the appropriate tools. Even with SEN statements in place, there is a lack of appropriate support materials in Irish, and most schools have had to develop their own resources over the years.*

*In last year's IPSOS independent review of SEN services and processes, IME was mentioned only once. That is unacceptable. Some 50 years on, there remains a fundamental lack of understanding of immersion education by statutory bodies, support services and outreach services.]*

## Glenwood Primary School: Capital Investment

**Mr Kingston:** I warmly welcome the announcement last week by Education Minister, Paul Givan, of long-awaited funding for the capital new build and refurbishment of Glenwood Primary School on the Shankill Road in Belfast. Glenwood is the largest primary school in the greater Shankill area, with three classes in each year group from P1 to P7,

making a total school enrolment of over 500 pupils. The original school premises, which date back to 1928, are listed as being of architectural interest. They are long overdue for refurbishment and new build. Along with DUP colleagues, over the years, I have accompanied various Education Ministers who visited the school to view the conditions and look at the need for investment.

Securing capital investment has various stages and is a frustratingly slow process, but, today, I acknowledge and congratulate all those who have supported the case for Glenwood and brought us to this stage, where capital funding has been approved. I acknowledge and congratulate in particular the school principal, Mr Wesley Wright, and his predecessor, Mr Terry Leatham; the school board of governors under its chairperson, Mrs Jacqueline Weir; Education Minister, Paul Givan, and his predecessors; and officials in the Department and the Education Authority.

To give an idea of timescale, in 2013, the then Education Minister, John O'Dowd, announced that Glenwood was approved for rebuild. Members will note that it has taken over 11 years for capital funding to be approved. However, we can now look forward to the construction contract going out to tender so that works can commence. I record my thanks to former Education Ministers Michelle McIlveen and Peter Weir, who also advanced the case for Glenwood, and I make special mention of former elected representatives William Humphrey MLA and Nigel Dodds MP, who were champions for the investment alongside local councillors.

It is tremendous that the school community can now look forward to not only the long-awaited capital investment and to all the disruption that will have to be managed but more so to the prospect of a 21st-century premises for what is a hub school for the Shankill community. Glenwood is one of 15 schools across Northern Ireland that are included in the package of capital investments that the Education Minister announced last week that can now proceed to procurement and construction following the recent Stormont Budget.

I have no doubt that that investment in the education of our children will be warmly welcomed in every case. We know, of course, that many other schools are waiting to receive their share of capital investment in due course, but I am delighted for the Glenwood school community that its time is now.

**Mr Speaker:** The Member's time is up.

## **Mayoral Appointments: Representation and Diversity**

**Ms Bradshaw:** I congratulate the new mayors and deputy mayors who were sworn in in council chambers across Northern Ireland last night, and I extend my best wishes to those who will have council AGMs later this week. In particular, I note the historic appointment of my Alliance Party colleague and friend Councillor Micky Murray as the first LGBT Lord Mayor of Belfast. It took 132 years.

I was not called to make a Member's statement yesterday, but, in many ways, I am glad that I did not get in, because I had not realised quite how much that appointment means to the LGBT community in Belfast. Last night, I sat in the gallery, where the cheers were immense. We could also hear people cheering from the lawn of City Hall. It was a night that our city celebrated. Visibility matters, and representation matters.

In another chamber, this time in Newry, Mourne and Down, Councillor Pete Byrne was appointed the first LGBT chairperson of that council alongside my Alliance Party colleague Councillor Dave Lee-Surginor, who will serve with him as deputy chairperson. He is from the Chinese community. Yesterday, we heard Sinéad McLaughlin congratulate her colleague Lillian Seeno-Barr on becoming the first black Mayor of Derry City and Strabane District Council. She portrayed Lillian's wonderfully powerful story of endurance as she battled to attain her refugee status. It was a wonderful evening that demonstrated our changing society.

Despite all those wonderful appointments, we have still not seen the launch of the refugee integration strategy, nor have we seen the publication of the sexual orientation strategy as promised under New Decade, New Approach.

Those two strategies, with action plans and appropriate funding, would allow more people to enter public life and achieve their dreams and goals.

## **D-Day: Royal Ulster Rifles**

**Mr Beattie:** Eighty years ago today, ships were gathering to create the largest armada that the world has ever known. The ships were loaded with men and materiel, and, throughout the United Kingdom, people were doing their final rehearsals for the invasion of Normandy.

I am wearing the regimental tie of the Royal Irish Regiment, which is an amalgamation of the Ulster Defence Regiment and the Royal Irish Rangers. I served in the Royal Irish Rangers, which was an amalgamation of the Royal Inniskilling Fusiliers, the Royal Irish Rifles and the Royal Ulster Rifles. The Royal Ulster Rifles, my father's regiment, had a unique role in D-Day because the whole regiment was involved. As the 2nd Battalion crossed the water and landed on Queen Red Beach, which was part of the Sword Beach system, its sister battalion, the 1st Battalion Royal Ulster Rifles, was flying overhead in gliders, and it landed in Ranville as part of Operation Mallard.

As well as people from Northern Ireland, many people from the Republic of Ireland and from throughout the United Kingdom served in the Royal Ulster Rifles. The Royal Ulster Rifles played a unique part in the D-Day landings, and we have to remember that. It was a pivotal moment in our history. It was the start of getting rid of Nazi Germany and the scourge of fascism and Hitler, and many people made the ultimate sacrifice. We sometimes go through anniversaries, pay lip service and talk about numbers and statistics, but forget that every person who served had a family and everyone who died had loved ones. It is important that we stop and remember them. We in Northern Ireland can be justly proud of the actions of the Royal Ulster Rifles; I know I certainly am.

## DUP/Donaldson Deal

**Mr Allister:** Four months ago this week, the Assembly resumed on foot of the DUP/Donaldson deal. On that day, I expounded on how, despite all the spin, it had not removed the Irish Sea border; it had not blocked EU law; and it had not restored our place in the United Kingdom. The response of the DUP through Mr Paul Givan was to denigrate me as "a dead-end unionist". It turns out that the dead-end unionist was dead right, because we have now had the admission from the DUP that the Irish Sea border has not gone, contrary to what it said; that EU law still prevails, contrary to what it said; and that our place in the United Kingdom has not been restored. That raises fundamental issues of trust in political parties and politicians. Those who told us just four months ago that all those things had happened, when they had not, now would say to an electorate, "Trust us nonetheless". The response of many will be, "Fool me once, shame on you. Fool me twice, shame on me".

I associate myself with the remarks about the D-Day celebrations. Eighty years ago, events occurred that shaped the liberties that we enjoy to this day. I join in saluting the heroism, courage and fortitude of all those who set in motion that which delivered our nation from the threat of Nazi subjugation. In this generation, we should never forget the sacrifice and courage of those who made this day possible.

10.45 am

## Ballynahinch Olympic Football Club: Fundraising

**Mrs Mason:** I congratulate Ballynahinch Olympic Football Club on its hugely successful 24-hour sponsored walk and community fun day, which took place on Sunday past. Several members of the club completed a full 24-hour walk — a huge achievement — with many members, young and old, joining them along the way.

In the past while, the club has had to deal with the news that two of its very popular players and dedicated club members have been diagnosed with life-changing illnesses: Connaire Quinn was diagnosed with motor neurone disease and Steven Noade with multiple sclerosis. The club decided not to stand by and wallow but to get into action. It organised a fundraiser for two charities: the MS Society and the Motor Neurone Disease Association. Connaire and Steven are young, fit men who, along with their family and friends, have to come to terms with this difficult news, and I know that the local community has been a huge support to them so far.

Their story should remind us that all of these diseases do not discriminate. They can affect any one of us at any time. Both men, though, are tackling their diagnosis courageously, head-on, determined not to let their diagnoses stand in the way of them enjoying their lives to the full. Although changes in their lives are inevitable, they will not back down, and I have no doubt that their fun-loving personalities will carry them through.

Ballynahinch Olympic has once again shown that it is much more than just a football club. Despite its struggle to find its own home ground, it is embedded in the local community, and, on Sunday, that community, in turn, came together in its hundreds to raise money for the two worthy causes in order to help others who have found themselves with a similar diagnosis. I commend Ballynahinch Olympic for its actions in raising a huge sum for the two charities; the

local community for its generosity; and the two men for their courage. I wish them and their families the very best in the time ahead.

## **D-Day: 80th Anniversary Commemorations**

**Mr Harvey:** Mr Speaker, first, I echo your words from yesterday and send my deepest sympathy to our Member Colm Gildernew and his entire family circle on their unimaginable loss at this time. I assure the family of our thoughts and prayers.

I wish to speak about the 80th anniversary of D-Day. During the Second World War, 6 June 1944 was a pivotal date: after five years of war, a powerful military force left the United Kingdom, heading towards France to overthrow Nazi Germany. The Allied forces landed on the beaches of Normandy and battled through the German defences. More than 6,000 ships, 10,000 planes and 150,000 troops formed part of the D-Day operation. On the day of the invasion, thousands lost their lives. Without those brave airmen, sailors and soldiers, we might not have had the privilege of living in this democratic and largely peaceful society.

Over this incoming week, as we commemorate the events of 6 June 1944, it is important that we remember those who gave so much for our benefit. We thank all of those in that vital operation who willingly played their part. We are immeasurably indebted to those individuals. By remembering those events, we hope to share them with future generations.

## **Volunteers' Week**

**Mr Donnelly:** I wish to highlight Volunteers Week, a week when we celebrate the people who generously give their time and energy to doing things to support others across Northern Ireland. Those people are deserving of our gratitude and recognition. Denise Hayward, CEO of Volunteer Now, said:

*"Volunteers are the humble heroes of our communities, who give their time to help other people, charities, community groups and social organisations. They change lives, without seeking out thanks, reward or remuneration. There simply isn't enough we can do to thank them, but this focus week of celebration and gratitude goes some way to recognising their amazing efforts."*

There are many groups doing great things, and I am sure that we can think of shining examples

of such dedication in our constituencies. They might be community workers, for example, who provide services for groups that, otherwise, would not be able to access them, sometimes saving the statutory services significant resources. There are approximately 280,000 formal volunteers in organisations across Northern Ireland and many more informal volunteers. The annual economic contribution of those volunteers is in excess of half a billion pounds a year. Volunteering offers a great opportunity for social interaction and giving back to your community. There are many groups across my constituency of East Antrim, several of which I would like to highlight for their work.

Sadly, we have seen a huge expansion of food banks across the UK and in Northern Ireland since 2008, reflecting the growth in need during that period. The past few years have seen a huge rise in requests for assistance due to the cost-of-living crisis, and volunteers have risen to the challenge and met local need in our food banks. Larne Foodbank fed more than 3,000 people last year, and it is dedicated to reducing the levels of hunger in our area. St John's Ambulance supplies trained first-aiders at public events and helps to transfer patients from hospitals across Northern Ireland, reducing pressures on our ambulance system and helping patients get home from hospital. The Eco Rangers is a group of litter pickers in east Antrim that was started by one man, Abe Agnew, and his dog, Bobby. The group regularly pick up litter and make our local streets tidier for everyone. It now numbers more than 100 dedicated volunteers and last year picked up over 11 tons of litter. I can attest that they are a great bunch and that their litter picks are good craic. The Larne Renovation Generation is a group of volunteers who have brightened up Larne town centre by painting colourful and eye-catching murals that relate to local history and culture. They have made a real difference in the town centre over the past few years.

For those examples, I am grateful. Thank you to all our local volunteers who do so much to make this place better for everyone. I encourage anyone who has some spare time to look for volunteering opportunities in their area.

## **Northern Ireland Blood Transfusion Service**

**Mr Swann:** I arrived home last night to an invitation from the Northern Ireland Blood Transfusion Service to my next donor session. I will take the opportunity to highlight the

worthwhile work that it does and encourage everyone in the Chamber and everyone listening to become blood donors.

Each donation can support up to three people. Every week in Northern Ireland over 500 people rely on a blood donation that has been received from someone in Northern Ireland. The pints of donations are used within days. There are donation sessions across Northern Ireland at mobile sites and at the headquarters in Belfast City Hospital, so I encourage people to come forward and take those opportunities.

As well as encouraging people to donate blood, I ask them to consider donating platelets. That is also a service that the Northern Ireland Blood Transfusion Service offers. Platelets are needed by patients with leukaemia, those undergoing chemotherapy or bone marrow transplants and those who have undergone serious surgeries such as cardiac surgery. The difference between blood and platelet donations is that platelet donations can be kept for only up to seven days, so there is a constant need to refresh the donations. I encourage people to come forward for that.

It is encouraging that our Northern Ireland Blood Transfusion Service recently invested £20 million in a regional blood production and tracking (BPAT) system. Northern Ireland will be the first not just in the UK but in Europe to be able to fully trace a donation through to its end recipient on one electronic system. Northern Ireland will lead the way on that

I congratulate and thank the staff of the Northern Ireland Blood Transfusion Service and those who already donate. I encourage people to consider the real benefit that comes from donating blood and platelets in Northern Ireland.

## **Eamhain Mhacha: Navan Centre and Fort**

**Mr Boylan:** Eamhain Mhacha or Navan Fort, as it is known, is one of Ireland and Europe's most famous and important archaeological sites. Navan features prominently in Irish mythology, especially in the tales of the Ulster Cycle but most notably in the legend of Queen Macha, from whom Armagh derives its name.

The Navan centre opened in 1993 under private ownership. That unfortunately ended in 2001, and it remained closed until it was purchased by Armagh City and District Council in 2005. Unfortunately, it has been chronically underfunded since that date. The centre is a

crucial part of the site. It enhances the local community's sense of pride and belonging in its ancient past and provides an international perspective to attract overseas visitors.

Recent excavations by Dr Patrick Gleeson of Queen's University have found that the findings of the 1960s excavations underestimated the size of the site, which has raised the possibility of digs in the future.

A UNESCO world heritage bid is currently in progress. Navan has been accepted on to Ireland's tentative list and has an agreement to work collectively with other royal sites of Ireland. Investment is urgently needed. Unfortunately, a Levelling Up Fund bid failed in 2022. A concept for an enhanced Navan centre is currently investment-ready. Investment would provide much-needed upgrades to accessibility, play, exhibition, retail and catering.

I call on the Minister for Communities to work with the local authority and interested community groups to ensure that funding can be found to enhance and safeguard the site for future generations.

## **World Environment Day**

**Ms Nicholl:** Tomorrow is World Environment Day, which is a day for encouraging worldwide awareness and action to protect our environment. Ahead of it, I pay tribute to some of the groups and organisations in South Belfast that are doing just that. If you go into Botanic Gardens, you will find, just behind the tropical ravine, the medicine garden, which was created by the Friends of Belfast Botanic Gardens. You can tour the different continents and see a beautiful garden that it has spent many years putting together.

If you keep walking through Botanic Gardens, you will get to a field just behind the Physical Education Centre (PEC), where the Friends of the Field, along with Belfast City Council and Queen's University Belfast, has somehow managed to create something extraordinary. There will be research gardens, allotments and community space. If you then turn left and walk up Rugby Road, you will get to Wildflower Alley, where the community and residents have created something extraordinary down the alleyway. If you go down Donegall Pass, you will pass some beautiful community gardens. If you keep going straight into the city centre, you will come across Brink!, which is based at the Belfast Stories site and is growing food in the city centre.



Our city and Northern Ireland are filled with groups and organisations that are doing amazing work to protect and enhance our future generations' birthright. Ahead of World Environment Day, I pay tribute to the people who are doing that important work. They are making our places better and inspiring us to be better. I thank them for that.

**Mr Speaker:** No other Members are seeking to make a statement.

## Opposition Business

### Independent Inquiry into the Alleged Use of Wiretapping of Northern Ireland Journalists

**Mr O'Toole:** I beg to move

*That this Assembly recognises the essential role of a free press in an open and democratic society; understands that a vital part of that role is the investigation and scrutiny of public bodies, including the legitimate use and protection of sources; affirms that the press cannot be expected to operate effectively if journalists can be intimidated, harassed or subject to unwarranted or unjustified surveillance; and calls on the Minister of Justice to launch an independent inquiry into the alleged use of wiretapping and other unlawful practices against journalists.*

**Mr 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 in which to propose and 10 minutes in which to wind. An amendment has been selected and is published on the Marshalled List, so the Business Committee has agreed that 15 minutes will be added to the total time for the debate.

Before the debate commences, Members should be aware that there is an ongoing investigatory powers tribunal (IPT) hearing about the PSNI's use of covert surveillance techniques that is listed for hearing in October. The tribunal is a court, and the proceedings are active for the purposes of the Contempt of Court Act 1981, so the matter falls within the Assembly's sub judice rule, which is set out in Standing Order 73. Members should therefore take care with their remarks and remain cognisant of the importance of not prejudicing ongoing legal proceedings.

**Mr O'Toole:** I am glad, Mr Speaker, that you mentioned the Contempt of Court Act and the ongoing investigation by the investigatory powers tribunal. In having the debate, it is important that we are careful about some of what we say but also robust in standing for a free press, which is the cornerstone of a democratic society and has all too often in Northern Ireland in the past and today been undermined routinely and structurally.

The matter that we debate first in the SDLP's fourth Opposition day is about exactly that: the compromising, the undermining and the

hounding of a free press, which is the cornerstone of any normal democratic society.

### 11.00 am

In many ways, it should be difficult to be shocked in this place. Nevertheless, for many of us, it was genuinely shocking when we learned last year — nearly a year ago — about the surveillance of the phone of Barry McCaffrey, an award-winning journalist. Barry McCaffrey only found out that his phone was being eavesdropped upon when he made a complaint to the investigatory powers tribunal about a separate, later incident. That later incident — the chronology here becomes somewhat complicated, and I will not go through it all in minute detail — was, of course, the wholly inappropriate 2018 arrest of Barry and fellow journalist and filmmaker Trevor Birney and the searches of their homes. In that case, police were investigating Barry and Trevor's sourcing for their 2017 documentary on the Loughinisland massacre, in which six people were killed, and for which nobody was ever charged. It is the most bitter irony that the police arrested those two journalists while the alleged killers in the Loughinisland massacre, who were named in the documentary, remain at large.

Barry and Trevor were doing a job that the criminal justice system had failed to do. They were providing a measure of public accountability for the Loughinisland victims and survivors and their families. To do that, they used the most basic, fundamental tool of journalism: sources. The use and protection of sources is not some sinister trick that journalists use to vex public authorities or, indeed, to annoy politicians like us. It is a central and critical part of the legitimate work of journalism, and, as I said, journalism is fundamental to upholding a free, democratic society. All too often in this society, journalism, as with other democratic norms, has been compromised. We know that Reporters without Borders and others cite Northern Ireland as one of the most dangerous places in Europe to be a journalist. We know that we have a litigation regime that is very often used to silence public-interest journalism. We also know that, in the past and in the not-so-distant past, paramilitary organisations and other organised crime gangs have used the threat of violence against journalists. There is a context in this society that is important to acknowledge, and that is that we have not been an exemplar in upholding free journalism. Journalism has been critical to us and to this society, both through the dark days of our conflict and in the years after the conflict, in upholding norms, holding all of us to account

and showing us a way to a better, more democratic future. It is important that we set out that context.

At the beginning of today's proceedings, I should have declared an interest as the person who founded the all-party group on press freedom and media sustainability.

Let us go back to the context of the wiretapping of Northern Ireland journalists. Barry McCaffrey learned last year, via the IPT, that that surveillance had happened. Then more revelations emerged, including those earlier this year about the potential surveilling of Vincent Kearney, a former BBC, now RTÉ, journalist. There is a very real concern that the wiretapping of journalists and others is routine in Northern Ireland. We need to get to the bottom of that. It simply cannot be acceptable that the police feel empowered — if this is what they are doing, and we need to understand whether it is — to routinely surveil, in one form or another, the phones or other digital devices of journalists operating in a free press.

I now come on to the amendment that has been laid by the Alliance Party. I want and hope to build as much consensus as possible in the Chamber today. Our motion calls on the Justice Minister to set up an independent inquiry. The reason for that is that several organisations — Amnesty International, the Committee on the Administration of Justice (CAJ) and others — are clear that we need an independent inquiry into the surveillance and phone tapping of journalists in Northern Ireland, so serious is the issue. It is true that the Act that created the Northern Ireland Policing Board provides the Policing Board with the power to undertake such inquiries. It is also true that, later this week, it will be discussed again at the Policing Board.

I acknowledge that there is some common ground with the Alliance Party and that the Policing Board has a role to play here, but I want to hear more from the Minister of Justice when she speaks to the House about her view. She has commented on it in the past, and I acknowledge that she leads a liberal party. I do not think there is any doubt that the Alliance Party believes in a free press. However, I would like to hear what the Minister of Justice intends to do should the Policing Board, for whatever reason, not decide to undertake a full independent inquiry under the powers that it has. That is what needs to happen. If it is done via the Policing Board, then, yes, we think that that can be the way, but if the Policing Board is not going to do it, or if, for budgetary or other reasons, it cannot do it, an inquiry needs to be

established, and the Minister who should establish it is the Justice Minister.

I would like to hear from the Minister, given that her colleagues laid today's amendment, whether her view is that there is no possible way that she, at any point in the future, can announce a public inquiry. We think that if the Policing Board cannot do it, the Justice Minister should, because the revelations that we heard about today and over the past year or two are simply too serious to ignore.

Barry McCaffrey and Trevor Birney have high profiles and have done extraordinary high-profile investigative journalism, not just on Loughinisland but on a whole range of other areas. They have the public profile to defend themselves and make a robust case on their position around the IPT and on their surveillance. We, as an Assembly, need to ensure that all those journalists who do not have the profile of Barry and Trevor, or the experience and confidence, do not feel intimidated into not doing their job robustly. It is critical that we get to the bottom of what has happened over the past decade or more. Were journalists in Northern Ireland routinely surveilled by the PSNI? If so, why?

I appreciate that there is an ongoing inquiry by the investigatory powers tribunal, and I appreciate that the Policing Board is going to discuss this matter later in the week, but neither of those things — as long as we do not stray into details that are sub judice — matter. It is important that this Assembly makes clear its position: this is not acceptable and should the Policing Board not be able or willing to proceed with a full independent inquiry, the Minister of Justice will do so. I want to hear from the Minister on whether she intends to bring forward an independent inquiry in the event that the Policing Board cannot or will not.

I also acknowledge the news that came out yesterday, which was that the Chief Constable, Jon Boutcher, has appointed a KC, with Amnesty International, the CAJ and some others advising that KC to review the evidence. I would be cautiously positive about that as a step forward, but it is not an independent inquiry. Whilst it is a first step towards a proper guarantee that we are not routinely surveilling journalists, it cannot be the end point. It is clear that there needs to be an independent inquiry. Yesterday's news was a positive step forward, but we need absolute clarity. We cannot have the free press in this society compromised.

I await to hear the Justice Minister's response to what we have discussed today, but I

otherwise commend this Opposition motion to the Assembly.

**Mr Speaker:** The Member's time is up. I call Stuart Dickson to move the amendment.

**Mr Dickson:** Thank you, Mr Speaker. I —

**Mr Speaker:** Just move the amendment, please.

**Mr Dickson:** I beg to move the following amendment

*Leave out all after "unwarranted or unjustified surveillance;" and insert:*

*"notes that the investigatory powers tribunal hearings are ongoing; recognises, as per the report of the Independent Commission on Policing for Northern Ireland, that the PSNI is operationally responsible to the Northern Ireland Policing Board; agrees with the Minister of Justice's assessment that this is, in the first instance, a matter for the Policing Board to consider; and welcomes her assurances that she remains open and willing to assist the board if required." — [Mr Dickson.]*

**Mr Speaker:** Mr Dickson, you have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members will have five minutes. Please open the debate on the amendment.

**Mr Dickson:** Thank you, Mr Speaker. You would think that, after all these years, I would know that.

In proposing the Alliance Party amendment, I extend my thanks to the Members for tabling this important motion, and I also place on record my thanks to my party colleague Dr Stephen Farry for his dedicated work on this crucial issue during his time as a Member of Parliament.

As has been acknowledged, if we were simply to pass the motion unamended, we would be in serious danger of bypassing and, indeed, sending the wrong signal to those who are currently tasked with the inquiry into these matters. I do not believe that anyone who believes in good order in dealing with these matters would want to interfere in due process, and that is why we are giving the proposer of the motion the opportunity to join us in supporting all the steps required to deliver a robust inquiry in a responsible way. Indeed, as the Member who proposed the motion said, that is what, I believe, Amnesty International has

encouraged us to do today: to support a Policing Board inquiry, and, only if that fails to satisfy, other courses of action may be required, including the type of inquiry that the proposer of the motion calls for.

Let me make this unequivocally clear: journalism is not a crime, and a free press is the cornerstone of our free, open and democratic society. Northern Ireland's journalism has a proud history that is marked by resilience and dedication. Even during the darkest days of our Troubles, our journalists always provided crucial investigative reporting and held those in power accountable. They must be free to carry out their work without fear or interference, as a society in which journalists are silenced is significantly diminished.

The Alliance Party amendment is not just a procedural amendment or adjustment; it is a necessary step to ensure that we uphold the integrity of the investigative process. Rushing into an independent inquiry without exhausting the existing mechanisms would not only be imprudent but would do a disservice to the principle of process. The investigatory powers tribunal hearings are ongoing, and it is imperative that we allow those established processes to unfold and await their findings before considering further actions.

Moreover, let us not forget the operational independence of the Police Service of Northern Ireland from the Department of Justice. The PSNI is, as has been said, accountable to the Northern Ireland Policing Board, which includes both political and independent representative members, and that ensures that our Police Service is effective, impartial and accountable. The Policing Board is actively addressing surveillance concerns and will thoroughly assess those issues. We must respect its role and allow it to complete its review before the Minister considers any further measures.

The original motion, though well-intentioned, lacks a concrete timeline and does not consider the logical and necessary steps required for a thorough investigation. Our amendment calls for the Policing Board to take the lead in that investigation, as it should. Should the review fall short, there will certainly be a case for further action, including potentially an independent inquiry by the Minister.

While the original motion highlights the importance of a free press and the protection of journalistic sources, it is essential to approach this matter with a clear strategy and with respect for due process. I encourage Members, including those who tabled the motion, to

support our amendment. That approach ensures that the actions that we take will be well-informed and appropriate and will uphold the principles of justice and accountability.

**Mrs Dillon:** I declare an interest as a member of the Policing Board.

We know that two journalists, Trevor Birney and Barry McCaffrey, were victims of unlawful surveillance by the PSNI and received substantial compensation after an unnecessarily prolonged period. We know that the PSNI targeted the journalists rather than targeting its resources towards investigating what was revealed in the documentary about the atrocity in Loughinisland, in which six innocent people were killed. That raises this question: what do we not yet know? Were other journalists, NGOs or lawyers targeted by unlawful surveillance?

The unlawful surveillance of journalists is deeply troubling and warrants our attention and action. It is vital that we ensure that police powers are not used to break the law. Sinn Féin, along with others on the Policing Board, has raised those concerns repeatedly and has sought answers.

The issue has raised critical questions about the PSNI's conduct and the broader implications for press freedom in our society. The protection of journalists from unlawful surveillance is of the utmost importance to our democracy and values. We need to know how police powers were abused in recent years, how they are used now and how they will be used in the future. We have called on the Chief Constable to address those serious concerns. The PSNI must explain its actions and how and why police powers were used. The Chief Constable must also provide assurances that the rights of journalists, legal representatives and other professionals will be respected and protected at all times.

**11.15 am**

In addition to the severe ethical and legal implications, we must consider the financial cost of the surveillance activities and the subsequent fallout from them. The resources used on unlawfully monitoring journalists and paying compensation for doing so could have been put to better use. Recent and, indeed, ongoing reports have surfaced alleging that the PSNI has been involved in spying on journalists and legal professionals in the North. Amnesty International has issued a guide for journalists who suspect that they have been under PSNI

surveillance. Again, that highlights the severity of the situation. The Chief Constable addressed some recent concerns in his statement yesterday, and a report will come to the Policing Board on Thursday. The Chief Constable has made it clear that that report will be published for the public to view.

Much more remains to be done to allay public concerns about the use of police powers in recent years. I note that the Chief Constable confirmed in his statement yesterday that he is initiating an independent review that will be led by Angus McCullough. Any inquiry or investigation into the use of surveillance must be thorough, impartial and transparent. It should investigate the extent of unlawful practices, identify those responsible and recommend measures to prevent such abuses in the future.

The Policing Board has been relentless in pursuing police surveillance of journalists and lawyers and will continue to pursue it. Sinn Féin will continue to seek answers through the Policing Board and directly with the PSNI. As Ida B Wells-Barnett, the renowned American investigative journalist and civil rights leader, stated:

*"The way to right wrongs is to turn the light of truth upon them."*

Let us honour that principle by ensuring transparency, justice and the protection of those who seek to illuminate the truth.

**Mr Butler:** The motion and amendment go right to the heart of the core values of a free press. Over recent years and even going back a number of decades, investigative journalism has shone a bright light into the many dark corners across this country and exposed many scandals that the public would otherwise never have heard about. The Ulster Unionist Party fully supports our journalists in shining that light, which is often done at great personal risk to those who conduct such investigations. We support the press in carrying out their duty, but it goes without saying that it must be carried out in a lawful manner and always performed in the public interest.

A free press is an essential part of every citizen's right to freedom of expression. Equally, we support the police in carrying out their duty to protect lives and prevent sensitive information being leaked. A leak of such information could lead to the collapse of a long-running investigation or, in the worst-case scenario, put someone's life in danger. The police and the press must respect each other's

duty to collect evidence that will help to put those who do wrong behind bars. It is vital that the police and the press act within the law and respect their boundaries.

Another cornerstone of the freedom that we enjoy is ready access to legal advice. What passes between clients and their lawyers must be confidential. Compromising that rule could be damaging to the human right of an accused person to receive the best legal advice and guidance.

The police have a range of information-gathering methods available to them. At all times, permission to deploy any of those methods is, quite properly, strictly controlled. Senior management grants permission only if legislative guidelines and public interest tests are fully met. That is the bar that should be met.

Given the serious nature of the allegations being made against the PSNI about surveillance methods that it has used on journalists and lawyers, an urgent investigation could be fully justified. As the Member who moved the motion said, it will be interesting to hear from the Justice Minister on the role that the Policing Board may play in light of the Alliance Party amendment. The motion proposed by the Opposition and the Alliance amendment recognise the same need, but they differ on how an investigation may be set up. The amendment is correct in stating that the PSNI is:

*"operationally responsible to the Northern Ireland Policing Board".*

However, the motion:

*"calls on the Minister of Justice to launch an independent inquiry".*

Perhaps, towards the end of the debate, we will be able to get consensus; that would be good.

It is important to clarify what has happened around the allegations, which have led to an inquiry being required to establish exactly how the police have acted in relation to those matters, and that the circumstances are fully explored to ensure that journalists and lawyers, who offer a vital public service, can go about their work unhindered and in the knowledge that their endeavours remain confidential. We owe journalists and lawyers a speedy resolution to these matters to protect them as they carry out their lawful work, but we also owe it to the PSNI to clarify the actions that it took, particularly in relation to what has been alleged in the press and in the Chamber today. It is

important that we have public confidence in policing and equally important that journalists and the legal profession can go about their lawful work with confidence that confidentiality is protected at all times.

**Mr McReynolds:** I welcome the motion and support the amendment. I also declare that I am a newly appointed member of the Policing Board. The motion is important because it reaffirms the Assembly's support for a free press and journalism in a democratic society, a sector that we all make use of every day to stay aware of the issues facing our constituents as well as wider society, as we work together to create a Northern Ireland for all.

I agree with the motion that journalists must be free from intimidation, harassment or surveillance. That is a significant part of UK law, through the Human Rights Act 1998. It is fair and essential that journalists are able to freely report on issues of public importance and not be obligated to reveal their sources. That, simply, would not last long before objectivity, truth and justice fall by the wayside. Having seen the 'No Stone Unturned' documentary many years ago and been made aware of the injustices that it highlighted, I feel that it is more than reasonable for sources to remain anonymous for fear of reprisal. What is more important in the circumstances of that documentary is access to truth as well as justice for the serious crimes that took place. It is in that context that I reaffirm my party's support for those holding power to be held accountable but also for those who have allegedly been under secret surveillance and for human rights law.

Since becoming involved in politics over 12 years ago, joining the Policing Board recently and chairing its partnership committee, I have been impressed by the many police officers with whom I have come into contact, their commitment to serving their community and the wide-reaching roles that they sometimes play as first responders — as paramedics, nurses and social workers. That gratitude, however, extends only so far. When serious allegations or concerns are raised, it is essential that the rules and appropriate processes are followed, whether that be for what I want to hear or not, to establish what has taken place. We tabled the amendment for that reason. With the unamended motion, the appropriate process to determine whether alleged wiretapping and other unlawful practices have been and are being used against journalists would not be followed.

I share the SDLP's concerns, but to ignore the role of the Policing Board in the present scenario would risk undermining the delicate structures of policing here. I agree with the proposer of the amendment. The amendment would allow the Policing Board, which is operationally responsible for the PSNI, to be better informed as to what has taken place and to collectively decide its next steps, in which it may deem it necessary to involve the Minister of Justice. Moreover, I am aware that, just yesterday, the Chief Constable announced a review by Angus McCullough KC and a group of experts and stakeholders, including key, well-respected human rights and legal advocates, to ensure that the investigation is as robust as possible. That will lead to a public-facing report. During the work, Angus will be available to the Policing Board for scrutiny and updates. We will likely hear more about that at this Thursday's Policing Board meeting. Once we, as a board, are better informed by the work of Angus and the experts and stakeholders, we can decide whether it is appropriate for the Justice Minister to conduct an inquiry. It is better that we let that work take place, or we risk confusion, overlap, waste of public funds and, quite simply, ignoring the checks and balances that are put in place to safeguard and protect the public.

I was at a strategic planning event last week where we looked at the last five years of policing, at the present-day challenges and ahead to the next five years of the new policing plan. In the course of the conversations, one of the facilitators asked my table whether we knew about the challenges that faced the establishment of the PSNI on day 1 on 4 November 2001. He spoke about how some feared that it was too risky a decision to take at that time and that a pause would be best. However, brave people opted to stick to the frameworks and plans that had been laid and not to deviate, because the bigger picture and the need to stick to process were important to them. For the current challenge facing policing, we must stick to the rules and procedures that are in place to best hold our Police Service to account and allow the Justice Minister to make a more informed decision, should we as a Policing Board not be satisfied on the conclusion of the investigatory powers tribunal and the McCullough review.

**Ms Brownlee:** First, I declare that I am also a member of the Policing Board. Democracy is a value that has been fought for and won a number of times over the past century. Alongside democracy, of course, sits freedom of expression, and that includes freedom of the press. The Assembly must take a firm stand against repressive laws and procedures that

stifle freedom of speech and freedom of expression. No journalist should ever be intimidated, harassed or subjected to any unwanted or unjustified surveillance. That is completely unacceptable, and, of course, we will stand against it. Often, in this very Chamber, we hear things that we disagree with or, sometimes, wholeheartedly oppose, but I concur with what a famous author Evelyn Beatrice Hall once said:

*"I disapprove of what you say, but I will defend to the death your right to say it."*

We can never let repressive regimes suppress our freedom of speech.

We support the investigatory powers tribunal in its work of uncovering the truth as regards these allegations, and we must point out that, at the moment, they are allegations. It should be noted, however, that, of course, there are times when issues of the United Kingdom's national security may override such journalistic freedoms. Examples of that, of course, include the identification of individuals spying or foreign powers. It should be said, however, that that should very much be the exception rather than the rule. We are content that the IPT should be allowed to finish its investigation, and the subsequent hearing is due to start in October of this year. As a Policing Board, we want to oversee that and ensure that everything is fair and balanced and that there is a proper investigation. For that reason, we support the amendment.

**Mr McGlone:** I, of course, support of the motion, and I will qualify my response to the amendment. A free press is the cornerstone of any democratic society, and that has been repeated on multiple occasions here. It has a vital role in speaking truth to power. Journalists have not only a duty but a legal right to protect their sources. Surveillance of journalists and their sources has a deliberately chilling effect on the media, a key cornerstone of our democracy.

I have listened to Members talk about the amendment, and I trust that the amendment tells us that the Minister will not sit on her hands, doing nothing and simply waiting until the Policing Board asks her to act. I put in the rider — it is up to the Minister to qualify it — that, if she determines that there is any aspect of kicking the tin down the alley, she will act. I trust that she will clarify that. I also argue that the evidence compels her to act now, because this is not simply an operational matter for the Policing Board to review; this is about public confidence that the police will act lawfully and

about how they are held accountable if they do not. As Trevor Birney, one of the journalists at the heart of the story, has said, it is also about an undermining of freedom of the press in Northern Ireland.

Trevor Birney and Barry McCaffrey were arrested in August 2018, and their homes and offices were raided. In May 2019, the Court of Appeal in Belfast quashed the warrants for their arrest. The court ruled that there was:

*"no overriding requirement in the public interest which could have justified an interference with the protection of journalistic sources in this case."*

In July 2020, the then Chief Constable, Simon Byrne, apologised to the journalists, and substantial damages were paid, amounting to a reported £875,000. That was all in relation to the documentary 'No Stone Unturned', which my colleague referred to. It investigated allegations of collusion in the UVF murders of six men in Loughinisland in 1994.

It is thanks to the courage and tenacity of Trevor Birney and Barry McCaffrey that we now know about the industrial-scale spying operation used against journalists here.

It is only because the two journalists made a complaint to the investigatory powers tribunal in 2019 that a hearing is being held, and it is only because of that hearing that we have evidence of the unlawful spying operation. It is rare for such hearings to be in public, and it is an indication of the seriousness of the issue that they are being held in public in this case. However, a full hearing will not be held until October because the initial hearing was adjourned on its first day due to the late disclosure of police documents. What has been revealed is truly shocking.

**11.30 am**

**Mr O'Toole:** Will the Member give way?

**Mr McGlone:** Yes.

**Mr O'Toole:** Does the Member agree that the late disclosure and loss of documents is, as we know when we look at some of the legacy cases, a complete symptom of the state and part of the reason why an independent inquiry with statutory powers may, ultimately, be required?

**Mr Speaker:** The Member has an extra minute.

**Mr McGlone:** I thank the Member for his intervention. I have attended a number of inquests where that has happened. It is disgusting. That is all that you can say about it. That is why I qualified my remarks at the start for the Alliance Party: if there is any aspect of this where people or the police are being evasive, and where they are seen to be withholding or delaying the release of information, I respectfully ask that the Minister dutifully acts.

For at least a decade, on a regular basis, the PSNI unlawfully trawled through the phone data of at least eight journalists, trying to identify their sources. Following their unlawful arrests in 2018, Barry McCaffrey and Trevor Birney were subjected to covert surveillance in a further bid to identify their source. The tribunal is also investigating two other instances of police surveillance against Mr McCaffrey in 2011 and 2013. The BBC has instructed lawyers to contact the tribunal about covert surveillance of Vincent Kearney in 2011, when he investigated the independence of the Police Ombudsman. Mr Kearney is now the Northern editor with RTÉ.

The Policing Board has been left playing catch-up on this. It was not until September last year that the board asked the PSNI whether it had conducted surveillance of journalists or lawyers since 2011. It took the police eight months to produce a report that the Alliance Party representative on the board described as being "utterly vague". That report was produced by the Chief Constable only after the covert surveillance of journalists here was made public by the tribunal in London. It has been reported that as many as 10 journalists and 10 lawyers have been subjected to covert surveillance since 2011. How often, we do not know.

The Policing Board is due to meet again this month to receive a further report on the extent of the surveillance of legal professionals and journalists. However, that meeting will not be held in public, and it is unlikely that the report will be made public. Also, it has to be said, it did not inspire confidence in the Policing Board when a senior member of Sinn Féin, who sits on the board, had a recent court ruling go against him for his own attempt to intimidate and silence journalists with a SLAPP. SLAPP, of course, is the acronym for strategic lawsuits against public participation, which is a tactic used by the rich and powerful to silence troublesome journalists. It would be understandable —

**Mr Speaker:** I ask the Member to draw his remarks to a close.

**Mr McGlone:** — if the public were sceptical about some parties' declaration of support for a free press.

**Mr Speaker:** The Member's time is up.

**Mr McGlone:** Thank you.

**Mr Carroll:** Just yesterday, the PSNI Chief Constable, Jon Boutcher, was forced to deny claims that police had spied on so-called troublemaker journalists. He was forced to refute widespread media reports that the PSNI accessed the phone bills of journalists, who play a pivotal role in investigating the crimes of the state. Over four weeks after the Justice Minister faced calls to order a public inquiry into those allegations, the Chief Constable has ordered an independent review of the matter. First of all, the journalists will probably welcome any independent investigation that leads to disclosure. Secondly, that does not absolve the Minister of responsibility for calling a full public inquiry with the power to fully investigate these matters. The fact that the PSNI has to deny such spying allegations or order an investigation of any kind points to a complete lack of faith in that discredited police force.

When I raised those concerns in the Assembly last month, I spoke about the case of Trevor Birney and Barry McCaffrey, who were pursued by the PSNI for exposing the truth about the Loughinisland atrocity. Police attempts to prosecute journalists for exposing PSNI collusion in the murder of six civilians is no accident. Many people will see it as a direct policy of a police force, the dark activities of which have purposefully denied justice to people from all walks of life. We do not need to scratch too far below the surface to identify how far that goes, because the PSNI has interfered with attempts to hold the state to account in the past. That is not just my opinion but an absolute fact. It is a police force that has harassed journalists to get them to reveal sources, who should be protected in any functioning democracy. The PSNI has treated journalists effectively as criminals by seizing journalistic materials and throwing journalists in cells for trying to investigate state murder. The PSNI has covered up collusion by the RUC by using public interest immunity (PII) certificates and all sorts of other dirty tricks to deny justice to families bereaved by state-backed paramilitary death squads.

All of that is unacceptable. Time and time again, the PSNI has been proven to be a law unto itself. How many more journalists were spied on, and, as I have asked before, are



MLAs being spied on or have they been spied on? Nobody knows the answers to those questions.

**Mr McGrath:** Will the Member give way?

**Mr Carroll:** Sure, I will give way.

**Mr McGrath:** The issues that are being raised refer to actions that the PSNI took when the Policing Board was in situ and had responsibility for it. Asking the Policing Board to do the investigation is therefore a case of asking it to mark its own homework. That is why having an independent inquiry to determine the issues is in the interests of everyone, because it would remove the sense of that happening.

**Mr Speaker:** The Member has an extra minute.

**Mr Carroll:** Thank you, Mr Speaker. I thank the Member for his point, and I totally agree with him. It is effectively marking its own homework. I was just coming on to the point that it is utterly unacceptable that the PSNI Chief Constable has been allowed to take the initiative on investigating allegations of wiretapping of journalists' phones, because it is, as the Member said, effectively marking its own homework. I echo the words of Barry McCaffrey and Trevor Birney in saying that we cannot:

*"allow the chief constable to pick the referee and set the rules of the game."*

I reiterate that we need a fully independent public inquiry with investigative powers to expose the PSNI's anti-democratic activities. The Justice Minister can no longer take a hands-off approach when dealing with the police force. Saying that such issues are "operational matters" for the PSNI does not cut it any more, Minister. I support the motion and oppose the amendment.

**Mrs Long (The Minister of Justice):** I am grateful to the leader of the Opposition for tabling this important motion and to all Members who have participated in the debate. At the outset, I make it very clear that I share the concerns that have been raised widely about the alleged routine surveillance of journalists.

Journalism is not a crime, and a free press is the cornerstone of a free, open and democratic society. Although lawyers are not mentioned in the text of the motion, I am also aware of concerns that members of the legal profession may have been subjected to similar surveillance. It is important for me, as Minister

of Justice, to stress that solicitor-client privilege is essential in order to ensure that we have an effective justice system that secures the trust and confidence of the public. In that regard, I also note the Chief Constable's statement yesterday, which sought to provide some clarity on those matters.

Journalism in Northern Ireland has a long and proud history, reporting through the darkest days of the Troubles, providing some of the finest investigative journalism anywhere and never shying away from telling important stories or holding those in power to account. The 'No Stone Unturned' documentary is a classic example of such investigative journalism. Journalists must be free to do their job to the best of their ability, without fear or favour and without interference. A world in which journalists are silenced is a poorer and more dangerous one for us all.

I turn now to the use and oversight of covert surveillance powers in the UK. The Investigatory Powers Act 2016 (IPA) provides a framework for the use of investigatory powers by the security and intelligence services, law enforcement bodies and other public authorities. The legislation is UK-wide, dealing as it does with excepted matters. The powers cover the interception of communications; the retention and acquisition of communications data; and equipment interference for obtaining communications and other data. The IPA also makes provision relating to the security and intelligence agencies' retention and examination of bulk personal data sets. Sections 2, 28, 77, 113 and 114 of the IPA deal in particular with journalistic information.

Given the sensitivity and far-reaching nature of the investigatory powers, they are also subject to robust oversight and regulation, which is intended to prevent their abuse. The Regulation of Investigatory Powers Act 2000 (RIPA) is the primary regulatory instrument and, again, generally deals with matters that are excepted or reserved. From a justice perspective, it covers the use of the RIPA powers in a national security or a serious crime situation. It provides a comprehensive regulatory structure governing the acquisition of intelligence information. RIPA sections 28 and 32 give the basis on which surveillance can legitimately be carried out.

Oversight of RIPA is twofold. A clear and independent complaints and investigation process is managed through the investigatory powers tribunal, and the Investigatory Powers Commissioner's Office (IPCO) oversees inspection and arrangements for use of RIPA by public authorities. The tribunal exists to

investigate complaints about the potential conduct of various public bodies in relation to the public, their property or their communications. IPCO oversees the use of investigatory powers covertly by public authorities to gather information for investigative or intelligence purposes. Members are aware that the concerns that we are dealing with and debating today are currently before the investigatory powers tribunal; as it is a judicially led tribunal, they are sub judge, as the Speaker indicated.

With regard to local policing oversight, as I have explained many times in the House, and as the Member will be aware from his party's negotiations during the peace process, a key principle of the Patten report is that policing should be free from direct political influence. The tripartite arrangements resulting from Patten mean that the PSNI is operationally independent from my Department but operationally responsible to the Northern Ireland Policing Board. It is essential that I respect those carefully designed lines of accountability.

The Policing Board comprises a balance of political representatives and independent members who are collectively tasked with ensuring an effective, efficient, impartial, representative and accountable Police Service that can secure the confidence of the public. The board has an important statutory duty under section 3 of the Police (Northern Ireland) Act 2000 to monitor the performance of the PSNI in complying with the Human Rights Act 1998, to which a number of Members referred in their contributions. I understand that, at the June board meeting, the human rights adviser to the board will provide his assessment of a report received from the Chief Constable on the surveillance of journalists and lawyers. It will then be for the board to decide the next steps. I am assured that the Policing Board is holding the Chief Constable to account on this most serious matter. It is therefore important, in the first instance, that I afford the Policing Board the opportunity to explore the issues with the Chief Constable thoroughly. I am also assured that the Chief Constable takes the allegations incredibly seriously and is working closely and cooperating with the Policing Board in its deliberations.

The Chief Constable will bring a further report to the Policing Board in the near future and yesterday announced a further independent review mechanism that he has constructed to examine and address the issues. I will set that out in more detail, if I may. He indicated that, in line with his statutory duties to report to the

board, he had appointed Angus McCullough KC, a leading special advocate with the appropriate security clearance, to conduct an independent review of any PSNI use of surveillance against journalists, lawyers and non-governmental organisations or any groups that have special status. His role will not extend to anything currently within the scope of the IPT proceedings, as that would cut across matters that are sub judge.

To encourage public confidence in the McCullough review, the Chief Constable has also pulled together a group of respected experts and stakeholders to be consulted about its terms of reference and to ensure that its commissioning and work properly examine any additional relevant matters of concern. The group and its members are not accountable for the independent review, as that sits with the Chief Constable, but they will provide advice and direction to the work of the reviewer. The independent stakeholders, as things stand, are the following: Baroness Nuala O'Loan, former Police Ombudsman and known to many in the House; Martha Spurrier, who was the former head of Liberty; Patrick Corrigan, Northern Ireland programme director at Amnesty International UK; Daniel Holder, director of the Committee on the Administration of Justice; Alyson Kilpatrick, chief commissioner of the Northern Ireland Human Rights Commission; David Lavery, chief executive of the Law Society of Northern Ireland; and Séamus Dooley, assistant general secretary of the National Union of Journalists.

As the normal processes of policing accountability to the board — by the Chief Constable directly, by its human rights adviser and by the McCullough review — have not yet been fully worked through or exhausted, it would be premature at this stage to consider whether further action is required on my part.

I am not, for a second, ruling out future action; indeed, when previously asked in the Chamber, I have gone to considerable lengths to say that, should my assistance be required, I will not be found wanting. At this stage, however, allowing the Policing Board to hold the Chief Constable to account represents a better use of public money, fully respects the independence and centrality of the board's role and will provide clarity on any outstanding matters more swiftly. That said, I take seriously my role in maintaining and building public confidence in policing and recognise that these events impact on that wider confidence. In the light of that, I stand ready to support the board in such actions as, it feels, are necessary. It is also important that nothing I do interferes with or

cuts across the work of the investigatory powers tribunal, which is ongoing and is due to report in late autumn.

**11.45 am**

Finally, with respect to my powers to call a public inquiry, section 1 of the Inquiries Act 2005 allows any Northern Ireland Minister to:

*"cause an inquiry to be held ... where it appears to [them] that ... particular events have caused ... public concern".*

The threshold for what constitutes "public concern" is not set out in the legislation, but Cabinet Office guidance states that, generally, an inquiry may be set up:

*"to establish the cause of a major disaster, accident or other event involving significant damage or loss of life; to make recommendations as to how to learn lessons from such an event; to investigate serious allegations of general public concern which require thorough and impartial investigation, and for which ordinary civil or criminal processes may not be adequate or appropriate."*

It goes on to state that, before deciding to establish an inquiry, a Minister must reflect on what other investigatory mechanisms are available. Given the ongoing nature of the deliberations of the Policing Board and the IPT, it would not be appropriate for me to act in advance of that work concluding.

**Mr O'Toole:** I appreciate the Minister giving way on that point. Am I to understand, given that that bit of the Cabinet Office guidance implies that other avenues should be exhausted, that, should those avenues be exhausted and there be a view in the House — hopefully with some consensus — that an independent inquiry would add to that work, the Minister would be willing, in principle, to call an independent inquiry — in those circumstances?

**Mrs Long:** I have already made my position clear: I stand ready to do what is required to ensure that there is public confidence in policing, up to and including a public inquiry, should that be necessary.

Finally, any potential inquiry hearing evidence may determine that part of that evidence is outside its scope due to the application of section 30 of the Inquiries Act. This is important, Mr Speaker: the provision states that

any statutory inquiry commenced by a devolved Minister:

*"must not consider evidence or make recommendations about any matter"*

that is excepted, including national security. It may, therefore, fall to me to ask someone else to initiate the inquiry at the level where that would be required, so that the full remit of the national security elements can be fully considered.

I will, of course, keep abreast of both the tribunal findings and the progress of the board's considerations of the matter. I hope that those provide robust reassurance to journalists, the legal profession and the wider public regarding the use of those intrusive powers by the police. I stand ready to offer any assistance that may be appropriate within the law and within my responsibilities.

**Mr Speaker:** I call Nuala McAllister to make a winding-up speech on the amendment. You have five minutes.

**Miss McAllister:** I declare an interest as a political Member of the Policing Board.

As everyone has said, freedom of press is paramount to an accountable and democratic society. Alliance has consistently called for that freedom — it has stood by journalists when they have been attacked in the past, overtly, and in the present day — for journalists to carry out their duty without fear of prosecution. It is that element of prosecution, in which Barry and Trevor learned that they were subject to surveillance by the PSNI, that brings us here today.

I will highlight the work that Alliance has been doing over the past few years since the issue first came to light. Since their arrests, Barry and Trevor have been in touch with my Alliance Party colleagues through Stephen Farry and Sorcha Eastwood. They have been in touch with John Blair, a previous member of the Policing Board; Eóin Tennyson; our new Policing Board member, Peter McReynolds; and me. I, too, have been in touch with Amnesty International, the CAJ and others on the appropriate steps that political representatives and members of the Policing Board need to take.

It was and remains an outright disgrace that two journalists were arrested, and how that action came about in the first instance is even more questionable. Over the past few weeks, we

have become aware that the Chief Constable might initiate a review. As a member of the Policing Board, I sought advice and guidance from the organisations that might be involved in the terms of reference of that review. I was aware that the announcement may come before the June Policing Board meeting, and I am glad that the Chief Constable made that public yesterday.

As I mentioned, I engaged with relevant groups about their confidence in the independent review commissioned by the PSNI, to be headed by Angus McCullough KC. That can and will be a precursor to anything that I or other Policing Board members do. The Policing Board, as others have said, has powers. The SDLP is aware of that, given that its member Mark Durkan sits on the Policing Board. I remind the SDLP that that member of the Policing Board constantly highlights the fact that there must be separation between the DOJ and the Policing Board when it comes to our powers and role. Today, however, it is important that we all get on the same page and use all our powers as necessary to ensure that we have confidence in the PSNI among journalists and the press overall.

As Policing Board members, we are in possession of the report from the PSNI. I confirm that, at Thursday's private Policing Board meeting, we will hear the human rights adviser's assessment of the report, and we will be able to ask questions of the PSNI. I will call, as I did at the board meetings in April and May, for that report and any subsequent report to be made public. Thankfully, the Chief Constable has said that, where the PSNI has capacity to do that, it will. I will propose at the board meeting that we seek regular updates from the KC. We have to be careful, however, to remember that it is not a Policing Board review and that the Policing Board retains powers under sections 59 and 60 to call an inquiry or to ask the relevant Ministers or Secretary of State to do so if we think it advisable.

Alliance, through the Policing Board, has robustly challenged the PSNI and Chief Constable about dragging their feet on disclosing information to the IPT. I thank the Minister, who has said that nothing is off the table when it comes to her powers to call for an inquiry or to ask others to do so.

I will refer to comments that were made by others and to inaccurate comments made by Colin McGrath regarding the Northern Ireland Policing Board marking its own homework because the Policing Board was in situ at the time that the PSNI used its powers. The

Policing Board has existed since the very day that the PSNI was established so, any time after that date, it has been in situ when the police have used powers and taken operational decisions. I do not understand that issue, but I hope that the Member from the SDLP will get on board at the Policing Board meeting this week so that we can have consensus across the team of political and independent members

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**Mr Speaker:** Will the Member bring her remarks to a close?

**Miss McAllister:** — on how best to deal with this. I thank the Members who raised the issue, and I look forward to engaging, as a Policing Board member, in future.

**Mr O'Toole:** I welcome the fact that we have had broad consensus on the importance of a free press and, indeed, broad or relatively broad consensus on the unacceptability of what happened to Barry McCaffrey, Trevor Birney and other journalists operating in Northern Ireland. We know now that inappropriate surveillance of those journalists happened. There are real concerns about the breadth and depth of the surveillance of others — journalists and lawyers — and that is the core issue that we are discussing.

Sometimes, amid the back and forth on scrutiny responsibility and statutory powers, it can be lost on us that the core thing that we are debating is protecting and defending the freedom of the press in this society. As I said at the start of the debate, we have a particular duty in the Chamber and in Northern Ireland to guard jealously the freedom of the press, not just because we are a society coming out of conflict but because we are, according to Reporters Without Borders (RSF) and others, among the most dangerous places in Europe for journalists to operate. We have a particular challenge with our defamation regime and the use of SLAPPs, which Patsy McGlone mentioned, to silence legitimate public interest journalism. Those are the structural problems that exist. When you layer on to those the routine surveillance of journalists who do deep investigatory work, that is an unacceptable situation. We should not cavil or quibble about its seriousness.

**Mr Carroll:** Will the Member give way?

**Mr O'Toole:** We can add to that the heinous Legacy Act, which, I hope, an incoming Government will repeal, which will place an even greater burden on public interest

journalists — I will give way in one second to Mr Carroll — who want to get to the heart of some of the darker recesses of what happened during our conflict, including actions by the state and paramilitaries. That is what Barry McCaffrey and Trevor Birney were doing with 'No Stone Unturned', which led to some of the revelations in the first place.

**Mr Carroll:** Does the Member share my concern that surveillance could extend beyond journalists? There could be troublemaker activists, MLAs or campaigners. We do not know how far it goes, which further suggests the need for an inquiry. Does he agree with that assessment?

**Mr O'Toole:** I like to think that I am occasionally thought of as a troublemaker; I would wear that badge of honour. It is important that we get to the heart of this and find out whether surveillance has happened routinely and goes beyond journalism.

I will respond to a few of the comments that were made, and I will pick up on comments about the amendment. As I said at the beginning, our desire is to get to the right outcome; it is not simply to make a political statement. Stewart Dickson said — other Alliance Members reflected his comments — that there was a need to follow due process and to respect the process that has been laid down. The Alliance amendment asks us to defer to the existing process. I acknowledge that there is a process at the Policing Board, and I will come on to say what we think about the amendment, the actions of the Policing Board and where the board might go from here.

Part of the reason for tabling the motion and asking the Justice Minister to take some accountability was not simply so that we could play ministerial politics; it was because we cannot simply defer to due process. Due process, as it were, got us into this situation in the first place. Barry McCaffrey and Trevor Birney would probably not have found out that they were being surveilled had they simply followed due process and taken the word of the authorities. Yes, it is important to give the Policing Board its head and role in all these matters, and I will come on to our reflections on the amendment on that basis.

Linda Dillon also asked about who else the PSNI surveilled. That is why, unless a robust independent statutory inquiry ultimately comes out of the Policing Board process — I hope that it does, because that is the first port of call — the Minister may need to step in and set it up. Why do I say that? I say that because a couple

of Members said that the Chief Constable, whom I respect, given his record on Operation Kenova, has set up an independent review. That review is independent in the sense that neither the Chief Constable nor other PSNI staff are doing it, but it is not wholly independent as it is not being set up on an independent statutory basis under the Inquiries Act. It is important to say that it is a review, and I recognise the huge stature of Alyson Kilpatrick, Daniel Holder and Nuala O'Loan, who are giving advice on this. They are very serious people, and we can all be confident in them. Those people, the CAJ and Amnesty have acknowledged that it is not yet an independent statutory inquiry, and that may be where we ultimately need to get to.

Peter McReynolds talked about us undermining the Policing Board. I will slightly push back on the idea that having today's debate and asking the Justice Minister to be accountable is somehow undermining the Policing Board, notwithstanding the fact that, in the current context, we are not minded to divide on the Alliance amendment. I do not accept the idea that we are undermining the Policing Board by having the debate in the Chamber. It is frankly churlish to respond to the debate —.

**Miss McAllister:** Will the Member give way?

**Mr O'Toole:** I will take an intervention.

**Miss McAllister:** The Member will note that my colleague did not say that today's debate undermines the Policing Board. We welcome healthy debate on the matter, because it is important that the public's attention is drawn to the issue. However, you will recognise that there is a role for the Policing Board.

Your party's representative on the Policing Board is not in the Chamber today, but you have a member on the Policing Board who recognises that the issue is important and needs to be discussed at the Policing Board.

## 12.00 noon

**Mr O'Toole:** Of course, I have acknowledged the role of the Policing Board. The point that I was making is that this is a Chamber to which we are elected to debate the vital matters of the day. Should the Policing Board not be able to take this forward because there is no consensus in the Policing Board to do so, or it feels that it does not have the budget, for example — an issue that, I know, has been raised — there will be a role for the Minister. Let me acknowledge that we got clarity from the

Minister that she is willing to, as it were, go there, should that be required: I welcome that. It will be on all of us to hold her accountable to those remarks, but, before then, to hold the PSNI and the Policing Board accountable for the process that emerges in the coming days and weeks around the independent review by Mr McCullough KC, with the advice of the panel that I have mentioned.

I will respond to some of the other comments that were made. My colleague Patsy McGlone highlighted the "industrial scale" — he is right to use that term — of spying that happened here. That term is important; it was not simply one discrete example. We do not know — to use that cliché — how far or how deep this goes. Patsy also acknowledged, and I will repeat it, that there is a degree of hypocrisy sometimes: people in public life here talk about press freedom when certain people have used some of the powers relating to the defamation regime to silence public-interest journalism. That point was made clearly and distinctly.

I move now to the Justice Minister's remarks. I welcome the fact that the Justice Minister gave us a clear overview of the legal position in relation to RIPA — the Regulation of Investigatory Powers Act — and the oversight role of the investigatory powers tribunal. Yes, of course, those are excepted matters. The Justice Minister being named in our motion is, in a sense, vindicated by the fact that she has come and given us a detailed explanation of the legal position, and acknowledged that, should there not be a satisfactory outcome, or a clear, robust, independent process and an inquiry from the Policing Board — should it be necessary that an inquiry emerges from the Policing Board — she is willing to take the necessary action to set up an independent inquiry, acknowledging that, legally, she may need to ask others, such as particular Departments in the UK Government, to set up an inquiry. I acknowledge that, and I welcome that. It proves that it was worth having this debate, and worth having the Justice Minister accountable in the motion. Yes, of course, the SDLP is proud of its work in developing the Policing Board and the recommendations of the Patten inquiry. It is not our role to undermine or question the role of the Policing Board, but there are real questions about the ability and the budget of the Policing Board to take this forward. We hope to see that accountability emerge from the Policing Board.

**Mrs Long:** Will the Member give way?

**Mr O'Toole:** I have very little time, but I am happy to give way, very briefly.

**Mrs Long:** Does the Member accept that those budget strains and stresses also apply to the Department, and, indeed, to every part of the justice system?

**Mr O'Toole:** I, of course, acknowledge that there are pressures on the budget. Let me say this: we cannot let the debate go by, and let the issue pass by, without acknowledging the seriousness of it. We need a proper, robust, independent investigation to get to the bottom of this.

**Mr Speaker:** Will the Member draw his remarks to a close?

**Mr O'Toole:** Should that require an independent inquiry, ultimately —

**Mr Speaker:** The Member's time is up.

**Mr O'Toole:** — I call on the Justice Minister to work with colleagues, whether there are budgetary issues or anything else, to set that up.

**Mr Speaker:** Will the Member take his seat?

**Mr O'Toole:** I commend the motion.

*Question, That the amendment be made, put and agreed to.*

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

*Resolved:*

*That this Assembly recognises the essential role of a free press in an open and democratic society; understands that a vital part of that role is the investigation and scrutiny of public bodies, including the legitimate use and protection of sources; affirms that the press cannot be expected to operate effectively if journalists can be intimidated, harassed or subject to unwarranted or unjustified surveillance; notes that the investigatory powers tribunal hearings are ongoing; recognises, as per the report of the Independent Commission on Policing for Northern Ireland, that the PSNI is operationally responsible to the Northern Ireland Policing Board; agrees with the Minister of Justice's assessment that this is, in the first instance, a matter for the Policing Board to consider; and welcomes her assurances that she remains open and willing to assist the board if required.*

## Hate Crime Legislation in Northern Ireland

**Ms McLaughlin:** I beg to move

*That this Assembly notes the alarming prevalence of hate-motivated crimes in Northern Ireland and across these islands; recognises that legislation governing hate-motivated crimes in Northern Ireland is outdated and no longer fit for purpose; believes that hate crime legislation can protect communities with protected characteristics while ensuring adequate protection for the freedom of speech and reasonable religious political or other beliefs; acknowledges the work of the Marrinan review into hate crime legislation in Northern Ireland; expresses disappointment at the lack of progress that has been made in enacting the recommendations of the review in the past four years; and calls on the Minister of Justice to introduce stand-alone hate crime legislation, based on the definition and recommendations set out in the Marrinan review, within the next 12 months.*

**Mr 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. As an amendment has been selected and is published on the Marshalled List, the Business Committee has agreed that 15 minutes will be added to the total time for the debate.

Please open the debate on the motion.

**Ms McLaughlin:** Thank you, Mr Speaker. In proposing the motion on hate crime legislation, I particularly want to voice the SDLP call for such stand-alone legislation to be introduced within the next 12 months.

Everyone across the Chamber is appalled by hate crime in all its forms. We all want to make progress on this issue, and our shared interest is in ensuring that progress is made as quickly and effectively as possible. Hopefully, we are all united in finding the statistics on hate crime utterly horrifying. In the 12 months from 1 April 2023 to 31 March 2024, the following hate-motivated crimes were reported: 839 on the basis of race; 241 on the basis of sexual orientation; 730 on the basis of sectarianism; 58 on the basis of disability; 48 on the basis of faith and religion; and 41 on the basis of transgender identity. There should be no place for hate crimes anywhere across the North. We must root out hate everywhere we find it and never allow it to fester, including by dismantling the

attitudes that drive those crimes in the first place.

*(Mr Deputy Speaker [Dr Aiken] in the Chair)*

Those attitudes have been given far too much oxygen in recent months. Last night, I attended the installation of the new Mayor of Derry City and Strabane, Lilian Seenoi-Barr. It was a joyous, profound and moving evening, but her appointment has shown us just how far we have to go when it comes to hate. If anyone has seen the trolls on her social media over the past four weeks — indeed, the trolls were out in some form last night again — they will find them really quite shocking. That has given me a sense of some of the darkest elements of the hate of difference in our society. We know that those are just some of the examples of the deeply toxic and damaging hatred that has come to the fore recently.

Like many people, I have been deeply shocked and appalled at the racist anti-asylum seeker graffiti painted on walls across Northern Ireland. Many hate incidents have gone unpunished. Unfortunately, progress has been far too slow on this issue, and we risk adding action on hate crime to the list of issues that still have not been progressed by the Assembly. My party colleagues and I believe that making progress on hate crime should be right at the top of our priorities.

In 2020, Judge Marrinan published his seminal independent review of hate crime legislation in Northern Ireland. It engaged extensively with academics, experts and stakeholders. Its recommendations were clear and unambiguous, and he said that the current system and current laws were not fit for purpose. He also made clear, in recommendation 31, the need to end the current piecemeal approach and consolidate current hate crime legislation into one Bill. That was supported by 79% of respondents to the consultation on the review. The current piecemeal approach was considered to be:

*"outdated, underutilised, and subject to significant gaps."*

At the time, the Equality Commission said that strengthening hate crime legislation by consolidating it in one Bill:

*"will make the legislation easier to understand, provide greater clarity and certainty and ensure a consistent approach, including to addressing hate crime across a number of equality groups."*

Similarly, the Public Prosecution Service (PPS) confirmed that a single piece of legislation would assist in communicating to the public how seriously such matters were taken. The wide support for such stand-alone legislation shows just how much consensus there is for a Bill that could bring an overarching focus to hate crime, improve transparency and help to raise public awareness.

The call for stand-alone hate crime legislation is a recommendation that has also been repeatedly accepted and endorsed by the Justice Minister. In April 2021, speaking in the Chamber, the Minister said:

*"I agree with Judge Marrinan that his recommendations merit a stand-alone hate crime Bill. That is planned for introduction in the next mandate". — [Official Report (Hansard), Bound Volume 138, p36, col 2].*

In June 2021, the Minister said:

*"We are taking a number of actions to bring forward hate crime legislation ... The draft Bill will come forward at the start of the next mandate." — [Official Report (Hansard), 21 June 2021, p19, col 1].*

Like many others, I welcomed the consultation stages on such a Bill, including the extensive work that had already been undertaken on the more complex issues, such as dealing with sectarianism, and whether misogyny would be specified as a hate crime in the Bill. The Minister previously described the Bill as being of huge importance in protecting people's dignity, rights, safety and security. In the legislative programme that was set out by the Justice Minister's party in its 2022 manifesto, the second item listed is a:

*"Hate Crime Bill — to strengthen legislation on hate crimes, building on the recommendations of Judge Marrinan."*

Unfortunately, it appears that, by last month, the Minister had concluded that insufficient time remains in this mandate to take forward a stand-alone Bill. She is, effectively, backing away from the commitment that she and her party have made. On 20 May, the Minister told my party colleague Matthew O'Toole:

*"Whether this is stand-alone legislation or legislation that is developed by another vehicle, it will not change the import of the legislation or its implementation in the courts." — [Official Report (Hansard), 20 May 2024, p32, col 1].*

We were told that that was the reality of government. The reality of government is also that we need to live up to the responsibilities of our commitments, and to deliver on the promises that have been made to the people. We have lost two years of Assembly business, which is deeply damaging to our politics, but that is no reason to step back from our commitments; it is, instead, the very reason to redouble our efforts.

Although it is welcome that the Minister still appears to be committed to some elements of the hate crime legislation, I really fear that it is inevitable that provisions will be watered down or ignored completely if a stand-alone Bill is not pursued. Indeed, it appears that we would risk repeating the same failures of a piecemeal approach, which the review recommended we should avoid. It is now a genuine concern to people right across society, many of whom engaged in that review, that the review's recommendations appear to have been undermined by recent comments from the Minister. To be clear: we would not support a dilution of urgency on this issue. Our call for a stand-alone hate crime Bill is not intended to encourage the Minister to kick the issue further into the long grass, or to pass it off to her successor in the next mandate. It is up to Ministers to step up to the issues that they are charged with addressing.

Of course, legislation is not the only way in which we, as an Assembly and a society, can combat hate crime. Legislation is only one part of tackling that heinous scourge. It is also crucial to change attitudes from the very earliest age through effective education. It is incumbent on a range of Departments, not least the Executive Office, through its good relations work, the review of the Together: Building a United Community (T:BUC) strategy and the racial equality strategy, to lead on that agenda.

Preventative work is crucial. It cannot be solely the responsibility of any legal framework to eradicate hate crime. However, the Assembly needs to send out a very serious signal that addressing hate crime is not only the morally right thing to do but our political priority. I fear that, by stepping back from that commitment, we are sending the opposite message. I urge the House to back our motion today and oppose the amendment, which seeks to water down a commitment from the Minister. Let us all make progress, once and for all, on hate crime.



**Mr Dickson:** I beg to move the following amendment:

*Leave out all after "hate crime legislation in Northern Ireland;" and insert:*

*"regrets the lack of progress over the past three and a half years due to the lack of a functioning Executive and Assembly; and welcomes the Minister of Justice's commitment to legislate for foundational hate crime provisions as part of her legislative programme in this Assembly mandate."*

**Mr Deputy Speaker (Dr Aiken):** You will have 10 minutes to propose and five minutes to wind. All other Members who are called to speak will have five minutes. Over to you, Stewart.

**Mr Dickson:** Thank you very much, Deputy Speaker. I thank the Member for tabling this important motion. I understand the good intent and urgency behind it. I trust that our amendment will be seen as helpful; it simply deals with the real and practical logistics of delivering good legislation, coupled with a desire, which I am sure that we all aspire to, to send a clear signal to victims of hate crime that the perpetrators who, on sentencing, are found to have been hate-motivated will receive enhanced sentences for their crimes.

Today is about sending a united message from the Assembly to those who target others because of whom they are or what they believe in that such behaviour is wholly and utterly unacceptable and that they will face the full force of the law.

**12.15 pm**

Effective hate crime legislation does not just provide justice but sends a powerful message that our society will not tolerate hate crime in any form. Hate crime strikes at the very heart of our communities, creating fear and division. It is therefore imperative that we address the issue with the seriousness that it deserves. Legislation alone will not eliminate hate crimes, however. We need to take a comprehensive approach that tackles the root causes of prejudice, intolerance and hate. That requires a cross-departmental strategy that includes education, early intervention and collaborative working across all our Departments and alongside community and voluntary partners. Schools, for example, play a crucial role in shaping the young minds of the citizens of today and tomorrow. By integrating lessons on diversity and inclusion into the curriculum, we

can foster a culture of understanding and acceptance from an early age.

A commitment to improve current legislation to support hate crime victims has been included in draft Programmes for Government as far back as 2016 and up until 2021. I know that providing victim-centred legislation has been a key priority for our Justice Minister. Members will recall that, in December 2020, Judge Marrinan released his independent review of hate crime legislation in Northern Ireland. The recommendations from that review provide a valuable framework to strengthen our legislation, ensuring that necessary action is taken and increasing victims' confidence in the justice system.

We are not backing away. We are facing the harsh reality that the two years of stalemate have cost crucial time in this legislative mandate. Our amendment therefore seeks to recognise those challenges and proposes a realistic way forward. Ultimately, with resources constrained — funding and, indeed, the human resource required to develop comprehensive legislation — the amendment seeks to offer a pragmatic approach to ensure that Northern Ireland does not fail the victims of hate crime or fail to tackle hate crime. Ministers across all Departments will need to be strategic about what they can do. The specific vehicle, be it a stand-alone Bill or otherwise, is less important than the content that it carries. The most impactful measure for victims of hate crime would be the introduction of an aggravated offence model as a starting point.

I urge the Assembly to support our amendment to ensure that we move forward with the necessary legislative foundations on which to build a safer, more inclusive Northern Ireland, in which everyone can live without fear of prejudice or violence. Today, let us all pledge to do that and support the amendment.

**Miss Hargey:** I thank the proposers for today's motion and amendment.

Hate and hate crimes are wrong and have no place in our communities and, indeed, in wider society. They must be opposed wherever they raise their head and be robustly challenged. I note the recent incidents of hate in my South Belfast constituency, about which I spoke in the Chamber in March. Threats and offensive and intimidating material that aim to frighten and intimidate sections of our community are totally unacceptable. South Belfast is one of the most diverse constituencies in the North. Its rich tapestry adds to the vibrancy of our communities and adds real value to them. That

makes the recent incidents all the more repugnant.

Sinn Féin recognises that our hate crime legislation is out of date, is not fit for purpose and needs to be reformed. We acknowledge the work that has been done so far by the Murrin review, the Department of Justice's public consultation and its call in 2022 for views on how to improve the effectiveness of our hate crime legislation. We also welcome the fact that the Justice Minister has committed to introducing a hate crime Bill in this mandate. The Bill must strike the difficult balance between providing freedom of expression and protecting people from hate crime. We must make the time to get that balance right. Sinn Féin fundamentally believes in the right to freedom of speech and the right to peaceful protest. We need to make sure that the legislation protects the right to freedom of expression. We must also ensure that specific hate crime legislation is robust, provides protections for minority groups and deals with incitement of hatred. I look forward to working with the Justice Minister, through the Committee and the Assembly, to ensure that a hate crime Bill coming forward is effective, fit for purpose, has a real impact on our communities and, importantly, is delivered within this mandate.

**Ms Bunting:** From the outset, let me state that abuse of a person, physically or verbally, because of a protected characteristic is serious and on the increase. We in the DUP are clear that crimes against persons due to their race, religion, disability, sexuality, gender or age are totally unacceptable. Frankly, I take the view that all such abuse, aimed at anybody, protected or not, is unacceptable. For me, the issue is less about whether a Bill is stand-alone, but rather that whatever is eventually brought and passed needs to be right and of merit and value. At present, hate is recorded at the perception of the claimant and is considered to be an aggravating factor in other crimes, rather than a crime in itself. Whilst the Minister may have stated that we are not creating new crimes, it is difficult at this point to see how we would not be, although that will, of course, become clearer with the text of any forthcoming Bill.

In considering a viable working definition of hate crime in Northern Ireland, we should be mindful that, in many areas, weaknesses with existing legislation have been laid bare in poor enforcement, excessive application and a lack of awareness of, or unwillingness to, utilise current tools. We must keep in mind that what may, initially and in principle, appear

straightforward will likely not actually be so once we begin to discuss and take forward the practicalities. As ever, many of these matters around proposed hate crime are not clear-cut. Certainly, the issues that have been mooted and recommended to be included in a Bill are complex and often emotive, divisive and controversial within our society.

**Mr O'Toole:** Will the Member give way?

**Ms Bunting:** I will not just at the minute, Matthew. Let me make my point.

For example, already there is considerable debate around the subjects of privacy, freedom of expression, the private dwelling defence, the role and powers of the PSNI — who must absolutely not be turned into the thought police — the rights of women, how to combat keyboard warriors and, extremely importantly, how a private conversation may be defined. Bear in mind the issue that we will ultimately debate will be criminal thresholds.

The motion references finding the balance between competing rights. Surely, everybody in the House with a scintilla of wit and common sense will recognise that that is much more easily said than done. It is often inordinately difficult to strike the right balance, and we must recognise that the resultant outworking and handling can lead to significant damage to the public's confidence in not just this place but the rule of law, the PSNI and the justice system itself. Hence, the importance of not virtue signalling or point-scoring. Instead, we must handle with care. We have seen the quagmires created elsewhere by ill-considered legislation on these matters and it is imperative to learn, not repeat the mistakes, and heed the warnings.

Scotland should serve as an example enough of the potential perils and pitfalls. Calum Steele, the general secretary of the Scottish Police Federation, expressed concern over the Scottish Bill even as it passed through Parliament. He said:

*"Police officers are all too aware that there are individuals in society who believe that to feel insulted or offended is a police matter."*

*"The bill would move even further from policing and criminalising of deeds and acts to the potential policing of what people think or feel, as well as the criminalisation of what is said in private."*

Similarly, the Law Society of Scotland warned:

*"the Bill presents a significant threat to freedom of expression, with the potential for what may be abusive or insulting to become criminalised."*

Free speech and civil liberties are no small matter in our value system. There is no right not to be offended. If we are only to express views that are popular and mainstream, freedom is merely a concept and we will have cancelled diversity of thought. We must preserve the ability to discuss and debate at all costs, because abuse and opinion are not the same as crime. Discussion and debate around issues is integral to freedom of expression, speech, religion and conscience and, regardless of whether they take place in public or private settings, they are worthy of protection. We must be clear how exactly private conversations, including in the home, can and will be protected.

With regard to the private dwelling defence, legitimate concerns have been raised about malicious communications by individuals in the course of private conversations online or on forms of social media. Indeed, I presented a petition to the House on the malignance of that problem. We believe that a comprehensive approach to tackling online harm should be the starting point for tackling this wrongdoing. Moreover, we must not create a hierarchy of victims, as can often result from intersectionality, and, rather, should ensure that justice is blind and even-handed for all. We must take care to ensure that any such law promotes good relations between protected groups and does not pit them against each other by facilitating proceedings against legitimate behaviour without reasonable cause.

The key for me is always that, in circumstances —

**Mr Deputy Speaker (Dr Aiken):** Will the Member draw her remarks to a close, please?

**Ms Bunting:** — where someone is a victim of crime, they must have confidence that the perpetrator will be caught and put through the system, so the parameters around hate must be robust, narrow and clearly defined.

**Mr Beattie:** I will be quite brief. It is a really good motion, but it is just so massive, in truth. It is certainly worthy of debate, because nobody should promote hate of any kind, regardless of whether that is due to religion, sex, disability, sexual orientation, race or age. Neither should hate be tolerated in isolating people because of the way they look, the way they speak or the

place where they live. However, the reality is that eradicating some prejudices, unconscious bias or bias is incredibly difficult, no matter how you try. I think that there is even an anti-ginger bias group out there.

**Mrs Long (The Minister of Justice):** Watch yourself.

**Mr Beattie:** Yes. That is the reality of life in many ways, and we have to be careful not to be offended by some things and not to try to make the law be able to protect absolutely everything.

The Marrinan report is really far-reaching. It contains 34 recommendations, and I will tell you now that we could spend two hours just going through each one of those recommendations. Recommendation 1, which is about the definition of a hate crime, states:

*"A hate crime may be defined as a criminal act perpetrated against individuals or communities with protected characteristics based on the perpetrator's hostility, bias, prejudice, bigotry or contempt against the actual or perceived status of the victim or victims."*

**Mr O'Toole:** Will the Member give way?

**Mr Beattie:** Yes, of course.

**Mr O'Toole:** The Member is right: this is a big subject, and, as Joanne Bunting said, it requires really careful consideration. We support the principle, but it requires careful consideration. Does the Member agree that that argues in favour of a stand-alone Bill, where Committee members and Assembly Members writ large can examine in detail things such as criminal thresholds and definitions of hate crime, rather than the issue being part of, for example, a broader sentencing Bill? It requires that really detailed stand-alone focus.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr Beattie:** I thank the Member for his intervention. He is right: it absolutely does. The point that I was going to make later is that we cannot rush into this, because we really have to stop and consider it. In truth, I would not want some form of legislation to be rushed through just to placate certain people, only for us to then spend all our time picking it apart. I would rather have legislation that we can all sit down and consider on its merits. I agree with the Member that a Bill needs to come forward and it could — probably should — stand alone. However, I am

not in agreement that it should be rushed through without full scrutiny. The standard baseline for it, when it comes forward, is that it should be something that we can all start to work with as opposed to pick apart.

I will go back to the recommendations. Recommendation 9 is about adding to the protected characteristics of age, sex and gender. It states:

*"For the avoidance of doubt, the protected characteristic of sex/gender includes transgender identity."*

I have no issue with that, but I do think that, somehow, in all of this, we are just creating a list of protected groups, when, actually, every one of us can be open to organised hate in some shape or form that will not fall under those groups. I have a concern that we are setting a hierarchy in this legislation and creating crimes against certain people.

Whether we like it or not, some people use things like that for their own benefit, but I have absolutely seen —

**12.30 pm**

**Mrs Long:** Will the Member give way?

**Mr Beattie:** I will. I have absolutely seen cases where people have been totally abused.

**Mrs Long:** I thank the Member for giving way. Can he just reassure me that the Ulster Unionist Party's position on hate crime legislation has not changed, because his colleague who currently occupies the Chair wanted to bring forward a private Member's Bill in the last mandate to bring forward those aggravators? I am interested in the concern about a hierarchy of victims.

**Mr Beattie:** Yes, absolutely. We had a stunted mandate the last time. We have a stunted mandate this time. Things move and change, and we are now in a different position. I am looking at this with you and saying that, if you are going to bring that forward, you need time to bring forward baseline legislation as opposed to trying to rush something through. It is slightly odd that I am arguing a point in your favour on this one, but that is where we stand: we want legislation that is fit for purpose.

When I look at the motion, I am reassured, because it says that the Assembly:

*"believes that hate crime legislation can protect communities with protected characteristics while ensuring adequate protection for the freedom of speech and reasonable religious political or other beliefs".*

I suppose that what I am saying is that I am all right with the motion. I am happy to support it. I am more than happy to support the amendment; there is no issue with that. I look forward to that legislation coming forward, because that will give us the ability to challenge it. It will give us the ability to challenge whether we need a hate crime commissioner. It will give us the ability to debate it. That is what this is all about. I just do not want it to be rushed through. I certainly want to make sure that we protect freedom of speech and freedom of expression. Let us do it right, and let us not rush it.

**Mr Frew:** Whilst the debate is highly important, we are in danger of calling for legislation for the sake of it. We already have laws that govern us around hate crime, such as the Criminal Justice (No. 2) (Northern Ireland) Order 2004 and the Public Order (Northern Ireland) Order 1987. Whilst you could argue that the legislation needs to be freshened, I have yet to hear exactly what should be included in a new hate crime Bill from those who tabled the motion or the Minister. When you look at the examples from the Republic of Ireland and Scotland, you see that they are exemplars of how not to do such legislation.

Of course, whilst we should all agree that crimes motivated by hate are wrong, I also look to a few years ago, when a section of people chose not to avail themselves of a medicine or disclose their personal, private medical history, and those people were hated upon. They were discriminated against by the Government and by business. Should those people who chose not to avail themselves of a medicine or disclose their medical history also be included in a protected group? It was only a number of years ago when hate was poured down on those people by Ministers.

We will have to look carefully at what we do with any legislation, but the main issue for me around hate crime is the perception. In my constituency, I had to deal with a young person who got into trouble with the law. He was a passenger in a vehicle and threw eggs out onto pedestrians from the road. The police deemed that to be a hate crime. The eggs struck three people, one of whom was a lady from Poland. That lady perceived that crime to be a hate crime. That young person was interviewed by the police, who told him that that was because

of a hate crime. He protested his innocence, saying that he did not know who the people were. They were driving at speed, throwing eggs out of the car and hitting people indiscriminately. He did not know the ethnicity or background of any of those people. You can see where things will unravel, so it will have to be carefully laid out.

**Mrs Long:** Will the Member give way?

**Mr Frew:** Yes, I will give way.

**Mrs Long:** Does the Member accept that, under the aggravator model that Judge Marrinan recommended and that I hope to introduce, when somebody commits a crime — for example, an assault such as the one that you have just mentioned — the hate motive that is being made out is an aggravating factor? If they are not convicted of the hate motivation, they can still be convicted of the assault.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr Frew:** Of course, yes, but why are we trying to reinvent the wheel? Under the Criminal Justice (No. 2) (Northern Ireland) Order 2004, offences are aggravated by hostility. There are already laws about aggravation. I ask the House and the Department of Justice to be careful about how they proceed with legislation. Only this week, we have been taught a lesson about what happens when we bring laws in in this place and they are tested in court and deemed to be wrong.

**Mr O'Toole:** I thank the Member for giving way. He mentioned the 2004 Order, which is, in effect, hate crime legislation. It is the hate crime legislation that exists in Northern Ireland, so such a law exists. It is there. He also talked about scrutiny. It is an Order, so it was brought in by a direct rule Minister when this place was not functioning. Number one, we already have a form of hate crime legislation, so the question is whether it is good enough. We happen to think that it is not, and I think that the Minister shares that view. Number two, the previous Order was not scrutinised at all or very little, because it came in through direct rule.

**Mr Frew:** Yes. Do not get me wrong, and the Minister should not get me wrong: we are totally opposed to any criminal activity that is motivated by hate. However, it is about making sure that we get the legislation right. I have put down a marker and a warning that say to the House that we should be careful about how we

proceed with any piece of legislation but with this one in particular.

**Mr Deputy Speaker (Dr Aiken):** Before I call the next Member to speak, I ask Members to keep interventions short. That would be good. Mr O'Toole, you will have time to make a winding-up speech later.

I call Connie Egan.

**Ms Egan:** I support the call for legislation to tackle hate crime in Northern Ireland. We must take sincere and pragmatic action to protect our communities, ensuring that everyone has full legal protection to be who they are without targeted abuse or harassment. That requires a cross-sectoral and cross-society approach, putting responsibility not just on every part of the justice system but on our whole social ecosystem to prioritise prevention and intervention on behalf of those who are most vulnerable to experiencing harm. It is essential that the steps that we take are victim-centred and recognise the trauma for people of any hate incident or crime and how our justice system is set up, as it can be now, to reanimate those experiences.

Hate crime, which is an attack on someone because of who they are or what they believe in, is unacceptable across the board. It leaves people and the communities around them feeling not just hurt but totally discriminated against and unaccepted by the world. If you look at the hate-motivated crime statistics published by the PSNI at the end of May, you will see that they highlight the spectrum of abuse that those across our society experience, a horrid abuse and hatred that does not represent the majority of people in Northern Ireland, who are kind and warm-hearted.

Over the last 12 months preceding March this year, we saw a spike in racially motivated hate incidents, with an increase of over 132, and there was an increase in incidents against those who are transgender and those with faith or who practise religion. We cannot let that happen. We cannot let those statistics sit on a shelf, not acted on or challenged in the most impactful and efficient way, which would allow us to get trauma-informed support and justice for victims. They are not just statistics; they are human experiences. Such violations of anyone's basic human rights to be and live as who they are go against our principles and the moral fabric of our progressive society. I know that the Justice Minister is committed to meaningful action on hate crime. It is an issue of fundamental importance to our party.

I welcome the Opposition's bringing this to the Floor today. While I support the spirit of the motion, I urge the House to vote in favour of the Alliance amendment that my colleagues and I have tabled. It is absolutely right that we, as an Assembly, are ambitious about what we can do, especially how we can help vulnerable victims. I absolutely agree that hate crime legislation is one example of an area where we could and should have a collective ambition for progress. I am more than satisfied that, despite the limitations of a shortened mandate, the Justice Minister is ambitious and committed on the issue and is determined to achieve change. We should make every effort to reform hate crime legislation in this mandate, and I am focused on what we can do rather than on the legislative vehicle through which we do it. We must get support to the victims of hate-motivated crimes and incidents urgently, and I welcome the commitment from Minister Long that, during her time in office, that will be put in place with foundational powers.

I urge the House to vote in favour of our amendment, which provides, in the remainder of this short mandate, for achievable and innovative change in the face of challenging landscapes. By moving to a new statutory aggravation model, we can truly ensure that motivation and bias considerations are at the forefront of delving into the root of the crime. By allowing the hate motivation of an offence to be considered at the start of the investigative stage, we not just encourage good practice in the collection of evidence but recognise that we cannot separate the crime from the bias. That is a recognition that people's rights and identities are not add-ons but must be part of the investigation of a serious crime. We need effective legislation in place.

At the end of the day, we have a responsibility to victims first and foremost, and, for them to get justice, we need to take a pragmatic approach. We need intersectionality and a recognition in detailed and deliberate legislation of the connections that vulnerable communities can be exposed to. Let us commit together, across the Chamber, to doing what is truly important: delivering change for victims in this mandate.

**Ms Nicholl:** I welcome the opportunity to speak on this important motion. There have been discussions around the impact of hate crime, but I want to take the opportunity to talk about the lived reality. I want to talk not about people who do not take vaccines or who throw eggs but about what is happening in my constituency. Takura Makoni from the African and Caribbean Support Organisation Northern Ireland

(ACSONI) has been brave in speaking out about the experience of having racist graffiti put on his home. He spoke about the fear that that caused for him and for his children and about having to relocate. I have worked with two businesses that have been forced out. A Sudanese father of four who arrived here as a refugee, trying to start a new and better life for him and his family, set up a business and was providing a really important service in the community and had that business burnt down after a series of threats. The impact of that cannot be overstated. I met women who live in contingency accommodation and who are subjected to regular abuse because they wear a hijab. They live in fear.

**Mr Elliott:** I thank the Member for giving way. While I fully appreciate and support her views on her constituents and other members of the community, will she also accept that that type of behaviour and hate crime went on for years in urban and rural areas of Northern Ireland, where people were forced out of their homes because they were a certain religion? People have had to rehome in various areas, and I know several of them in my constituency.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Ms Nicholl:** I thank the Member for his intervention. I agree. I had the privilege of working for Anna Lo, the first and only minority-ethnic MLA the Assembly has ever had, shamefully. Anna was outspoken on how racism and sectarianism are two sides of the same coin. That is where I was directing my comments, because, whether it is Mohammed, who had his office burnt down, or Takura, who had to move, or the trans father who had two small children attacked in the playground, I sometimes fear that there is a tolerance in our society for hate and othering.

## 12.45 pm

Legislation is absolutely important, and I know that the Minister is committed to this. When the Assembly was down for the past two years, Naomi Long came with me to meet people at the Belfast Islamic Centre and to meet different constituents of mine to discuss what more we can do. If one thing is to be taken from my contribution today, it is that, yes, legislation is important, yes, understanding the lived experience of people is important, but our leadership is so important as well. I wonder how many MLAs have engaged with people who are victims of hate crime in their constituencies, and not just victims of sectarian hate crime but

people who are victims of racist hate crime. How many MLAs have engaged with asylum seekers who live in fear every day?

We can talk about the legislation — yes, it is so important — but we also have to lead. Our silence on so many of these issues is palpable, and the communities feel it. They know that every time something happens or someone is a victim of hate crime, the same people come out and speak out about that, and there is silence from everyone else. Yes, let us work together. Let us send a strong message as an Assembly that we will legislate and will do what we can, but let us address our own leadership as well. How we behave in these situations is so important.

**Mr Frew:** I thank the Member for giving way. There is, of course, validity in what she says, but does she recognise that bad legislation will not protect anyone? In fact, it could make lives worse.

**Ms Nicholl:** I agree, but I was not talking about bad legislation. The reality of the situation is that we did not have an Assembly for the past couple of years. We have not been able to progress really important legislation, and our time in this mandate is truncated. Of course, this will take longer, but I welcome the Minister's commitment. I know how committed she is to it. It has been a priority for her, and she will engage properly on this and make sure that the legislation that is put in place is sound and that it helps people, and it will be consulted on. Judge Desmond Marrinan did brilliant work on this.

There is a lot of work that we need to do. The reality is that hate crimes exist in our society, and they should not. As legislators, we need to look at the legislation and take our time to do it properly, but we also need to look at how we lead and what we do in our constituencies. There was talk about virtue signalling. This motion is not virtue signalling. This is a motion about how we can support people who are victims of hate crime, but we also need to address our own position and what we are doing to counter that.

**Ms Bunting:** Will the Member give way?

**Ms Nicholl:** Yes.

**Ms Bunting:** I did not say that the motion was virtue signalling. I said that when addressing the issue, it was important not to virtue signal but to make points of substance. That was my point.

**Ms Nicholl:** I welcome that clarification. It is important when we are having these conversations that we understand not only how people are impacted on by the way society is at the moment but how we can put legislation in place that will support them.

I am grateful for the motion. I hope that Members support our practical amendment. I hope that when we are discussing these issues, and when we see examples of hate crime in our constituencies, we are all better at calling them out and contacting the people who are victims of those hate crimes and offering our support. I know that it means so much to them, and they are very conscious that, a lot of the time, they feel that they are on their own.

**Mr McGrath:** Whether we like it or not, hate crime has become a prevalent issue in our communities, and it is high time that we took concrete steps to combat that menace. By enacting dedicated hate crime legislation, we can send a strong message that intolerance and discrimination will not be tolerated.

Hate crimes are not just ordinary crimes. That speaks to some of the references earlier that we should just allow other types of legislation to cover off here. They are not ordinary crimes. They target individuals on the basis of their race, religion, ethnicity, sexual orientation, gender identity or disability. Those acts of hatred not only harm the victims personally but create a climate of fear and divisiveness in communities. It is our duty and responsibility to protect the rights and safety of everyone, regardless of their background or identity.

Currently, hate crimes in Northern Ireland are channelled into general criminal legislation that does not adequately address the specific nature and impact of the offences. We need a stand-alone hate crime Bill that explicitly identifies hate crimes as distinct offences and provides appropriate legal provisions to deal with them effectively. Such legislation would send a clear signal that our society stands united against hate and intolerance.

A stand-alone hate crime Bill could also serve several crucial purposes. It could provide a comprehensive definition of hate crime, which would ensure that no act goes unpunished. The definition should encompass a wide range of offences, including physical violence, harassment, verbal abuse and, as was referenced earlier, online hate speech. By clearly defining hate crimes, we can ensure —

**Mrs Long:** I thank the Member for giving way. All those crimes are already on the books. The

purpose of hate crime legislation is to add an aggravator, but does the Member accept that we cannot deal with telecommunications because that is a reserved matter?

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr McGrath:** Thank you very much for that. As long as we are doing everything that we can do to address the matter, we are sending out a strong signal. It is important to signal what we can do and how we want to challenge the issues that still lie in front of us. It is about clearly defining hate crimes and, as mentioned, ensuring that our agencies are equipped to identify and prosecute offenders.

A dedicated hate crime Bill could establish enhanced penalties for hate crimes. It is essential that we send a strong message to those undertaking such crimes that their actions will be met with severe consequences. By imposing stricter punishments for hate crimes, we could deter potential offenders and protect some of the very vulnerable people in our community. A stand-alone hate crime Bill could provide victims with greater support and protection and allow discussion at the Committee Stage and at other points to look at the support that is currently available and at whether it could be enhanced to help those who are impacted on by hate crime.

We also have the issue of data collection. Again, by introducing a specific Bill, we could examine the types of data that are collected and how they are collected. That would help us to challenge hate behaviour in the future, because there could be patterns of behaviour and locations. The data that is collected could enable us to make sure that we challenge the behaviour before it becomes an issue in our communities, if that is possible.

Some Members may argue that the existing legislation is sufficient to address hate crimes, but I think that folding the issues within other Bills is not enough. The reality is that hate crimes continue to occur, and we cannot be complacent. A stand-alone hate crime Bill would send a strong, clear message to the community that we are committed to protecting the rights and safety of individuals, regardless of their background. Doing anything else might suggest that we are taking a second-rate approach and that, in some veiled way, such crimes are being treated less seriously.

We heard —

**Ms Bradshaw:** Will the Member give way?

**Mr McGrath:** — mention of time. I will quickly take an intervention.

**Ms Bradshaw:** I thank the Member for giving way. Will the strong message not come from having the statutory aggravation model in legislation? It does not necessarily need to be in a stand-alone piece of legislation.

**Mr McGrath:** If we start to put the offences into other pieces of legislation, we send a message that they are being mixed in with other things. Stand-alone legislation tells our community how serious the issue is: it equips our agencies with the ability to go out and deliver.

On the issue of timing, we have to accept that, on the majority of occasions, this place is glacial when it comes to passing laws except for the final two or three months of the mandate when everything gets shoved through as quickly as possible. That is why we want to see some work being carried out as quickly as possible. Start some of the Bills. A Bill could be introduced within 12 months. The amendment's request to hold off on that and maybe try to do it during the mandate leaves us open to the possibility of it being rushed through in the final few weeks during some very late sittings, meaning that it will be passed without the required consideration. That is why I support the motion.

**Mr Allister:** The proposition is that we need stand-alone hate legislation. I was struck, though, when listening to the proposer of the motion, that, two or three sentences into her proposition, she was reciting to us figures on the hundreds upon hundreds — running, I think, to almost 2,000 — of hate offences that have been investigated in recent times. I am left struggling to understand what would be different under new legislation. If someone is assaulted, for example, for a motive related to their ethnic background, that is an assault, and, at present, the law provides that the motivation can be hate-designated as an aggravator, thus enhancing the sentence. What would be different under new legislation that states that it is an offence to assault someone because of their ethnic background? The outcome would be precisely the same, so what is this really all about? Is it about getting us into the morass that the Scottish Parliament got itself into with its hate legislation and the crazy business of making it an offence to misgender someone? We would then be into the whole argument about what a woman is, with which some politicians seem to struggle. Is that really where



we want to go? We would get into the madness, as Scotland did, of private conversations becoming criminalised.

We need to pause and take stock instead of rushing to say, "Oh, let's do this and let's do that". Where is the need to do it, when the aggravators are already established in our law? The further aspect of folly that could arise here is to ensconce in law the idea that a decision on whether something is a hate crime is not objective but instead lies with the victim. If the victim perceives that it was a hate crime, the law has its hands bound to find that it is. It should always be an objective decision.

**Mr Frew:** Will the Member give way?

**Mr Allister:** Yes.

**Mr Frew:** Is it not also the case that a bystander — a witness — can perceive something to be a hate crime, without knowing any of the detail or context behind it?

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr Allister:** Any law that is based on perception rather than on reality is the road to absolute folly. That is one of the fatal flaws in legislation that has been propagated under the hate crime title elsewhere. Law has to be based on reality: it is an assault, so was it aggravated by some inappropriate motive? That is it, as far as dealing with hate crimes goes. Courts are then punishing for the fact and adding to the sentence by the fact that it was motivated by hate on a particular basis.

I do not understand where Members want to go with this, unless they want to get into the morass of the Scottish legislation and the craziness of misgendering and all of that, or unless they want to make it an offence to be offended. There is no legal right to not be offended. If we go down the road of saying, "I feel despised. I feel humiliated. I feel demeaned because of what was said. I'm offended, so it must be a crime", it will be absolute folly, yet that is where this talk and new legislation could lead us. I suspect that, for some, one of the targets in all of this may be street preachers. Some people may be offended by what they say. They may want to embrace that in hate legislation, but that is not the way in which to deal with it. Any idea of departing into the morass of free-standing hate legislation that does not improve the actuality of the law seems to be legislating just for legislating's sake and for other motives.

**Mr Deputy Speaker (Dr Aiken):** The Business Committee has arranged to meet at 1.00 pm. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The debate will continue after Question Time, when the next Member to be called will be the Minister of Justice.

*The debate stood suspended.*

*The sitting was suspended at 12.59 pm.*

*On resuming (Mr Speaker in the Chair) —*

2.00 pm

## Oral Answers to Questions

### Finance

**Mr Speaker:** It is time for questions to the Minister of Finance. We will start with listed questions.

#### **Marriage and Civil Partnership Bill: Celebrants**

1. **Ms Egan** asked the Minister of Finance whether independent celebrants will be included in the marriage and civil partnership Bill. (AQO 525/22-27)

**Dr Archibald (The Minister of Finance):** I intend to bring forward marriage law reforms that will create more choice and flexibility for couples seeking to marry, provide equality between those with religious and non-religious beliefs and bring this jurisdiction into line with international best practice on marriage age. I believe that that is all to be welcomed and look forward to debating those important reforms in the Assembly in due course.

Regulation of marriages undertaken by independent celebrants would require significant further reform of existing marriage legislation. I do not consider that reform in relation to that issue is a priority, and it should not hold up the important reforms that are planned to proceed in the legislation, including in particular the intention to increase minimum marriage age, which I am keen to see implemented without additional delay.

**Ms Egan:** Thank you, Minister. There were lots of welcome commitments there. However, if you are committing to introducing the legislation during the mandate, why was it not included in the Executive's legislative programme?

**Dr Archibald:** As the Member might be aware, the Executive's legislative programme that has been published is for this calendar year only, up until December 2024. The policy preparation for this legislation is quite far advanced, and I intend to bring it to the Executive soon.

**Mr Delargy:** Minister, what changes are you planning to bring forward in respect of marriage law?

**Dr Archibald:** I propose bringing forward reforms that will place belief marriages formally on an equal footing to religious marriages, replacing the temporary arrangements that are currently in place. In addition, I propose increasing the minimum age of marriage and civil partnership from the current 16 to 18. That will bring this jurisdiction into line with established best practice. Provisions will be included around the recognition of marriages elsewhere where one party is under 18 and lives in this jurisdiction. It will also provide for criminal offences for adults who arrange or attempt to arrange the marriage of a person who is under 18. Those are important reforms that will help to safeguard our children and young people.

I recently circulated an Executive paper to my ministerial colleagues asking for their views, and I am confident that the plan that I have set out will receive the necessary support for us to proceed with that work. Subject to competing legislative priorities, I hope to see a Bill introduced to the Assembly in the early part of next year.

#### **Back in Business Rate Support Scheme**

2. **Mr Dunne** asked the Minister of Finance for her assessment of the impact that the back in business rate support scheme will have on empty retail units. (AQO 526/22-27)

**Dr Archibald:** I was pleased to secure Assembly support on 14 May for the restoration of the back in business scheme. The scheme opened for applications on 15 May. Once a business has supplied all the required evidence, the application will be processed within 10 working days. The scheme should have a significant impact on securing the occupation of long-term empty retail space in our towns and cities. Importantly, on the evidence of its last iteration, the scheme predominantly goes to smaller retail units and is paid to smaller operators and independent traders, providing them with much-needed support in their first two years of trading. The design of the scheme grows the tax base and comes at a notional cost, on the basis that the properties might never have become occupied otherwise.

**Mr Dunne:** I thank the Minister for her answer and for that welcome initiative to support our businesses. What more can be done to support retailers and small businesses in our town and city centres as they try to compete with online

shopping and face the challenge of ever-rising costs of rent, rates, wages and utility bills?

**Dr Archibald:** The Member will be aware that some responsibilities relating to those issues fall to other Departments as well as mine. In the previous mandate, some work was done on the high street task force, which reported in 2022. The high street task force's recommendation for my Department was to reinstate the back in business scheme. That recommendation has, obviously, been taken forward. Of course, I am completely open to any proposals that the Minister for Communities or the Minister for the Economy would like to make in relation to supporting businesses on our high streets and would be happy to work with them on that.

**Mr McGrath:** Following on from that point, given that the rating policy is crippling our town centre businesses and the fact that the consultation closed months ago, will the Minister detail when the outcomes of that consultation will start rolling out to help businesses that desperately need it?

**Dr Archibald:** As the Member's question reflected, the consultation closed in February. We received some 1,400 responses. Those have now been analysed, and officials have shared a draft report with me. That will go to the Finance Committee soon for discussion with officials. I want to give proper consideration to what people have said. I am keen to look at what we can do to ensure that our rating system aligns with the economic vision that we are trying to achieve. That is something that I will be keen to work on with my colleague the Minister for the Economy.

**Mr Honeyford:** When was the scheme last formally reviewed? Will the Minister review its effectiveness and value for money?

**Dr Archibald:** When the scheme was in place up until 2022, there was positive feedback. I do not have the figures in front of me, but the analysis showed that those who partook of the scheme were mostly small independent retailers and that the scheme had a beneficial impact on the high street. I would be happy to write to the Member with more specifics on the evaluation of the scheme.

**Mr Speaker:** Question 3 has been withdrawn.

## **Fiscal Framework: Needs-based Factor**

4. **Mr Tennyson** asked the Minister of Finance, further to the interim fiscal framework, how her Department intends to provide independent evidence to Treasury in relation to the needs-based factor. (AQO 528/22-27)

**Dr Archibald:** I was pleased to sign an interim fiscal framework on behalf of the Executive last month. That is a significant early milestone towards putting our finances on a more sustainable footing. Following intensive and constructive negotiations, I secured a significant commitment from Treasury that it will review how the Executive are funded. That includes reviewing our relative need if multiple independent and credible sources provide evidence that it is higher than 124%, which I believe it to be.

I have established a new team in my Department to take forward the important work to agree a final fiscal framework. One of its first tasks is to consider how to build on the robust independent evidence base that we already have thanks to the work of the Fiscal Council.

**Mr Tennyson:** I thank the Minister for that answer. Is she confident that her Department has allocated sufficient resources for the work? Will building the evidence include the establishment of an independent commission to advise her?

**Dr Archibald:** We have established the team, and we have nominated officials to form it. As the Member will be aware, a certain degree of expertise is required to take forward that work, and it is important that officials with that expertise are part of the team. It is really important for us, as a Department and an Executive, that that work be taken forward. We will ensure that adequate resources are put into it, including for work on how we might provide the additional evidence that may be required in the time ahead.

**Ms Á Murphy:** How much additional funding will be available to the Executive following the signing of the interim fiscal framework?

**Dr Archibald:** Following the agreement of the interim fiscal framework on 22 May — luckily, we got it over the line just before the general election was called — the needs-based factor of 24% will apply from 2024-25 to new Barnett consequentials arising since the Executive were restored in February 2024. It will apply when

the Executive's relative funding falls below their relative need of 124%. The funding provided in the financial package that accompanied restoration will be exempt from that calculation, which means that the 124% will apply in 2024-25 and 2025-26 even if, by Treasury calculations, the financial package brings the Executive's funding above 124%.

The application of the 24% needs-based adjustment factor to the spring Barnett consequentials will, on its own, provide us with an additional £24 million to allocate in June monitoring. It is also anticipated that significant additional funding will arise from the Westminster Main Estimates, but they will not now be confirmed until after the election.

**Dr Aiken:** Minister, the Fiscal Council gave recent evidence to the Finance Committee indicating that our current level of funding may, indeed, be above the 124% level. Will the Minister give us an assessment of where, she thinks, our level is at the moment and the likely difference between the two?

**Dr Archibald:** The analysis from the Fiscal Council is based on including the financial package in the calculation, and its calculation put it at around 125% or 126%. Obviously, we argued to the Treasury that it was the financial package and our baseline still sits well below that at in and around 120% or 121%. Therefore, we successfully made the case that we are still below need and that the 124% needs-based adjustment should be applied this year and next year. Thankfully, we got that over the line. However, as the Member will be aware — I have made the point on a number of occasions — that funding is relative to what goes into public services in England. If public services in England are not properly funded, which evidently they are not, we do not have enough money to run our public services either.

**Mr O'Toole:** The Minister mentioned the fiscal framework. A Joint Exchequer Committee has been set up. That has a precedent in Scotland and Wales, but what does not have a precedent is something that we have not heard very much about: the public sector transformation board. Will that board completely undermine devolution? At the minute, we do not know who will be on the board. Will it be Whitehall officials? What role will it have in making the core decisions on public services and spending here?

**Dr Archibald:** As the Member will be aware, the public sector transformation board was included in the financial package and is specific

to the allocation of the £235 million that has been earmarked for transformation, on the basis of £47 million over each of the next five years. The Executive have agreed to it. My approach to the setting up of a transformation board is that it will do important work that, we all recognise, needs to be taken forward to transform and reform our public services. The basis of the transformation board is to evaluate the bids that come in to ensure that they meet a threshold of being transformational.

It is important work. I do not believe that it undermines devolution in any way, because it will be for the Executive to decide what projects are taken forward. We all recognise the importance of ensuring that the parameters of devolution are respected.

## Baby Loss Certificate Scheme

**5. Mr Robinson** asked the Minister of Finance for an update on the baby loss certificate scheme. (AQO 529/22-27)

**Dr Archibald:** I am keen to see the scheme taken forward as quickly as possible to give bereaved families the opportunity to have formal recognition of their loss. Initial discussions have taken place between the Department of Health and the General Register Office (GRO) about how the baby loss certificate scheme work may be developed. My officials and those from the Department of Health recently met managers from the Department of Health and Social Care who deliver the baby loss certificate scheme in England. A meeting has also been scheduled with National Records of Scotland officials to investigate how the Scottish scheme operates. That ongoing engagement will provide important lessons for the development of a scheme here.

**Mr Robinson:** I thank the Minister for her answer. I have been stunned by the amount of interest in the topic since it was raised in the House. Will the Minister confirm that the certificates will be free, as they are in England? Will the Minister consider extending the criteria beyond the 1 September 2018 threshold?

**Dr Archibald:** All those things are being considered and worked through as officials scope out the development of a scheme here. I am open to looking at how we might take forward any of those things. Certainly, we will look at how we develop the scheme to ensure that it best meets the needs of people here, and there may need to be a consultation to ensure that people's views are taken on board. We

have not yet taken a position on whether a consultation will be required, but that will be kept under review as we go through engagements with the officials involved in the schemes in Scotland and England.

**Mr McHugh:** Will baby loss certificates be available as Gaeilge? *[Translation: in Irish]*

**Dr Archibald:** I am keen to build on the progress that has been made on registering life events in Irish.

Officials are working on the preliminary plans for how the scheme could work, and, as I said to Mr Robinson, all options are being considered, including how we could produce baby loss certificates in Irish.

2.15 pm

**Ms Nicholl:** Constituents have raised baby loss certificates with me on a number of occasions. Given that the issue is a legislative priority, has the Minister set aside a budget allocation for baby loss certificates?

**Dr Archibald:** Officials are still working through the preliminary plans for how the scheme will, or could, work. Costs cannot be finalised until the General Register Office has engaged with Department of Health officials in more detail in order to agree what our delivery plans will be. Obviously, we will look at cost implications once those figures have crystallised.

## Identity and Language Bodies: Funding

6. **Ms Bradshaw** asked the Minister of Finance whether a bid has been submitted by the Executive Office for the establishment of any of the three bodies required under the Identity and Language Act 2022 during 2024-25. (AQO 530/22-27)

**Dr Archibald:** As part of Budget 2024-25, TEO submitted a capital bid of £54,000 for leasehold property for the language bodies that are being established under the Identity and Language Act. The Department did not submit any resource bids related to the bodies, although it indicated, as part of its return, that it would bid during the in-year monitoring process when necessary. The current in-year monitoring process has not yet been completed.

**Ms Bradshaw:** I thank the Finance Minister. That is very helpful information. It is useful to know that the Executive Office has plans in this

financial year. The concern that I have, as Chair of the Executive Office Committee, is that we have no idea what that envelope will look like. We would appreciate receiving updates in the Chamber when the Minister receives them.

**Dr Archibald:** I understand that TEO has developed a business case and sought approval for the expenditure that is required to establish and sponsor the bodies. It was approved by my Department on 10 May. I also understand that TEO is recruiting and appointing core staff along with members of an office of identity and cultural expression and the two commissioners. I will be happy to share any updates that I have.

**Mr McGlone:** Cén fáth nár chuir Oifig an Choiste Feidhmiúcháin iarratas caipitil atarlaithe DEL isteach i leith léas na heagraíochta teanga? Nach cinnte gur infheistíocht fhadtéarmach é? *[Translation: Why did the Executive Office not submit a recurrent capital DEL bid for the leasehold for the language body? Surely it is a long-term investment.]*

**Dr Archibald:** That question might be more appropriately directed to the Executive Office. It will be able to explain that.

**Mr Allister:** Will the Minister tell us the costs that were identified in the business case that her Department approved? The Minister mentioned the monitoring rounds. Are we now in the situation where Health, which says that it is £200 million or £300 million short, is going to have to compete in the monitoring rounds with pet projects like the Irish language commissioner?

**Dr Archibald:** I do not have the figures from the business case in front of me. I will be happy to write to the Member on that point. Obviously, it is for any Department to bid for any project that it sees fit as part of the monitoring round process.

## Social Value Policies

7. **Ms Ní Chuilín** asked the Minister of Finance to outline how social value policies are being developed within her Department. (AQO 531/22-27)

**Dr Archibald:** In the previous mandate, my predecessor, Conor Murphy, brought forward a number of procurement policy notes that the Executive agreed, including one on social value. That existing policy on social value is already delivering. For example, 3,500 long-

term unemployed people have gained employment; 90-plus social enterprises are now part of government supply chains; 3,600 hours of volunteering have been delivered with the voluntary, community and social enterprise sector; 8,000 hours of skills development activities have been completed; 2,800 weeks of work experience have been delivered; and 3,800-plus hours of environmental awareness initiatives have been completed.

A review of the scoring social value policy is in progress, and I plan to bring a refreshed policy to the Executive before summer recess. The revised policy will make it easier for small businesses and microbusinesses to deliver social value. There will be a new requirement for Departments to have targeted social value strategies and to consider grant funding for social and community services. Social value themes will better align to a new Programme for Government, climate change commitments and/or the investment strategy. In major capital projects that impact on communities, there will be a requirement for effective community consultation on social value.

**Ms Ní Chuilín:** Gabhaim buíochas leis an Aire as ucht a freagra. [*Translation: I thank the Minister for her answer.*] In addition to the key changes that she has outlined, what aspects would the Minister like to see in the policy in order to ensure more inclusivity around social value?

**Dr Archibald:** The policy has been enhanced to expand the remit for social value in other aspects of end-to-end procurement processes, and not confine it to scoring aspects, to encourage Departments to embed social value into their organisational objectives by developing a targeted social value strategy; to include additional requirements to strengthen the consideration for grant funding for social and community services; to encourage Departments to consider alternative delivery models and promote a circular economy; to consider how to design a procurement process to make it accessible for social enterprises and microenterprises and include green public procurement criteria; and to increase the threshold from 139,000 to 500,000 for scoring social value in services contracts to reduce the impact on SMEs, social enterprises and microbusinesses.

**Ms Mulholland:** Does the Minister agree that the Tories' Economic Activity of Public Bodies Bill would be disastrous for the development of social value policies and ethical procurement in the public sector?

**Dr Archibald:** I am not familiar with the detail of the Bill, but I would be happy to write to the Member in respect of it.

## Children's Hospice: Funding

8. **Mr Brett** asked the Minister of Finance for an update on funding support for the Northern Ireland Children's Hospice. (AQO 532/22-27)

**Dr Archibald:** I appreciate the important role of hospices in delivering specialist care to people with palliative and end-of-life care needs. Funding support for the Children's Hospice is a matter for the Health Minister. I am committed to working with the Health Minister to consider any proposals from the Department of Health to support the Children's Hospice.

**Mr Brett:** Mr Speaker, I apologise to the House for not being in my place for topical questions yesterday.

Minister, thank you for that response. In your response to my question for written answer, you stated that the previous Health Minister did not submit a bid to you for additional funding for the hospice. With new leadership in the Department for Health, will you commit to working with the new Minister to ensure that we deliver the funding for this vital service?

**Dr Archibald:** As I have previously stated on the record, I am happy to work with the Health Minister in respect of any proposals that he brings forward. Departments have now received their opening budgets for 2024-25 and should be considering their priorities within those. If these services are not considered affordable within the Department's baseline, I encourage the Minister to submit a bid as part of the June monitoring process. It would then be a matter for the Executive to consider any bids and allocate the available funding.

**Mr Speaker:** Liz Kimmins.

**Ms Kimmins:** My question has been answered.

## Childcare: Tax-free Scheme

9. **Ms Nicholl** asked the Minister of Finance for an update on what engagement she has had with UK Treasury on making improvements to the tax-free childcare scheme. (AQO 533/22-27)

10. **Ms Sheerin** asked the Minister of Finance to outline what action her Department is taking

to support the Executive's childcare priorities. (AQO 534/22-27)

**Dr Archibald:** With the Speaker's permission, I will answer questions 9 and 10 together.

Alongside my Executive colleagues, I am committed to addressing issues of affordability and sustainability and supporting our children to have the best start in life. I raised the importance of making improvements to the tax-free childcare scheme in my engagement with the Chief Secretary to the Treasury during the Finance: Interministerial Standing Committee in March. At that meeting, I asked the Chief Secretary to consider helping families here who are struggling with the costs of childcare by raising the tax relief from 20% to 30%. Department of Education officials have engaged with officials from HMRC and Treasury on this matter also.

HMRC has advised that a change to the tax-free childcare scheme is not under consideration by the British Government, and that it is not currently possible to make local changes here in isolation on their IT system, even if the additional costs were to be covered by the Executive. That is why the Executive have agreed that an alternative local scheme should be established to address affordability concerns. Three officials represent my Department on the task and finish group that has been established to support the Executive's childcare priorities. As we take forward those priorities, we need to ensure that we use the available funds in the best way possible to support parents and caregivers effectively, efficiently and fairly.

NISRA will play a key role in providing data to inform decisions on measures beyond 2024-25. It has offered to develop a new survey of childcare arrangements to provide a robust evidence base for policy and to demonstrate its effectiveness in the longer term. Also in my Department, the innovation and consultancy services division stands ready to assist the Department of Education in the design and roll-out of pilot schemes and the longer-term development of childcare support. The Education Minister has been notified of that offer of assistance.

**Ms Nicholl:** Thank you, Minister, for that very comprehensive answer. I know that you are very invested in the issue. As part of the wider childcare strategy, is the Minister considering the introduction of any support through the rates system to support early years and childcare settings?

**Dr Archibald:** As the Member will be aware — I have received correspondence on this issue — there have been calls to provide rates relief to improve affordability. Around 75% of identifiable childcare providers in the rating system currently qualify for small business rates relief, which means that the rates bills for those providers are £7,000 a year or less. My Department has also considered whether further rates relief would meaningfully improve the affordability of childcare. Assuming that 100% of rates relief was passed on, a saving of that amount divided by the number of children using the service might result in only a marginal reduction in the weekly fee for each child. As such, it is not part of the £25 million package of measures that was agreed by the Executive for development and implementation. It is anticipated that those measures will be more effective in supporting the sector and families, but I am happy to keep that under review. If the Education Minister wants to engage further on specific proposals, I am happy to do so.

**Ms Sheerin:** Gabhaim buíochas leis an Aire as a freagra. [*Translation: I thank the Minister for her answer.*] Minister, how is your Department supporting childcare providers specifically?

**Dr Archibald:** As I have just outlined in relation to the rates relief support, there are currently 141 registered childcare providers that are entitled to small business rates relief and receive about £150,000 of support. The small business rates relief scheme has been extended by my Department for 2024-25. I am committed to continuing to develop our rating system to ensure that it is fair, equitable and progressive and that it aligns with the Executive's economic vision.

Although we initially allocated £25 million to the childcare strategy in the Budget, it is possible that we might be able to provide more funding for 2024-25 for childcare, if it becomes available and if the Education Minister brings forward more concrete proposals through bids in the in-year monitoring process.

**Ms Forsythe:** Minister, will you consider looking again, in the short term, at the rates relief for childcare settings, given that the £25 million settlement has a strand for business support, whereby the Department for the Economy and Invest NI will support businesses that are struggling? I am sure that she will appreciate that, although some are getting relief that means paying less than £7,500, most childcare settings are hitting a higher rate than that under the current business rates relief system. I ask her to consider —

**Mr Speaker:** Minister.

**Ms Forsythe:** — looking at that.

**Dr Archibald:** I thank the Member for that question. I said in my response to the Education Minister in relation to the proposals that he brought forward that my officials were happy to continue to engage with his officials about any of the proposals, including rates relief.

## **NICS Staff: Regional Balance**

11. **Mr Bradley** asked the Minister of Finance to outline what steps her Department will take to achieve a regional balance when placing Northern Ireland Civil Service (NICS) staff in posts. (AQO 535/22-27)

**Dr Archibald:** Civil Service staff are posted in accommodation across the region in the Department of Finance's office estate and in buildings that are owned or leased by other Departments. Six Connect2 hubs were opened in August 2022, allowing staff to work remotely at six regional locations as an alternative to working from their home or in a designated workplace.

### **2.30 pm**

The Civil Service has also implemented a hybrid working policy that helps support regional balance by affording its workforce more choice on their working location, allowing a mix of workplace, home and remote working. As a major employer, the Civil Service recognises the potential benefits of hybrid working through its contribution to regional balance. Therefore, hybrid working is available, where possible, for all employment opportunities offered by the Civil Service. Decisions about where Civil Service staff need to be located to perform their work duties are for Departments to consider. Individual Departments determine the number, types and grades of posts at each location.

**Mr Speaker:** We now move to topical questions.

## **Fiscal Powers**

T1. **Mr O'Toole** asked the Minister of Finance, after pointing out that the Sinn Féin manifesto for the Assembly election in 2022 called for "greater devolution of fiscal powers to better equip the Assembly to target resources and develop progressive taxation policies that will

improve public services" and agreeing with that aspiration, what specific powers she is seeking and whether she raised those powers at the first meeting of the Joint Exchequer Committee. (AQT 351/22-27)

**Dr Archibald:** As the Member will be aware, the Independent Fiscal Commission published its report in 2022. There was a subsequent consultation on that report. I will consider the responses to the consultation, all the tax powers that were reported on and the findings and bring recommendations to the Executive in due course.

As the Member will also be aware, the interim fiscal framework set out the parameters for discussion on a final fiscal framework, which includes the principle of fiscal devolution. That was discussed at the first meeting of the Joint Exchequer Committee.

**Mr O'Toole:** If I understand you correctly, Minister, the fiscal framework context for devolution was discussed but perhaps not the precise powers that you would like to see devolved here.

Minister, the Fiscal Commission reported in 2022. I just quoted from your 2022 manifesto. We have been back here for several months, and we are several years on from first having debates on greater fiscal devolution. Which specific powers would you seek to devolve — you will need Executive agreement — and when will the House be updated on that?

**Dr Archibald:** I thank the Member for his question. He is right: that work has been going on for some time. It is work that I am committed to. He will be aware that, in taking forward any negotiations on the devolution of fiscal powers, we will have to have an Executive position, so I will bring recommendations to the Executive. I would like to do that as quickly as possible, because we are trying to progress negotiations on a final fiscal framework.

## **Public Services: Funding**

T2. **Ms Ferguson** asked the Minister of Finance whether she agrees that all Departments, including the Department of Health, are under enormous financial pressure, as referenced by the Health Minister yesterday, due to the underfunding of our public services by the British Government. (AQT 352/22-27)

**Dr Archibald:** We are all aware that over a decade of austerity and cuts has been hugely damaging for our public services and for



workers, families and communities here. It is clear that all Departments are under significant financial pressure. That was evidenced by the fact that, in terms of departmental resource bids, there were three times as many asks as there was funding available. Of course, while the financial package, which is welcome, brings the Executive above the level of relative need in 2024-25, that does not mean that we are adequately funded; it only provides funding relative to spend in England. The ongoing underfunding of public services in England means that the Executive, along with Scotland and Wales, are not funded to deliver good public services.

I am on record as saying and I reiterate that I wish that I was in a position to provide every Department with more funding to deliver public services. However, the stark reality is that the demands on our finances far outstrip the funding that we have. That said, I will continue to work with all my Executive colleagues. I met the new Health Minister yesterday and committed to working constructively and positively with him. I will continue to press the British Government, whoever they are, after 5 July for more funding for public services.

**Ms Ferguson:** I thank the Minister for the update. Does she also agree that a unified approach from the Executive to the Treasury, whether under this British Government or a new Government, is essential to ensuring that our public services are properly funded?

**Dr Archibald:** Working together and having a unified voice will better place us to meet the challenges that we have head-on. I want to work with all my ministerial colleagues in making the case for more investment in public services. One of our first actions in February was to write to the Prime Minister about long-term funding for public services, a position that was endorsed by the House. As a result of that united position, I have been able to achieve some concessions on the interim fiscal framework from Treasury. None of us, either us in here or the public, is under any illusions about the state of our finances. People want to see leadership and collective working. They want to feel that there is some hope that things will improve, and, working with my Executive colleagues, I intend to show that leadership.

### **Budget 2024-25: Capital Allocations**

T3. **Ms Bradshaw** asked the Minister of Finance to outline what the impact of the 7% cut to capital budgets compared with last year will be. (AQT 353/22-27)

**Dr Archibald:** As the Member has stated, our capital budget to allocate this year was almost as pressed as our resource budget. We had one and a half times as many bids as money available. It is very challenging for Departments to determine what they will be able to deliver. All Departments now have their allocation and are planning how they will live within their budget and prioritise projects.

**Ms Bradshaw:** Thank you, Minister. Will you give us your assessment of whether the earmarked capital projects will be completed within the allocated budget and whether they will still represent value for money?

**Dr Archibald:** The projects that have been earmarked for capital bids are previous Executive flagship priorities. They are based on bids made by Departments for funding that, they believe, will be required in this financial year. It will be for Departments to keep that under review and ensure that, if they are not going to spend any money, similar to what they should do with their resource budget for this financial year, they report that to the Department of Finance so that any money can be reallocated at the earliest opportunity.

### **Government Payments: Small Businesses**

T4. **Mr Honeyford** asked the Minister of Finance whether she recognises the difficulties that are being caused by the fact that, even though the money is there to pay them, around a third of payments from government to small businesses — many of which are self-employed people or microbusinesses — that do work and provide services for all sections of government and arm's-length bodies are currently late and whether she will commit to looking into the issue further. (AQT 354/22-27)

**Dr Archibald:** There is a prompt payment policy, and all Departments, government bodies and public bodies should adhere to it. I encourage the making of all payments promptly, particularly to small businesses and microbusinesses, because what are small amounts of money to some public-sector organisations could be the difference between a small business putting the lights out and not. It is really important that payments be made promptly. I am happy to engage with the Member on the issue to see whether further work needs to be done.

**Mr Honeyford:** I thank the Minister for the response. It is a real problem. We can all want

and hope, but it is really about starting to legislate to make sure that it happens. As the Minister said, it causes devastating outcomes for small businesses. I will take her up on her offer to meet. Maybe, to expand on that, we can meet the Federation of Small Businesses (FSB) at the same time and look to provide solutions.

**Dr Archibald:** I am happy to engage with the Member and the Federation of Small Businesses. I have had the opportunity to engage with the FSB on a number of occasions since taking up office, and I am happy to do so again.

## Health Budget

T5. **Mrs Dodds** asked the Minister of Finance to give her assessment of the Department of Health's claim that it needs an annual rise in its budget of 6% to 7% every year just to deliver the same service. (AQT 355/22-27)

**Dr Archibald:** We all recognise that there are inflationary impacts that hit all Departments and their delivery of public services over a year. Over the past few years, there have been particular inflationary impacts that have resulted in costs going up. The Department of Health states that it requires that particular figure. Over the past three years of the current spending review period, the Department of Health's baseline has increased by £1.6 billion. It has had a significant uplift in this spending review period.

**Mrs Dodds:** Thank you, Minister. The Department of Health has indicated that it has a long-term desire to reform and reorganise. Will the Minister outline what bids she has received for that reform and reorganisation?

**Dr Archibald:** As the Member will be aware, the transformation board will allocate the specific money that has been ring-fenced for public sector transformation. It is £47 million this year and in each of the next five years. The process to ask for bids started only last week, so Departments will only be submitting those bids at this point in time. They will be considered over the next short period, and hopefully we will be in a position to make allocations in relation to that in the near future.

## Public Services: Transformation Funding

T6. **Mr Boylan** asked the Minister of Finance to provide a full update on the transformation funding. (AQT 356/22-27)

**Dr Archibald:** I think that we would all agree that it has been clear that the funding that we have for public services is not sufficient and that we need to transform how we provide public services. Across many sectors, public services are in critical need of investment and reform to ensure that we deliver quality and efficiency of service for citizens. Transformation is also essential if the Executive are to put their finances on a sustainable footing. As I have said, we have £234 million ring-fenced for public sector transformation. This year, we have £47 million to allocate, and, on 9 May, the Executive agreed to my proposed approach for making quick progress on the use of that important funding.

I have now established and appointed members to an interim public sector transformation board. The interim board will be chaired by the head of the Civil Service, Jayne Brady, and will include Professor Frances Ruane, an independent non-executive member of the NICS board who was previously the director of the Economic and Social Research Institute in Dublin. Julie Harrison, the NIO permanent secretary, will also join the interim board, having been nominated by the Secretary of State. The interim board is working at pace and has issued a call to Departments to submit transformation proposals. Once those are assessed, the interim board will make recommendations on the projects that could be supported by the funding. I look forward to considering those and making progress on the transformation that is so urgently needed for our public services.

**Mr Boylan:** I thank the Minister. Is there a timeline in relation to when the first transformation funding will be awarded?

**Dr Archibald:** I had initially hoped — I think that I have been on record a number of times saying this — to be in a position to allocate some of that funding in June monitoring. It was an ambitious timeline and was dependent on agreeing a way forward with the British Government. Progress has not been rapid enough to achieve that timeline, with discussions between my officials and their British Government counterparts taking longer than expected. I have written to the Secretary of State to highlight the need for increased pace and momentum to avoid further delay. Nevertheless, it remains my aim that funding will be announced in the summer for a number of the smaller projects. For larger projects, the process for application and assessment was always going to be longer, given the higher levels of transformation investment sought. I have asked the interim board to progress its work at pace.

## June Monitoring Round

T7. **Miss McAllister** asked the Minister of Finance, given that we are now into June, whether she could estimate the quantum of funding that will be available through the June monitoring round. (AQT 357/22-27)

**Dr Archibald:** We know for definite that there will be a minimum of £65 million for allocation. That is comprised of the £24 million from the application of the 24% needs-based adjustment factor to the spring Budget consequentials and £41 million of agreed carry-over of Barnett consequentials that was received late in 2023-24. It is also anticipated that there will be significant additional funding arising from the Westminster Main Estimates, but, as those were not introduced before Parliament was prorogued, the timing and the amount are now uncertain. However, I am still hopeful that there will be in the region of £200 million available for allocation in June monitoring.

**Miss McAllister:** Thank you, Minister. At the Finance Committee, it was suggested that there might not be an October monitoring round. Can the Minister set forward the rationale for that?

**Dr Archibald:** The monitoring round process is not set in stone and is kept under review. Sometimes there is not a great deal of money to allocate in October monitoring rounds, and the bulk of the money comes in January and June. However, we intend to do an October monitoring round process this year, and one of the reasons for that is that, as Members will be aware, there was not the ability to consult on a draft Budget before we agreed a final Budget. Departments will go out to consult and do their equality impact assessments on their individual budgets. We would like to be in a position to consider any equality impacts that may arise in that process and potentially mitigate them, if there is a need to, at October monitoring.

**Mr Speaker:** That brings topical questions to a conclusion. Members, take your ease before we resume the previous debate.

2.45 pm

*(Mr Deputy Speaker [Dr Aiken] in the Chair)*

## Opposition Business

### Hate Crime Legislation in Northern Ireland

*Debate resumed on amendment to motion:*

*That this Assembly notes the alarming prevalence of hate-motivated crimes in Northern Ireland and across these islands; recognises that legislation governing hate-motivated crimes in Northern Ireland is outdated and no longer fit for purpose; believes that hate crime legislation can protect communities with protected characteristics while ensuring adequate protection for the freedom of speech and reasonable religious political or other beliefs; acknowledges the work of the Marrinan review into hate crime legislation in Northern Ireland; expresses disappointment at the lack of progress that has been made in enacting the recommendations of the review in the past four years; and calls on the Minister of Justice to introduce stand-alone hate crime legislation, based on the definition and recommendations set out in the Marrinan review, within the next 12 months. — [Ms McLaughlin.]*

*Which amendment was:*

*Leave out all after "hate crime legislation in Northern Ireland;" and insert:*

*"regrets the lack of progress over the past three and a half years due to the lack of a functioning Executive and Assembly; and welcomes the Minister of Justice's commitment to legislate for foundational hate crime provisions as part of her legislative programme in this Assembly mandate." — [Mr Dickson.]*

**Mr Deputy Speaker (Dr Aiken):** We are resuming the debate on hate crime legislation. Minister of Justice, over to you. You have 15 minutes.

**Mrs Long (The Minister of Justice):** Thank you, Mr Deputy Speaker. First of all, I want to put on record my pleasure that the Assembly has taken an interest in this important issue and also that it gives me the opportunity to clarify my ongoing commitment to successfully delivering hate crime legislation in the current mandate.

I want to begin by stating clearly that hate and prejudice have no place in our society. Recent events demonstrate only too well the appalling and destructive impact that hate can have on society in Northern Ireland. Just yesterday, I listened to Lilian Seenoi-Barr, who has made history as the first black mayor in Northern Ireland, speak about the racial abuse, including death threats, that she has had to endure. A few weeks ago, I heard Jay Basra, an election candidate for the UUP, speaking out against the racist abuse that he has suffered. I also listened in horror as the parents of three-year-old twins described a transphobic attack on their young children. I am reminded of Takura Makoni, who was forced to move out of his home with his family due to racist and anti-immigrant intimidation earlier this year, as well as the terrifying footage of a sectarian attack on the home of a young mother and her toddler in Lurgan last year.

Those are just a few examples, but, whether it is directed at political representatives, candidates, a young single mum, ethnic minorities or trans members of the community, each of those incidents is not just wrong but utterly destructive. Even one incident is too many. Not only does each hate-motivated incident impact on the primary victim but the ripple goes outwards through their family, friends and other members of their community. That does not, in talking about hate crime legislation, create a hierarchy of victims, as some people have suggested. It recognises the wider impact of crime that is committed with a hate motivation, and the creation of secondary and tertiary victims. I hope that all Members from right across the Chamber would join me in condemning the actions of those who seek to stoke hatred and deepen the divide in our communities. It is my wish that, as we discuss the motion, we send a united message to those who target someone because of who they are or what they believe that it is not acceptable and that they will face the full force of the law.

A commitment to improve current legislation to support hate crime victims was included in the draft Programme for Government in 2016-2021. Providing a victim-centred legislation outcome has been a key priority for me as Justice Minister, and remains so. Members will know that, in December 2020, Judge Desmond Marrinan released his independent review of hate crime legislation in Northern Ireland. Recommendations from Judge Marrinan's review have provided a valuable framework in which to strengthen current legislation. They have provided the impetus to ensure that action is taken where necessary and to increase

victims' confidence in the system that brings offenders to justice.

Hate crimes are committed, as I said, against an individual based on a personal attribute or group identity. They are known to have a pronounced impact on victims, and the ramifications can extend beyond the direct victim to their communities by signalling that members of certain groups are not welcomed, valued or worthy of equal respect. Effective hate crime legislation can provide redress to victims, ensure that sentences reflect the harm that is caused not just to the victim but to wider society and support law enforcement agencies in the operation of their own hate crime policies.

Following Judge Marrinan's review recommendations, the Department accepted the need for a new legislative statutory aggravation model for all criminal offences, whereby each existing offence can be aggravated and provision for higher maximum sentences will be retained. That is the central element of hate crime reform and is the most impactful part of Judge Marrinan's report for victims. Having met him recently, I know that he would agree that that is crucial.

A stand-alone foundational hate crime Bill was originally scheduled to be introduced in the current mandate as the fourth Bill in this mandate. Since 2020, substantial and valuable work has been undertaken by my Department in implementing Judge Marrinan's 34 recommendations, including progress in working towards the development of that hate crime Bill. That has included the delivery of a wide-ranging phase 1 public consultation on a range of Judge Marrinan's recommendations and the publication of a consultation findings report and a way-forward document.

Following that, my Department progressed preparatory work for the introduction of legislation, including the commencement of draft instructions for some of those phase 1 policy positions. The Department has also undertaken significant engagement with a wide range of stakeholders as part of the policy development process. That has included regular discussions with criminal justice partners to consider the operational aspects of hate crime legislation proposals, particularly in relation to the introduction of the statutory aggravation model.

Engagement with a broad spectrum of non-statutory organisations representing hate crime advocacy and victims' groups has also been maintained. Briefings with political parties to inform and update Members have also been

offered and, in most cases, have taken place. Officials have also been monitoring the progress of the introduction of hate crime legislation in other jurisdictions.

Policy development on hate crime issues often involves consideration of complex and publicly contested issues, and we have heard references to that already here today. Indeed, it is evident that, in recent debates on freedom of speech and cultural and political expression, views have become increasingly polarised. In that context, I am very mindful of the need to balance the protection of freedom of expression with protection for victims of hate crime and hate speech, and to do no harm. I am determined to do all that I can to ultimately achieve the appropriate balance between protecting minority communities across our society whilst protecting freedom of expression. The two are not in conflict.

The loss of two years of Assembly business time and the constraint on resources in the Department and the wider justice system has, however, left my Department facing some difficult decisions. It has significantly restricted the range of legislative reforms possible within the time now available in this shortened mandate. As Members will be aware, Executive Bills are drafted by the Office of the Legislative Counsel (OLC). All Ministers have been advised that there is restricted resource here, limited to one Bill per Department per year, and that, if any further Bills are added, that should be on a one in, one out basis.

In that context, it was evident to me that a stand-alone hate crime Bill could not, therefore, be fully developed to address all of Desmond Marrinan's recommendations in the remaining three years of this mandate. In fact, when considering the original legislative programme, that stand-alone Bill would have been the fourth of five Bills, effectively moving it into the next mandate, with a three-year mandate. It is precisely because I prioritise hate crime that I made the decision at the start of the mandate to bring forward the most impactful elements of legislation for victims, to be delivered in this mandate as foundational hate crime provisions.

I reassure the Member for Foyle that there are no intentions to water down the hate crime provisions or to, in any way, weaken the provisions that will be made in hate crime legislation. Nevertheless, one can only do so much in the time available, and, despite what some Members described as the glacial pace of legislation in this place, it is important to remind them that we had two years of the previous mandate followed by three years of this

mandate, which equates to a five-year mandate. The Department of Justice has already brought forward five substantive pieces of legislation. We are awaiting Executive approval for another significant piece of legislation to come forward, hopefully before the summer recess, and there will be two further Bills in this mandate. I think that eight Bills in five years — the equivalent of one term — is not glacial. I actually think that it is quite impressive for the Department to have been able to achieve that, despite the disruption to its normal functioning.

I am now considering which of two possible legislative vehicles — a victims of hate crime Bill or a split between a victims and a sentencing Bill — would be most appropriate to deliver progress urgently. As part of those considerations, my officials and I have been engaging with the sectoral groups that represent those minority communities that we are seeking to protect. The only impact for victims of hate crime will be which provisions can be delivered in this mandate and how soon they will take effect. Whether that happens through a stand-alone Bill or as part of a wider piece of legislation, the provisions that I intend to deliver in this mandate, which I will come to shortly, are the same. The core element of a statutory aggravator model will remain the foundation for all other future provisions. A number of considerations will influence my final decision on that. However, a key consideration is the fact that, if the statutory aggravator model were moved into the sentencing Bill, it would be in force one year sooner than if it were in the victims Bill, or if it were in a stand-alone hate crime Bill, it would be in force one mandate sooner.

Whichever option is finally landed upon, the introduction of a new statutory aggravation model for prosecuting hate crime will provide a system-wide response to the criminalisation of hate crime, allowing for better outcomes for victims. That new model will become the core method of prosecuting hate crimes in Northern Ireland. All existing offences will be able to be aggravated by hostility that is based on membership or perceived membership of a group based on race, religion, disability or sexual orientation, which are the current protected groups. It will also, however, extend the model to cover transgender identity, and we hope to also include sectarian motivation in this first foundational phase. That is the entire extent of the hate crime provisions on which we consulted as part of the phase 1 consultation, and it reflects the extent of the provisions intended to form the stand-alone Bill in a five-year mandate.

Members have asked about this: no new offences will be created by the proposed model. The model will be an aggravating model, and, in that way, if someone commits a crime that is motivated by hate and the crime can be proven but the motivation cannot, they can still be convicted of the underlying crime. It is only when the hate motivation can be made out in court that the aggravator will then be applied to sentencing.

I also want that model to recognise intersectionality, and a number of Members referenced that. Furthermore, as there are a number of recommendations for additional hate crime classes, which are to be consulted on as part of the phase 2 consultation, I am working towards future-proofing the legislation by allowing other groups to be added at a later date if evidence in consultation shows that they are needed. That would allow us to move at pace to respond to emerging trends without the need for further primary legislation, and it would allow us to add to the list by secondary legislation and regulation.

To be clear, the phase 1 public consultation to which I referred sought views on the introduction of the new statutory aggravation model; sectarian offending in hate crime law; elements of stirring-up-hatred offences; replacing the dwelling defence with the defence of private conversations, which a number of Members referenced and which I will come to; special measures and protection from cross-examination for victims of hate crime; and exploring misogyny and transmisogyny in hate crime law. However, the phase 2 consultation is intended to take forward for consultation recommendations that include the protected characteristics of gender, age and various sex characteristics as well as a duty to remove hate expression from public space. That was due to take place later in 2024. However, due to the need to bring forward the most impactful elements of legislation for victims in this mandate, that phase 2 consultation will need to be rescheduled to a later date so that officials can draft the new model provisions for the forthcoming legislation as to be determined.

Having met Judge Marrinan recently, I know that he is also of the view that the public order elements of the recommendations in his report would be best advanced as separate legislation to be progressed in the next mandate, and I concur with him on that. I have mentioned that I intend to allow victims of hate crime to have automatic entitlement to special measures and to be protected from in-person cross-examination. Again, I intend to advance those provisions in this mandate as part of the victims

Bill in order to ensure that the measures are place for prosecutions under the new hate crime provisions.

Legislation alone will not reduce hate crime, so we need a collaborative approach to dealing with intolerance, prejudice and hate. Education, early intervention and collaborative working are all important.

Work continues in my Department on the non-legislative parts of Judge Marrinan's review. For example, we appointed Northern Ireland's Victims of Crime Commissioner Designate two years ago: Judge Marrinan recommended that in his report. The commissioner designate has special responsibility for hate crime. I hope to put that office on a statutory footing in the victims Bill in this mandate. Direct support to victims of hate crime from my Department and the PSNI through the Hate Crime Advocacy Service is also delivering specialist support.

### 3.00 pm

As I said, issues of telecommunication are outwith the devolved space. However, I continue to work with Ofcom and the Home Office on the Online Safety Act 2023. Members are aware that I feel that it needs to go further than it does at the moment.

As Minister of Justice, my role is to deliver a programme that maximises what we can achieve and prioritises the needs of all victims of crime. In the current context, what we are doing with Judge Marrinan's report meets those criteria. Building safe communities in the current challenging climate requires difficult choices, but it is right that we should prioritise hate crime in this mandate, deliver the most impactful elements of the legislative framework and ensure that people can be prosecuted where it is clear that their crime is motivated by prejudice and hatred. We should build a society where —

**Mr Deputy Speaker (Dr Aiken):** Could the Minister draw her remarks to a close, please?

**Mrs Long:** — diversity is not merely tolerated but embraced and celebrated and where people are safe.

**Mr Deputy Speaker (Dr Aiken):** Thank you, Minister. I call Paula Bradshaw to wind on the amendment. Paula, you have five minutes.

**Ms Bradshaw:** Thank you, Mr Deputy Speaker.

I am happy to see the issue raised in the Chamber today. It is already clear that the key objective is legislating to ensure that hate and prejudice have no place in our society.

Sinéad McLaughlin, the proposer of the motion, spoke powerfully about the importance of the issue, particularly in the context of the abuse that her colleague, Councillor Lilian Seenoï-Barr, has had to endure, not least in the past couple of weeks. The Minister also recognised that. Joanne Bunting emphasised that no hate crime is acceptable and that we must tackle it in all its forms. Kate Nicholl paid tribute to all those who have had the courage to speak out when they have been the victims of hate crime, up to and including the loss of their homes and businesses. She challenged elected reps to speak up too.

We are all keenly aware that politicising such an objective will go down poorly with the public. What matters is delivery. We need to be clear about the activity and time that it will take to deliver legislation that will work effectively on sensitive issues, and that is the point of the amendment.

On delivery, Sinéad and her colleague Colin McGrath raised the issue of stand-alone legislation. However, other Members, such as Ms Bunting, emphasised that it is not the technicality of whether legislation is stand-alone that matters but the impact that the legislation would have. Paul Frew urged us to exercise caution and to take time to get the process and the vehicle right. Stewart Dickson pointed out that not all of Judge Marrinan's recommendations are for a single Department and nor, indeed, are they all legislative. The Minister made a similar comment.

Turning to the issue of legislating for a statutory aggravation model, some Members outlined how and why Judge Marrinan's recommendations are important. Sinéad correctly noted that the current system is not fit for purpose. Deirdre Hargey called for a robust approach, and Stewart emphasised that the key message would be delivered through effective legislation. Connie Egan went further, emphasising that the objective must be full legal protection for violations of human rights on the basis of a cross-sectoral approach, including intervention and prevention. The Department has accepted the need, as the Minister mentioned, for the new legislative statutory aggravation model. That is of relevance to the Committee for the Executive Office, which I Chair, as it is significant in respect of race relations and good relations more generally.

On time frame, the motion raises the importance of the implementation of Judge Marrinan's recommendations but emphasises that it must be done within 12 months. However, several Members, including Doug Beattie and Jim Allister, took the opposite view, saying that the process must not be rushed and that there must be full scrutiny. The challenge is to secure implementation of the recommendations in the context of a constrained time frame and competing priorities. The recommendations provide an excellent foundation from which to strengthen our current legislation. In her response —

**Mrs Long:** Will the Member give way?

**Ms Bradshaw:** Yes, I will.

**Mrs Long:** Will the Member accept that, given that part of Judge Marrinan's report still has to go to consultation, it would be impossible to legislate within a 12-month window?

**Ms Bradshaw:** Thank you, Minister. I was just coming to that point.

When the Minister set out her clear priorities in her response, she mentioned that the time frame is restricted by the need for legislative drafting, consultation and complete policy development within that condensed period. Those priorities include legislation on the most impactful elements for victims that will provide not only the delivery of key aspects now but a foundation for the future.

I will draw my comments to a close by urging unity on our amendment. The outcome of the Minister's legislative plans is clear: we will see the introduction of a new statutory aggravation model for prosecuting hate crime, providing for better outcomes for victims during this mandate. Furthermore, legislation will be future-proofed to allow for further consultation, as I have just outlined, and engagement. It will be accompanied by other policy work emerging from Judge Marrinan's review, as the Minister clarified. Therefore, we see from the Minister a commitment to deliver hate crime legislation and a detailed road map on exactly how that will happen, taking into account the obstacles that others have put in her way, not least by collapsing the institutions for much of the current mandate. I urge the Assembly to commend her work and to unite behind the clear route laid out, which will provide practical and better outcomes for victims.

**Mr Deputy Speaker (Dr Aiken):** Thank you very much. I call Matthew O'Toole to make a

winding-up speech on the motion. Matthew, you have 10 minutes.

**Mr O'Toole:** Thank you, Mr Deputy Speaker. Hate crime is an issue in which there is often more heat than light. I welcome the fact that the debate was mostly undertaken in a civil and balanced way. It acknowledged the seriousness, sensitivity and complexity of the legal and moral issues at stake and that the issues are extraordinarily important.

The debate takes place the day after, as Members acknowledged on several occasions, the inauguration of Lillian Seenoi-Barr as the first black mayor in Northern Ireland. It is an extraordinary, historic moment not just for the city of Derry but for the whole region. We were extraordinarily proud to nominate Lillian to that post. Over the past weeks, as Sinéad McLaughlin said yesterday, Lillian has been subject to a torrent of disgusting racial abuse. Lillian is a talented public representative. She has been a champion not just via the SDLP and the North West Migrants Forum but day-to-day as a public representative.

Yesterday, the Alliance Councillor Micky Murray — Paula Bradshaw's colleague — became the first openly LGBTQ Mayor of Belfast, and my colleague Pete Byrne was confirmed as the first openly LGBTQ chairperson of Newry, Mourne and Down District Council. The reason why I point out those events out is that we are making progress in this society. We are moving towards greater acceptance and, indeed, celebration of diversity, but we cannot kid ourselves about the huge problem that we have with the permissiveness around hate.

Kate Nicholl's remarks struck me. Kate represents South Belfast, as do Deirdre Hargey and Paula Bradshaw. It is a constituency that is proudly the most diverse constituency not only in Northern Ireland but, quite possibly, on the island of Ireland. In that constituency, however, we have constant reports of hate crime. We constantly deal with individuals — our constituents — who are subjected to hate. Other examples have been mentioned, but I draw attention to one particularly stark and startling example: the burning of the Belfast Multi-Cultural Association (BMCA) centre on Donegall Pass on more than one occasion. The people who owned and operated the BMCA centre, which was in a former church at the end of Donegall Pass, simply gave up on occupying the premises, because they did not see any meaningful investigation that was going to lead to prosecutions for what was, self-evidently, more than one hate crime being committed against their premises, from which they did

extraordinary work in that part of South Belfast. That is the context in which we need improved and updated hate crime legislation, as Judge Marrinan's review said. That review was nearly four years ago. That is why the urgency exists today.

I will deal with some specific points from the debate. Stewart Dickson said that legislation alone is not enough: of course legislation alone is not enough. To be honest, that almost goes without saying when we debate any form of legislation that involves a culture change, particularly in relation to criminal justice. Of course, legislation is only ever legislation; it is only ever as good as the public servants who deliver it and the society in which it operates. It is important to acknowledge — this point was made multiple times — the effect of years of stalemate and lack of an Assembly. Again, that goes without saying. It is also important to say, however, that, as Stewart Dickson acknowledged, hate crime legislation has been a specific commitment since 2016; indeed, the Marrinan review was published in 2020. Notwithstanding the fact that there was a period of collapse, there was a clear commitment to stand-alone hate crime legislation at that time.

Deirdre Hargey mentioned the importance of a specific hate crime Bill. She talked, I think, about a stand-alone or dedicated hate crime Bill. Deirdre, like me, represents South Belfast, and, I know, takes the issues seriously. If that is Deirdre and Sinn Féin's position, I urge them, in the most respectful way possible, not to support the amendment, because it does not specify a stand-alone hate crime Bill, which is what we need.

Joanne Bunting talked about the importance of scrutinising the legislation carefully and understanding that we are dealing with complex matters in relation to definitions of hate crime. They are complex, sensitive areas that require all of us to scrutinise them in detail. That is one of the best arguments for having a stand-alone hate crime Bill rather than simply having provisions in a separate sentencing or victims of crime Bill, because it is important that we unpack and are mature about unpacking things such as the definition of hate crime. In his review, Desmond Marrinan offers a definition of hate crime that is pretty usable — he is much more qualified to define it than I am — but that is the kind of thing that we, as legislators, particularly those on the Justice Committee, will have to unpack. That and the fact that that will then have to be communicated to the wider public make the argument for a stand-alone Bill.



Doug Beattie speculated about being ginger being a protected characteristic. The Minister and I may be able to find a degree of common cause on that; I do not know about that. He also said that we should not rush something through. I do not think that we have rushed on this: we have been talking about it for a number of years.

Paul Frew talked about getting the legislation right. I go back to the point about why talk about getting the legislation right supports the argument in favour of specific, stand-alone hate crime legislation. Because of the discrete nature of the issues that we are talking about, it makes sense to debate them in a discrete and targeted way, when we can unpack some of the controversies and complexities.

Kate Nicholl spoke passionately, as always, about the diversity of South Belfast. I agree with her that there is too much permissiveness and tolerance of low-level hate, which then escalates into permissiveness of explicit acts of hate crime of whatever kind. I again come back to the point about the signal that we are trying to send. Kate talked about leadership and why it is important. The exercise of debating specific hate crime legislation would enable us, as legislators, to unpack some of the issues, including the broader cultural and historical context of hate crime and hate in this society, be that the deep legacy of sectarian hate that we have all inherited or, indeed, the fact that we have yet to grapple with and properly embrace the new diversity that we have in this society.

**Ms Bradshaw:** I thank the Member for giving way. The issue that we are discussing is the statutory aggravation model. From my point of view as a fellow South Belfast MLA, that will not be the panacea, in many ways. There is the work that has taken place in the Department for Communities and the work done on the race relations strategy. There is so much more than just that issue. If you are fixated on stand-alone legislation when we should be working on the issue in so many other ways, you miss the point.

**Mr O'Toole:** With respect to my fellow South Belfast representative, I completely reject the idea that I am focused on this as a panacea. We are debating a hate crime Bill because that is what is in the motion. Of course, we need to debate broader issues of racial equality and community cohesion. Of course, that is true, but the motion is specifically about a hate crime Bill.

The Alliance manifesto promised a stand-alone hate crime Bill. I did not make that up, and it is

not me promising it off the top of my head. It was, with the greatest of respect, a specific pledge in your party's manifesto.

**3.15 pm**

**Mrs Long:** Will the Member give way?

**Mr O'Toole:** I will give way briefly, as I do not have much time left.

**Mrs Long:** Given that we are in the situation in which we are, with two years missing from the mandate and very restricted resources, does the Member accept that the fact that we have accelerated provisions to give protection to vulnerable victims, rather than wait for a stand-alone hate crime Bill, should be commended, not criticised?

**Mr O'Toole:** I am aware that the Minister does not like to be criticised in any context, ever, but my job is to be an Opposition politician who holds Ministers to account.

**Mrs Long:** [*Inaudible.*]

**Mr O'Toole:** I apologise, Minister. If the Minister does not like that, I am very sorry, but my job is to hold Ministers to account for the job that they do.

With respect, the reason that we will not support the amendment is that the argument has been made, including by the Alliance Party and its leader, for a stand-alone piece of hate crime legislation. Yes, it is important. If we are not successful, and the Minister introduces a statutory aggravation model through a different Bill, such as that which she called the "victims of crime Bill" in response to a question for written answer that I tabled but seems to have renamed the "victims of hate crime Bill", that is fine, and we will, of course, engage with it. A stand-alone Bill is what was promised, however, and that is what people have the right to expect.

On the broader motion, we have an opportunity, finally, to start to deal with some of the deep legacies of division and hatred in our society. Hate crime legislation will not solve all those problems, nor should it come close to doing what Mr Allister suggested, which —

**Mr Deputy Speaker (Dr Aiken):** Will the Member draw his remarks to a close?

**Mr O'Toole:** — is to legislate on people's private affairs. It can, however, set out a clear

framework for tackling hate crime. I commend the motion to the Assembly.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 70; Noes 5.*

## **AYES**

*Mr Allen, Mr Allister, Dr Archibald, Mr Baker, Mr Beattie, Mr Blair, Mr Boylan, Mr Bradley, Ms Bradshaw, Mr Brett, Miss Brogan, Mr Brooks, Ms Brownlee, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Clarke, Mr Delargy, Mr Dickson, Mrs Dillon, Mrs Dodds, Mr Donnelly, Mr Dunne, Mr Easton, Ms Eastwood, Ms Egan, Mr Elliott, Ms Ennis, Mrs Erskine, Ms Ferguson, Ms Forsythe, Mr Frew, Mr Givan, Miss Hargey, Mr Harvey, Mr Honeyford, Mr Irwin, Mr Kearney, Mr Kelly, Ms Kimmins, Mr Kingston, Mrs Little-Pengelly, Mrs Long, Mr Lyons, Mr McAleer, Miss McAllister, Mr McGuigan, Mr McHugh, Miss McIlveen, Mr McMurray, Mr McReynolds, Mrs Mason, Mr Middleton, Mr Muir, Ms Mulholland, Ms Á Murphy, Ms Ní Chuilín, Ms Nicholl, Mr O'Dowd, Miss Reilly, Mr Robinson, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Mr Tennyson.*

*Tellers for the Ayes: Ms Mulholland and Mr Tennyson*

## **NOES**

*Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin, Mr O'Toole.*

*Tellers for the Noes: Mr McGrath and Ms McLaughlin*

*Question accordingly agreed to.*

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

*Resolved:*

*That this Assembly notes the alarming prevalence of hate-motivated crimes in Northern Ireland and across these islands; recognises that legislation governing hate-motivated crimes in Northern Ireland is outdated and no longer fit for purpose; believes that hate crime legislation can protect communities with protected characteristics while ensuring adequate protection for the freedom of speech and reasonable religious political or other beliefs; acknowledges the work of the Marrinan review into hate crime*

*legislation in Northern Ireland; regrets the lack of progress over the past three and a half years due to the lack of a functioning Executive and Assembly; and welcomes the Minister of Justice's commitment to legislate for foundational hate crime provisions as part of her legislative programme in this Assembly mandate.*

## **3.30 pm**

**Mr Deputy Speaker (Dr Aiken):** Members, please take your ease for a few moments.

## **Conversion Practices**

**Mr McGrath:** I beg to move

*That this Assembly deplores that harmful and damaging conversion practices are still legal in Northern Ireland; recognises that conversion practices can take many forms and can occur in a variety of settings; notes the findings from the May 2024 publication, 'A Study of Conversion Practices in Northern Ireland', by Professor Fidelma Ashe and Dr Danielle Mackle; reaffirms its support for a ban on conversion practices in all forms; and calls on the Minister for Communities to commit to bringing forward legislation on an effective ban on conversion practices before the end of the current Assembly mandate.*

**Mr Deputy Speaker (Dr Aiken):** The Business Committee has agreed to allow up to one hour for the debate. The proposer of the motion will have five minutes in which to propose and five minutes in which to make a winding-up speech. As an amendment has been selected and is published on the Marshalled List, the Business Committee has agreed that eight minutes will be added to the total time for the debate. Please open the debate on the motion, Colin.

**Mr McGrath:** Thank you very much, Mr Deputy Speaker. The history of homophobia in this country is a long one — one which, for too long, has heaped shame on the LGBT sons and daughters simply for being who they are. There has been much progress over the years to enable the LGBT community to be who they are and to live the life that they have, but, despite the great progress that has been made on this island, we know that that form of bigotry has not gone away.

Recent research into schools in Northern Ireland found that 68% of LGBT+ students faced bullying, the results of which contribute to higher levels of depression, self-harm, drug

abuse and suicide. Perhaps even more concerning is that a 2019 Education and Training Inspectorate (ETI) report recorded that one third of pupils in Northern Ireland thought that their school was not welcoming to the LGBT+ community. Perhaps, then, it is little wonder that the scourge of homophobia persists and remains something that we in the Chamber must continue to fight.

There is, of course, a particularly grubby practice in this part of the country that we must address today. It does nothing to remedy the above abuses; rather, it furthers a culture of intolerance and fosters shame, self-loathing and guilt in the LGBT community. It is a practice that the medical and therapeutic establishment has entirely debunked. It is sometimes profitable for those who push it, and it preys overwhelmingly on young people, some who are as young as 13 years old.

Future students of history will, with bleak curiosity, one day study conversion therapy alongside electric shock therapy and other forms of discredited and harmful practices. However, today in Northern Ireland, that stigmatising, highly damaging and valueless practice endures. Despite those practices having been roundly dismissed by all credible medical bodies and condemned as deeply homophobic by LGBT+ rights groups, they unfortunately continue to find a market in Northern Ireland.

Forms of therapy can differ across the world. Some are sold as talk therapy cures, whilst others can involve heinous so-called corrective rape therapy. All forms cause great harm to vulnerable individuals and erode their sense of dignity and self-worth. All those who have spoken out about their experiences of conversion therapy have unanimously stated that they are not just a waste of time and money and do not work but that they are in fact invasive, manipulative and predatory by design.

The fight to end homophobia in this country will not end with the banning of conversion therapy, but it will be yet another step in the right direction. We, as Members of this House, must move swiftly to end what is, frankly, a brainless practice that is pushed sometimes openly, sometimes quietly, but a practice that always fails the people who are at its heart.

There may be those in the Chamber who claim that members of the LGBT+ community seek conversion therapy of their own volition, but such an argument is misleading and fails to recognise that most enter into such practices under the fear that they will be ostracised from

their families, shunned by their friends and condemned to live on the uneasy margins of society. Those attitudes are the very hallmark of homophobia.

**Mr Allister:** Will the Member give way?

**Mr McGrath:** Yes.

**Mr Allister:** Let us be clear about this: is the Member saying that if an individual of whatever background asks for prayer and counselling in a religious setting, that should be banned?

**Mr McGrath:** I thank the Member for his intervention.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr McGrath:** Those are absolutely not my words. They are yours, as you have just stood up. They were at no point any of the words that I used.

I think that that gets to the next point that I was about to make, which is on the DUP amendment. This is where we need to be utterly careful about remarks such as those that the Member has just made, because this is not about banning people's ability to seek pastoral care. It is not about banning an individual who wishes to go and pray with their religious leader.

**Mr Allister:** Will the Member give way?

**Mr McGrath:** Actually doing that would be absolutely and utterly unfortunate, so that is not something that we should ban.

**Mr Allister:** Will the Member give way?

**Mr McGrath:** No, because you put into other people's mouths words that are not what has been said. Previous interventions have been so misleading that I do not wish to take any more in the debate.

If somebody assesses another individual and says that their lifestyle and the life that they have are wrong and need to be changed while trying to push that person to convert from who they are, those are practices that we should see banned. Nobody here wishes to see anybody who wishes to speak to their religious leader being banned. However, the DUP amendment suggests that we go back to the drawing board and go out and consult again. It suggests that we take that consultation and try to progress

some legislative options. That is pushing us back to the starting line. Those practices have been done. We know where we stand, and we need to just progress and get the ban implemented.

**Mr Deputy Speaker (Dr Aiken):** I call on Brian Kingston to move the amendment.

**Mr Kingston:** Thank you, Mr Speaker. No Member of this —.

**Mr Deputy Speaker (Dr Aiken):** Brian, all you have to do is say, "Moved".

**Mr Kingston:** Indeed. I beg to move the following amendment

*Leave out all after "That this Assembly" and insert:*

*"recognises that harmful and damaging conversion practices can take place in Northern Ireland; notes that conversion practices can take many forms and can occur in a variety of settings; acknowledges the findings from the May 2024 publication, 'A Study of Conversion Practices in Northern Ireland', by Professor Fidelma Ashe and Dr Danielle Mackle; further recognises that where an individual voluntarily wishes and actively seeks prayerful and pastoral support, this should not be withheld from them, and as such this does not constitute a conversion practice; and calls on the Minister for Communities to consult widely on the way ahead, including relevant legislative options, to ban the practice of conversion therapy but to also ensure that legal safeguards are in place to protect freedom of religion and freedom of speech."*

**Mr Deputy Speaker (Dr Aiken):** OK. Thank you. The Member has five minutes to propose and three minutes to make a winding-up speech. All other Members who are called to speak will have three minutes.

**Mr Kingston:** Thank you, Mr Deputy Speaker. I trust that no Member of the Assembly would ever defend any form of abuse or coercion of any individual. Any such practice should, rightly, be condemned. When we examine conversion therapy worldwide, we see clearly that it has included coercive and abusive practices being inflicted on people. There is no justification for that, and there never will be. Those extreme examples of conversion therapy are already illegal in the UK. There is legislation in place to prosecute those offences.

It is also clear that there are instances of individuals from a faith background who approach friends, parents, ministers or their small group for pastoral support and deeply personal conversation on matters relating to their sexuality. The pastoral support that I am referring to is genuine pastoral support; it is not a course of therapy that, in some countries, is dressed up to look similar to clinical therapeutic intervention.

**Mr Tennyson:** I thank the Member for giving way. He mentioned that many of the most heinous acts of conversion practice are already illegal under existing law. Surely he acknowledges, given the evidence that we have available to us, that some forms of it are falling through the cracks.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr Kingston:** The problem is that the motion calls for:

*"an effective ban on conversion practices".*

It does not make any distinction. We seek to ensure that support that is given genuinely and lovingly in response to someone seeking personal support cannot be misinterpreted and become the grounds for prosecution. It is possible to make some distinction, rather than including everything in one category.

Genuine pastoral support is wholly different from the abusive practices that I outlined. In such cases, the individuals are not being coerced, forced or pressurised to seek support; they are, of their own volition, sincerely seeking personal and spiritual assistance. The motion would mean that those affirming mainstream Christian teaching, and the faith position of other religions, on same-sex attraction could well be prosecuted and handed a significant fine or, even, a prison term. In fact, that could apply even to parents who provide orthodox religious guidance to their children. According to the report that is referenced in the motion, the definition of "conversion practice" is:

*"all medical, psychological, religious, cultural, or any other interventions that seek to erase, repress, or change a person's sexual orientation and/or gender identity."*

It provides no provision for, or recognition of, same-sex-attracted individuals who actively and honestly seek guidance or support. The document also states:

*"Therapy that supports an LGBTQI+ person with personal, emotional, psychological or spiritual issues relating to their sexual orientation or gender identity where that support does not seek to direct that person to suppress, 'cure,' or change their sexual orientation or gender identity are not considered conversion practices."*

That is extremely vague. It does not deal with, for example, the case of a same-sex-attracted person of faith who wishes to remain celibate and asks their minister to pray for them. Our amendment seeks to provide protection for the individual seeking support and the person who provides it. We must allow freedom of choice for anyone seeking pastoral support. That support must be equitable.

The absurdity of the wording in the motion is that, in its application, a heterosexual person seeking prayers and guidance on their sexuality or sexual practice could receive them from their minister. However, a homosexual person seeking the same could be leading that minister into committing a prosecutable offence. Essentially, the motion, if it were made into law, could also be used to criminalise any minister or priest teaching or communicating within the confines of a church building what is simply a mainstream Christian sex ethic.

**3.45 pm**

In summary, we are completely in support of banning the harmful, coercive and abusive aspects of conversion therapy, and that is clearly reflected in our amendment. However, those aspects must be defined, something that the original motion fails to do. We also want to see religious liberty and freedom being respected.

**Mr Deputy Speaker (Dr Aiken):** Will the Member draw his remarks to a close, please?

**Mr Kingston:** Yes. This is the last sentence.

Same-sex-attracted individuals should be able to receive the personal support that they request in sincerity without the risk of criminalising others.

**Mr Deputy Speaker (Dr Aiken):** I call Emma Sheerin. I remind Members that they have three minutes in which to speak.

**Ms Sheerin:** Go raibh maith agat, a LeasCheann Comhairle.

I support the motion and welcome the opportunity for the debate. Obviously, a similar motion was supported by the House in April 2021, so we know its position on harmful conversion therapy, and we know that the majority of MLAs in the Chamber support a ban, which is to be welcomed.

I remind Members that an awful lot of the work has already been done, so it is time for action here. When my party colleague Deirdre Hargey was in the Department, she carried out an awful lot of the research on conversion therapy. A lot of that has already been done, and what we need now is action.

This is really about protecting people's human rights. Everybody has the right to a life free from harassment, and we all should prioritise that. We have a responsibility to protect our most vulnerable. We know, as the proposer of the motion outlined, that the LGBTQI+ community has been marginalised, ostracised and physically and verbally discriminated against by successive Governments here and across the world. We need to change that, and this is one step in doing so.

Conversion therapy and everything that surrounds it legitimise homophobia. It tells people that they are wrong simply for being who they are. None of us should want to associate ourselves with that. We should outlaw it. We should tell people clearly, particularly our young gay people, that we do not want it to continue, that they are valid and that they have the same rights as anyone else and should be free to live their life as who they are.

Sinn Féin has made it clear where it stands on the issue. We want to see this progressed. This is a time for action, and we want to see that happen without delay.

**Mr Tennyson:** The Alliance Party's vision is for a more shared, equal, tolerant and united community, where diversity is celebrated and where everyone's rights are protected and respected. We are committed, therefore, to taking steps to ensure that people in Northern Ireland are protected from harm based on who they are or whom they love, including through the delivery of a comprehensive ban on cruel and archaic conversion practices.

Such practices were conceived at a time when homosexuality and transgender identity were considered mental disorders in need of cure. Today, thankfully, LGBT identities are widely recognised as a totally normal part of human development, and so-called conversion therapy has been discredited by organisations including

the British Psychological Society (BPS), NHS England, the Association of Christians in Counselling (ACC) and virtually every reputable medical and counselling body across the globe.

Despite those changes and all the evidence that we now have in our possession, we know that such degrading, destructive and denounced practices persist and are still being inflicted on LGBT people in Northern Ireland today. We know that thanks to research such as the work conducted by Professor Fidelma Ashe and Dr Danielle Mackle. I thank them and their participants for their important work.

We know that perpetrators of conversion therapy prey on internalised feelings of fear and shame in those struggling with who they are, often taking advantage of young, vulnerable LGBT people and fraudulently subjecting them not to treatment but to torture. Even if it were possible to change someone's fundamental nature, our time would be better spent on making bigots and proponents of conversion therapy more compassionate and leaving LGBT people alone. It is true that existing law already addresses some of the harmful behaviour often associated with conversion practices, including physical violence and threatening conduct. It is also true, however, that there are gaps in the law that allow some forms of conversion practice to fall through. That is why, should legislation not be forthcoming from the Communities Minister, I will seek to introduce a private Member's Bill to ban those practices once and for all.

There is no doubt that, when we debate these issues, some will seek to pit LGBTQ+ people against people of faith. That argument, of course, holds no water and ignores the plurality of our society where there are, in fact, many people who are both LGBTQ+ and people of faith. As a member of a liberal party, I believe fundamentally in religious freedom — both freedom to and freedom from religion — but I also reject a situation where religious freedom is invoked only in the name of discrimination and harm against minorities. There is no intent to criminalise expressions of traditional religious belief, far from it. Rather, the intent is to criminalise heinous, coercive and harmful practices, and I am absolutely committed to doing that.

I am happy to engage with any Member. Mr Kingston's concerns about the motion are not based on the fact of what is being proposed. I am happy to work with any Member to ensure that a comprehensive ban on conversion therapy can be delivered.

**Mr Beattie:** *"I am a straight man. I was born straight, and there is no fix or cure for me or any therapy that will make me a gay man. Why on earth therefore would we say that a gay man was not born that way? Why would we say that a gay man can be fixed or cured? Why would we say that there is a therapy to change a gay man into a straight man? There is not. It is ludicrous."* — [Official Report (Hansard), 20 April 2021, p17, col 1].

Those are the words that I used when I opened the debate on conversion therapy in 2021. The motion passed. It passed because we spoke, looked at people's concerns and addressed them. I have always been clear that conversion therapy is humiliating and harmful. I go back to that piece to say that we need to work together. Does this motion bring us forward from when we had the debate in 2021, or does it leave us stuck in another argument? My genuine concern is that it may not bring us forward.

I understand people's concerns about religious freedom. The right to pray and preach and to give counsel and pastoral care to someone who seeks support should not be diminished. I do not believe that private prayer about sexual identity, conducted in a private, supportive and affirmative way, is conversion therapy unless it is subversive and harmful. I do not believe that pastoral care is about changing someone's gender identity unless it deliberately targets the young or the vulnerable with the intent to do so. I really do not. The party to my right has tabled an amendment that tries to strike a balance and raise a concern. I will support that amendment. A person of faith should support banning conversion therapy not in spite of their faith but because of it.

I will use a line that I used in 2021:

*"A young female member of the LGBTQ community once said:*

*'It won't always be like this. It's going to get better.'*

*I never knew Lyra McKee, and she will never see the 'better' that she foresaw ... it is incumbent on all of us to reach inside ourselves to change this practice of conversion therapy."* — [Official Report (Hansard), 20 April 2021, p18, col 2].

We can do that if we work together and understand concerns. There are concerns, and we cannot diminish them. We cannot just say, "You are wrong"; we can change only if we genuinely listen to each other's concerns.

**Ms Mulholland:** I want to frame what I am about to say with an acknowledgement of the concerns that have been raised with me about freedom of religion. There are those who wish to propagate fear and division when it comes to the issue. The suggestion has been made that we wish to ban the practice of prayer and spiritual engagement, but that is simply not the case. That is a misrepresentation and a misunderstanding of what conversion therapy is. The examples that the Member for North Belfast gave — non-coercive conversations, prayer, spiritual guidance, teaching and counselling where consenting, non-vulnerable adults question their sexuality or gender identity — are not conversion therapy and should not be criminalised. That is not what is being referred to here, and that must be made clear.

Many Christian denominations and religious leaders have publicly denounced conversion therapy and recognise it to be a harmful practice that contradicts the core tenets of love, compassion and respect for all individuals that exist in Christian faith. The aim of legislative involvement is not to undermine religious beliefs but to ensure that every individual, regardless of sexual orientation or gender identity, is protected from practices that have been widely condemned by medical, psychological and human rights organisations worldwide.

Conversion therapy encompasses a range of interventions aimed at changing an individual's sexual orientation or gender identity to conform to heterosexual or cisnormative gender ideals. The aim of such interventions is explicit in its desire to change some element of the individual's identity that is assumed to be broken. Those who are vulnerable, at risk or under the age of 18 simply cannot give informed consent, consent being another key element. That is what sets such practices apart from the notions of praying for or praying with. There are so many testimonies from LGBTQIA+ people of faith about their desire to have the practice banned, as they cherish their faith and want to be able to practise it without fear. Given that it is that cohort to whom the practice poses the most detrimental risk, surely we should listen to and heed those people's calls. The Church of England outlined, in its briefing on the topic, that any proposed legislation should focus on preventing coercive, abusive practice and that any restriction should specifically focus on coercive behaviour in pastoral care.

Again, let me reiterate this: we are not talking about interfering with people's right to practise their faith or their ability to engage in mutually agreed prayer conversations. Individuals should

still be free to request non-coercive prayer if they wish to explore their sexuality or their gender identity. It is the coercive and abusive practices with a predetermined outcome of changing someone's identity that we want to see banned.

My party has consistently championed the rights of the LGBTQIA+ community. In previous debates, we have highlighted —

**Mr Deputy Speaker (Dr Aiken):** Will the Member draw her remarks to a close, please?

**Ms Mulholland:** Yes. Sorry.

To conclude, I am clear about what side of the divide I want to be on, and I am clear about what side Jesus calls me to be on. That is the side that I am putting forward today.

**Ms McLaughlin:** I would like to think that everyone in the Chamber will be united today in opposing conversion practices. That pseudoscience is nothing short of barbaric and is predicated on the idea that LGBT people need a cure. It has been termed as creating a "significant risk of torture" by the United Nations Independent Expert on protection against violence and discrimination, and it has been denounced by just about every credible medical expert. It is sometimes called "therapy", but it is nothing of the sort. It is undeniable torture designed to repress people's identity, which is one of the most cruel things that can be done to any individual. It is also worryingly common.

In 2022, a YouGov survey found that 18% of LGBT people had been subjected to efforts to change, cure or suppress their sexual orientation or gender identity. The fact that we have still not banned the practice is an outworking of how dominated our society has been by religious organisations and coercive social conservatism. In my view, there is nothing Christian about conversion practices, and I know that Christians and people of all faiths are opposed to such practices.

It is 2024, and the slow progress on LGBT+ rights is a sign of a society that has an entrenched fear of and hostility towards people of difference that is rooted in patriarchal norms and standards and dominated by religious teachings. When we have made progress, it has often been made not in this Chamber but at Westminster. The Assembly has so often failed to act for LGBT people.

**4.00 pm**

LGBT people have already had traumatic experiences in society and been subjected to levels of fear and discrimination that would shame other parts of these islands. It is the job of politicians and the Assembly to unpick that history. Banning conversion practices is part of that journey. Amnesty International supports our call today, calling conversion practices "inherently humiliating, demeaning and discriminatory". It has been clear that international human rights law prohibits conversion practices, and any Bill that is introduced must meet the recommendations of the UN independent expert on sexual orientation and gender identity. The question is not about whether the Assembly supports a ban, but about when we will get the ban over the line. I was really disappointed that, in the previous mandate, we failed to introduce such a ban. We were told that a ban was to be introduced by the then Minister —

**Mr Deputy Speaker (Dr Aiken):** Can the Member draw her remarks to a close, please?

**Ms McLaughlin:** — the last time that we debated it, in 2021. Let us do this. Let us get it over the line.

**Mr Allister:** One of my issues with the motion is its lack of definition. Some Members have been anxious to say that it does not apply to faith issues or anything else, but that is not what the motion says. In fact, the motion is centred around an LGBT-promoted report, which itself gives a clear insight into what it is directed at, because that report is a conglomerate of pretty confused stories from 10 individuals, one of whom complained that they experienced prayer, Bible studies and teaching. That is offered in the report as an example of conversion practices. If that is what conversion practices are, and that is what the motion seeks to outlaw, the motion is wholly wrong-headed and inappropriate. Of course, extreme issues, such as electric shock, which is already an offence, and all that, are totally wrong, but to try, under the radar, to embrace issues of religious teaching, which is what the motion is doing, is wholly wrong.

I am tempted to say that maybe the real word of offence is "conversion". Conversion is not a wrong or a bad concept. None of us, by nature, likes to admit our failings, or even our sins, but it is the reality of those that, for some, make conversion relevant and necessary. To deny Christian Churches the right to pursue their work, to pray with those who seek it and to read and expound their scriptures with them — those are things that cannot be outlawed if we believe

at all in religious freedom; rather, they are things to be protected. It seems to me that, so often in this society, the cry for equality and freedom from this quarter is only for LGBT+ interests, but not for Christians or freedom of religion. It is that which is under threat. I return to the point that the motion does not define what it means by "conversion practices", but does, in its innards, with regard to the report that it quotes, make it clear where it wants to go.

**Mr Carroll:** Is it not a shame that the rights of the LGBTQ+ community remain up for debate in the Assembly and wider society? Is it not a shame that people's sexuality or identity are subject to such questioning and widespread bigotry, or that they are open to the most appalling forms of abuse in the guise of so-called conversion therapies? Those therapies are abuse. Those abuses — or conversion therapies, as they are called — are disgraceful and archaic; a remnant of a time when to be part of the LGBTQ+ community was to be viewed as evil, sick or sinful. Those so-called cures include sickening forms of violence, including corrective rapes, exorcisms and use of drugs, or other forms of physical punishment. Such methods are often propagated by people who make a fortune plying their harmful trade. Who are those grifters to tell anyone who they are or how they should live their lives?

Not that it should need saying, but conversion therapies do not work. Any suggestion that they do is rooted in oppressive attitudes towards the LGBTQ+ community and outright pseudoscience at best. The proven outcomes of conversion therapies on their victims include low self-esteem, depression and suicidal thoughts. Nobody should be subjected to such human rights abuses. In particular, we must recognise the vulnerability of children and young people to conversion therapy practices. Anyone who claims to stand for the protection of children must oppose their exposure to such coercion and violence.

It is important to underline the point in the motion that we need to ban all forms of conversion therapy. If we need a lesson in how not to do policy or on how to inflict more misery on people, we need only look at the approach of the Tory Government. This Government have stated that they will ban conversion therapy for lesbian, gay and bisexual individuals but not for trans, non-binary or asexual people. Make no mistake, that is not because the Tories care but because they have buckled under the weight of public opinion. It is because the vast majority of people no longer accept the notion that sexuality is, somehow, a mindset or a choice,



and they will not accept the oppression of gay, lesbian or bisexual people.

In other words, it is an act of self-preservation by this hated Tory regime. The reason that they once discriminated against people attracted to the same sex is the same reason that they now want to whip up a moral panic about the trans community. The calculation by the Tories and others is simple: if the public are in a panic about trans people, they are less likely to kick up a fuss about the destruction of our health service or the Government's infringement of civil rights and the right to protest. If people are focusing on the migrant, the asylum seeker or the refugee, they are less inclined to challenge the Government for failing to invest in social homes, public services or working-class communities. In short, divide and conquer.

I want to make a final point about religion. The UN special rapporteur on freedom of religion or belief, Dr Ahmed Shaheed, has said that a ban would not violate freedom of religion or belief under international law, because of the harm involved in conversion therapy.

**Mr Deputy Speaker (Dr Aiken):** I ask the Member to draw his remarks to a close, please.

**Mr Carroll:** Ban conversion therapy in all its forms outright.

**Mr Deputy Speaker (Dr Aiken):** I call the Minister for Communities. Minister, you have 10 minutes.

**Mr Lyons (The Minister for Communities):** Thank you very much, Mr Deputy Speaker. I welcome the opportunity to respond to the motion. It is fairly clear from the debate that there is support throughout the Chamber for a ban on abusive, coercive, degrading and humiliating conversion practices, some of which we have heard about, regardless of whether those are in a medical, therapeutic, religious or secular setting. However, Members will recognise that this is a hugely complex issue, which is due in part to the ambiguity that exists as to how we define conversion practices.

Having listened to all the contributors to the debate, there is a level of consensus. We want to make sure that we do not have those abusive practices but, at the same time, there seems to be wide support for the protection of religious freedom, prayer and pastoral support. Therefore, I hope that it follows that all Members will support the amendment to the motion. I believe that that is somewhere where everybody can land and where we can provide

that protection but make sure that there is no impingement on freedom of religion and freedom of speech. I hope that we are able to come to a consensus this evening.

I want to warn Members that this is a complex and cross-cutting issue. The development of legislation to ban those practices will require careful analysis of all the elements that are involved. Indeed, if we do establish a definition of what conversion practices are, we also need to examine whether there is a gap in the law and how best we can fill that gap in a way that is compliant and consistent with human rights legislation.

Work is ongoing in my Department to inform policy proposals in order to bring forward legislation, if that is required. My officials have also worked closely with their counterparts in other jurisdictions to learn from their experience. The extent of the complexity of any potential ban is evidenced by the work in other jurisdictions on this issue. There is, currently, no existing legislation that exclusively bans conversion practices in the UK or the Republic of Ireland. The UK Government have previously committed to bringing in a ban on conversion practices, which will extend to England and Wales, although the timetable for introduction is currently unclear. A Scottish Bill is being prepared, with consultation on policy proposals just completed, and legislation to ban conversion practices is being progressed in the Republic of Ireland. However, each of those jurisdictions has experienced difficulties in arriving at a precise definition of conversion practices and of what a potential ban would include. The matter of freedom of rights is a significant one that also has to be carefully considered, and it is a matter that we have to approach cautiously as we progress policy on this issue.

The motion refers to the recent publication, 'A Study of Conversion Practices in Northern Ireland'. My predecessor agreed to award a grant towards funding that research, which was coordinated by a consortium of local LGBT organisations. It was undertaken by academics from Ulster University and Queen's, and it explored this issue. I have received the report, which examines several aspects of conversion practices, such as why, how and where those practices happen, who experiences them and their effects. However, I emphasise that the findings and recommendations are those of the authors and do not represent the views of my Department. They are not government policy. They provide evidence, but it is evidence that must be supplemented and built upon as my

Department progresses to formulate policy around a potential ban.

I can understand the interest to progress legislation on this quickly, however it is a complex and sensitive matter. The development of effective legislation takes time, and the necessary steps must be taken to ensure that the resulting legislation is fit for purpose. It will require further engagement with all those who have an interest in the matter, and it will also require careful formulation of policy proposals and the drafting of precise primary legislation for the consideration of the Assembly.

That takes me on to a couple of the comments that were made. Mr McGrath said that it is time to get it done and to get on with it, and Sinéad McLaughlin said something similar. Emma Sheerin said that the research had already been carried out. Actually, the Department has not even consulted on this yet, and if we recognise that this is a significant and complex issue, surely we should at least have that basic consultation and have that information. Yes, we have this report in front of us, but it is very much one side of the overall conversation that needs to take place. The idea that we are ready to go forward with legislation at this point is incorrect. We need to have that greater understanding, we need to hear from everybody, and, importantly, we need to make sure that we get right what the legal definition would be. That is what has tripped up others elsewhere. We will have engagement. It will be a cross-cutting issue, and it will require engagement with other Departments.

I fully understand that there will be concerns around what any potential ban will include. While it is important that we have protections against coercive, abusive and unsafe practices, it is vital that rights, such as freedom of speech and freedom of religion, are protected. I assure Members that careful consideration will be given during the formulation of policy to a precise definition of the practices involved and the exclusions that may need to be in place if legislation is to progress. Extensive engagement with all those who have an interest will be important during this process. Therefore, further research and engagement are needed to avoid failure to produce a robust and effective ban in the future, and I have asked my officials to scope options for doing so.

I believe that everyone around the Chamber wants the same outcome.

**Mr Carroll:** I thank the Minister for giving way. Does the Minister recognise that pretty much everybody in the House, including people who

are religious and people who are not, respects the right of people to practise religion and to pray privately but that there is a difference between that and people using the pulpit to attack people based on their sexuality or their gender or whether they are trans or because of the community that they come from? Does he recognise that there is a difference between those two things?

**Mr Lyons:** Of course we need to protect everybody, but we have freedom of speech and freedom of religion. *[Interruption.]* The Member seems unsure, but we do. We have freedom of speech and we have freedom of religion, and having those things means that we have the right to say things that others may disagree with. I hear things from others that I disagree with and which I may find objectionable, but that is what living in a free society is all about. It is that we hear and listen and that we express views that may not be to everybody's taste.

**4.15 pm**

We need to make sure that the balance is right. That is, I think, what nearly everybody else in the Chamber wants to see: we want to make sure that we do not have those harmful and abusive practices in place and that, if we find that a gap exists in current legislation, we fill it while doing nothing that is inconsistent and not compliant with human rights legislation. That is an entirely appropriate and proportionate step to take. That is why I think that everybody in the House, on the basis of the comments that they have made, will support the amendment.

I know that people want to see this done quickly. I cannot commit to a specific timescale because the engagement is what is most important. I look forward to that engagement.

**Mr Deputy Speaker (Dr Aiken):** I call on Maurice Bradley to make a winding-up speech on the amendment. You have three minutes.

**Mr Bradley:** It has been an interesting if not challenging debate. Our amendment is self-explanatory. I agree that the abusive practice of conversion therapy can affect the mental health of anyone who may be subjected to it, and I recognise that the practice has been rejected by medical professionals, as it should be. We support a ban on such practices.

It is, nonetheless, important to recognise that, where an individual voluntarily or actively seeks prayerful or pastoral support, that should be underpinned. One cannot rule out the value and importance of support and pastoral guidance

from churches to their parishioners and congregations. Often, the church is a confidential and trusted point of first contact.

Mr McGrath spoke of historical homophobic abuse that was sometimes hostile and unacceptable to those in the LGBT+ community: I agree with him. My colleague pointed out that coercive and abusive practices cannot and should not be tolerated and are not acceptable in any form: we agree with that.

Emma Sheerin, in supporting the motion, said that a lot of work has already been done, and she called for action. Mr Tennyson spoke of equality and togetherness, the need for change and recognition of the possibility that harmful abuse comes through conversion therapy, and he called for a ban. I think that we all want that, but we want to protect religious freedom and freedom of speech at the same time.

Doug Beattie highlighted his birthright as a straight man who cannot be changed by therapy: I agree with that. We are who we are; indeed, anybody born into the LGBT+ community cannot be changed by therapy. They are who they are. We are who we are.

Sian Mulholland spoke of a misrepresentation of faith and highlighted a Christian ethos of compassion and love for fellow human beings. Sinéad McLaughlin called for full support from the Assembly.

Jim Allister challenged the meaning of the motion and called it an "under the radar" attack on education and religion. He called for freedom of religion and for Christian teaching to be protected.

Gerry Carroll said that it is a shame that LGBT+ rights are under debate in the House.

It is important that we recognise the right to pastoral support and care. Therefore, I urge colleagues to support our amendment, which agrees to provide that protection while protecting religious freedom and the right of expression.

**Mr Kingston:** Will the Member give way?

**Mr Bradley:** Yes.

**Mr Kingston:** The Member made a point that I wish to emphasise. Listening to the comments from the other Members who said, "Oh, no, the legislation would not mean this. It would not mean the prosecution of people sincerely giving pastoral support" —.

**Mr Deputy Speaker (Dr Aiken):** Could the Member take his seat, please? It was an intervention that you were supposed to make. You are now making an additional speech, and I am not allowing that.

**Mr Kingston:** OK.

**Mr Deputy Speaker (Dr Aiken):** I call on Matthew O'Toole to make a winding-up speech on the motion. You have five minutes.

**Mr O'Toole:** Thank you very much, Mr Deputy Speaker. The purpose of our Opposition day was to focus on human rights and the rights that underpin a civilised, free and plural society. We have talked about a free press. We have talked about the need for stand-alone hate crime legislation. Now we are talking about the need to proceed with something that, the Assembly, as several Members acknowledged, agreed in 2021 in a previous version of its existence, should be proceeded with: a ban on harmful conversion practices. Those grotesque practices are underpinned by the completely outdated, profoundly objectionable and even evil notion that human beings can be changed, sometimes through violent or traumatic practices, from who they fundamentally are. As I said, the Assembly agreed in 2021 to proceed with a ban on harmful conversion therapy. The purpose of our motion is to underline and progress that principle.

**Mr Elliott:** I thank the Member for giving way. I have a quick question. Does he accept that, while there is a huge lobby and huge support for banning the therapies that he talks about, the report by Professor Ashe and Dr Mackle that he referenced conflated the issue with private prayer?

**Mr O'Toole:** I am glad that the Member has raised that point, because I was going to do so in responding to some of the Members' points. The report by Professor Ashe and Dr Mackle is not draft legislation or a draft policy paper; it is an academic study of practices. We note the report's findings because it was commissioned by a Executive Minister as research to inform policy. That is what it does. Will every line of it be converted into policy or legislation? No. I do not think that the motion's noting of the review's findings is a reason to not support it. I need to make some progress now.

**Mr Deputy Speaker (Dr Aiken):** The Member has an extra minute.

**Mr O'Toole:** I have an extra minute, but my time is still relatively short. I will respond to a few of the points that were made.

Despite the fact that, respectfully, we will not be able to support the DUP amendment, I acknowledge the degree of consensus in the Assembly on the need to ban harmful conversion practices and on the need, when legislation is introduced, as, I hope, it will be, for some of the religious activities that were talked about to be exempted. There is no question of outlawing non-harmful prayerful activity, as it is called, and faith-based activity of the type that Mr Kingston elaborated on. To be honest, however, I do not think that that is a realistic prospect anyway. I am afraid that I do not accept some of the risks that he put forward.

It is really important to note that many people of faith from a range of denominations and backgrounds who are LGBTQ or have LGBTQ family members want to see this harmful practice banned. It is genuinely a shame that we have to pit the interests of people of faith and those of LGBTQ people, their family and their friends against one another, because there is much more overlap there than we think. I acknowledge that Members from Mr Kingston's party have largely approached the debate respectfully, even though I disagree with some of their points.

**Mr Lyons:** I thank the Member for giving way. There is a bit of a contradiction in what he is saying. If he believes that prayerful and pastoral support should be allowed, why does he not support the amendment? That is all that is being asked for. We want to make sure that the definition of "conversion practice" does not include something as simple as prayer and pastoral support.

**Mr O'Toole:** To be clear, the Minister is asking not just for the definition to exclude prayerful and pastoral support; I do not think that a ban on conversion therapy needs to touch on those things. Let me be clear: that is not all that the Members are calling for in the amendment; they are calling for a much longer period of consultation on the way ahead. Yes, we need to consult on the detail of legislative options, but the amendment waters down the core purpose of the motion. I want to make some progress, because I have given way a couple of times.

Doug Beattie noted that he spoke in favour of the ban on conversion therapy in 2021. That underlines the need for us to make progress on dealing with it. Sian Mulholland and Eóin Tennyson spoke impactfully about the need to progress the ban.

I am afraid that I reject what Mr Allister said about conflating the contents of the Ashe and Mackle report, as it were, with specific legislation. Should there be specific legislation, either from the Executive or through a private Member's Bill, Mr Allister and every other MLA will be able to debate what is in the legislation, as, I am sure, he will, and its contents will not be precisely the same as what is in the report by the academics. I am sure that the report provided some useful evidence, which is why it has been mentioned in the motion.

The Minister referenced the report being "one side" of the debate. Again, I push back slightly at the idea that there is one side in favour and another that is hostile. My understanding is that most people here believe that we should move away from and ban those harmful practices. This does not need to be binary. The implication is that there are —

**Mr Deputy Speaker (Dr Aiken):** Will the Member bring his remarks to a close?

**Mr O'Toole:** — perhaps, people who do not want to ban it. I recognise that it is important that we are clear that freedom of religion and freedom of expression are absolutes in a liberal society. We can proceed to ban harmful conversion therapy without going anywhere near impinging on those practices. I commend the Opposition motion to the Assembly.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 29; Noes 42.*

## **AYES**

*Mr Allister, Mr Beattie, Mr Bradley, Mr Brett, Mr Brooks, Ms Brownlee, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mr Elliott, Mrs Erskine, Ms Forsythe, Mr Frew, Mr Givan, Mr Harvey, Mr Irwin, Mr Kingston, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Robinson.*

*Tellers for the Ayes: Mr Bradley and Mr Kingston*

## **NOES**

*Dr Archibald, Mr Baker, Mr Blair, Mr Boylan, Ms Bradshaw, Miss Brogan, Mr Carroll, Mr Delargy, Mr Dickson, Mrs Dillon, Mr Donnelly, Ms Eastwood, Ms Egan, Ms Ennis, Ms Ferguson, Miss Hargey, Mr Honeyford, Mr Kearney, Mr*

*Kelly, Ms Kimmins, Mr McAleer, Miss McAllister, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Ms McLaughlin, Mr McMurray, Mr McReynolds, Mrs Mason, Mr Muir, Ms Mulholland, Ms Á Murphy, Ms Ní Chuilín, Ms Nicholl, Mr O'Dowd, Mr O'Toole, Miss Reilly, Mr Sheehan, Ms Sheerin, Ms Sugden, Mr Tennyson.*

*Tellers for the Noes: Mr Donnelly and Ms McLaughlin*

*Question accordingly negated.*

*Main Question put.*

**Mr Deputy Speaker (Dr Aiken):** I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

*The Assembly divided:*

*Ayes 41; Noes 25.*

## **AYES**

*Dr Archibald, Mr Baker, Mr Blair, Mr Boylan, Ms Bradshaw, Miss Brogan, Mr Carroll, Mr Delargy, Mr Dickson, Mrs Dillon, Mr Donnelly, Ms Eastwood, Ms Egan, Ms Ennis, Ms Ferguson, Miss Hargey, Mr Honeyford, Mr Kelly, Ms Kimmins, Mrs Long, Mr McAleer, Miss McAllister, Mr McCrossan, Mr McGrath, Mr McGuigan, Ms McLaughlin, Mr McMurray, Mr McReynolds, Mrs Mason, Mr Muir, Ms Mulholland, Ms Á Murphy, Ms Ní Chuilín, Ms Nicholl, Mr O'Dowd, Mr O'Toole, Miss Reilly, Mr Sheehan, Ms Sheerin, Ms Sugden, Mr Tennyson.*

*Tellers for the Ayes: Mr Donnelly and Mr McCrossan*

## **NOES**

*Mr Allister, Mr Bradley, Mr Brett, Mr Brooks, Ms Brownlee, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Ms Forsythe, Mr Frew, Mr Givan, Mr Harvey, Mr Irwin, Mr Kingston, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Robinson.*

*Tellers for the Noes: Mr Bradley and Mr Kingston*

*Main Question accordingly agreed to.*

*Resolved:*

*That this Assembly deplores that harmful and damaging conversion practices are still legal in Northern Ireland; recognises that conversion practices can take many forms and can occur in a variety of settings; notes the findings from the May 2024 publication, 'A Study of Conversion Practices in Northern Ireland', by Professor Fidelma Ashe and Dr Danielle Mackle; reaffirms its support for a ban on conversion practices in all forms; and calls on the Minister for Communities to commit to bringing forward legislation on an effective ban on conversion practices before the end of the current Assembly mandate.*

## **5.00 pm**

**Mr Deputy Speaker (Dr Aiken):** Members, take your ease for a few moments while we change the personnel at the top Table.

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

## Assembly Business

### Financial Assistance for Political Parties Scheme 2024

**Mr Deputy Speaker (Mr Blair):** I call Nuala McAllister to move the motion on behalf of the Assembly Commission.

**Miss McAllister:** I beg to move

*That, in accordance with section 2 of the Financial Assistance for Political Parties Act (Northern Ireland) 2000, this Assembly approves the revised scheme NIA 32/22-27 laid before the Assembly on 16 May 2024 for payments to political parties for the purpose of assisting Members of the Northern Ireland Assembly who are connected with such parties to perform their Assembly duties.*

**Mr Deputy Speaker (Mr Blair):** The Business Committee has agreed that there will be no time limit on this debate. Please open the debate on the motion.

**Miss McAllister:** Thank you, Mr Deputy Speaker. Members will be aware that the Financial Assistance for Political Parties Act (Northern Ireland) 2000 provides for payments to political parties for the express purpose of assisting Members to perform their duties. That authorised purpose is set out in section 1 of the 2000 Act. Under that legislation, the financial assistance for political parties (FAPP) scheme is drafted by the Assembly Commission and approved by the Assembly. The authorised purpose of the funding is replicated in article 2(3) of the proposed FAPP scheme 2024. The FAPP scheme does not provide payments to individual Members or to parties for any purpose other than assisting Members from that party to carry out Assembly duties.

The current scheme was introduced in 2016 and provided additional funding to parties that formed an official Opposition. In order to facilitate the payments, and being cognisant of the wider public-sector budget constraints at the time, the Assembly Commission reduced the payments payable to non-Opposition parties by 5% in an effort to ensure that the changes were cost neutral. That was on top of a 3% reduction introduced in 2015 as part of wider measures implemented by the Assembly Commission in order to achieve a balanced budget for 2015-16. Therefore, the rates currently payable to non-Opposition parties under the 2016 scheme

are 8% lower than the rates payable in 2013, when the rates were last increased. Any scheme made under the FAPP Act must provide for additional payments to political parties that are in opposition, as defined by the Assembly and Executive Reform (Assembly Opposition) Act 2016, which I shall refer to as the 2016 Act.

Section 2 of the FAPP Act specifies that the Assembly Commission shall prepare and lay a scheme for making payments to political parties. Section 2(4) also provides that any scheme that is prepared and laid by the Assembly Commission must be approved by the Assembly before it can come into force.

Since 2000, a number of schemes to provide financial assistance to parties have been prepared by the Assembly Commission and approved by the Assembly. The most recent of those schemes was approved by the Assembly on 15 March 2016 and was effective from 1 April 2016. That scheme has remained in place since then without alteration. While the 2016 FAPP scheme was approved in advance of the 2016 Act receiving Royal Assent, it included provision for additional payments to be made to political parties in opposition.

The payments made under the 2016 scheme to parties that were subsequently in opposition complied fully with the definition provided under the 2016 Act, which states:

*"The Opposition may be formed by one or more qualifying parties."*

A qualifying party is then defined as:

*"a political party which does not have a member who is a Minister, but which was entitled to nominate a person to Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, at the time when those nominations were made; or whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister."*

The 2016 scheme, however, does not include the second element of the definition of any Opposition party that is set out in the 2016 Act. Therefore, the Assembly Commission agreed that any subsequent scheme approved by the Assembly must provide for additional funding for a party that enters opposition, having been entitled to nominate a Minister following an Assembly election but deciding not to do so, or that has eight or more MLAs. That is the

definition set out in the 2016 Act and replicated in Standing Order 45A.

Subsequently, New Decade, New Approach (NDNA) referred to additional funding being made available to a party or parties that form an official Opposition in the Assembly. While funding is available under the 2016 scheme, NDNA prescribed that a review of the adequacy and effectiveness of the statement of entitlements for an official Opposition, as set out in the Fresh Start Agreement, should be undertaken.

The Assembly and Executive Review Committee completed a review in the last mandate. It published its report on the outcomes of its review, which was considered and agreed by the Assembly on 9 November 2021. One of the recommendations of the review was that a significant increase in resources should be made available to the official Opposition through the FAPP scheme to support the effectiveness of the official Opposition and that the increase should provide an Opposition party of 10 Members with an additional £100,000 over and above the general level of FAPP funding, with figures for smaller or larger official Opposition parties varying according to their size.

Since the current scheme has remained unaltered from 2016, in its structure and in the quantum payable to parties, and taking into account the new provision that needs to be made to the official Opposition, the Assembly Commission undertook a comprehensive review of FAPP funding. In doing so, the Assembly Commission reviewed how similar schemes operate in other jurisdictions and how they are structured. It became apparent that the structure of the current FAPP scheme was unnecessarily complex, and the Assembly Commission has therefore taken this opportunity to simplify it.

The proposed scheme provides for an additional base payment of £25,000 to an official Opposition party plus £7,500 per Member, which, in total, equates to the recommendations on quantum previously considered and agreed by the Assembly. Those payments are over and above the general level of FAPP funding. Under the proposed scheme, the general level of FAPP funding has increased so that payments of £10,000 will be paid per Member connected with a party. However, if a party would have received a higher amount under the 2016 scheme, it will continue to receive the amount payable under that scheme.

The exclusion on the allowance of holding a ministerial or junior ministerial post has been removed so that payments will be made on total party membership. To ensure that the level of funding available to parties remains relevant, the proposed scheme now indexes payments using CPI inflation. That will avoid having to review the scheme regularly to reflect economic changes.

In seeking to simplify the scheme, the proposed scheme no longer splits the funding between general party funding and the funding provided to assist with the administration of the Whip's office. A number of other administrative changes have been introduced in the proposed scheme. Therefore, the proposed scheme makes provision for the recovery of any amounts claimed or paid in error; makes provision for the claim submitted by a party each year to be audited by or on behalf of the Assembly Commission; and contains a condition that each party must return a declaration of compliance with the scheme to continue to enjoy funding under the FAPP scheme.

**Mr Allister:** Will the Member give way?

**Miss McAllister:** Yes.

**Mr Allister:** Will the Member clarify whether there was a proposition from officials of the Assembly Commission for a different outcome? If so, was that proposition overridden by the politicians on the Assembly Commission, with the consequence that the large parties in the House get a whopping increase and those of us in small parties get no increase? Was that the result of a political decision that ran contrary to an official's recommendation?

**Miss McAllister:** I thank the Member for his intervention. I can confirm to him that, having joined the Assembly Commission in the past few months, what is on the table today with regard to the FAPP scheme is what I agreed to. The proposals that the officials put forward included a lot of variations on what could take place if there was consensus or a vote was taken. I understand that the issue has been on the table for a number of years and that there has been a lot of talk and negotiation over it.

The FAPP scheme also clarifies that dissolution will not be considered when determining changes in party membership. It defines Assembly duties in the scheme rather than setting them out in associated guidance.

The proposed scheme will result in an increase in costs: from £708,000 in 2023-24 to approximately £1.028 million in 2024-25. Those costs have been included in the Assembly Commission's 2024-25 budget, which was approved yesterday. While not included in the maximum allowances that can be claimed by each party, the proposed scheme now includes the provision of supplementary payments for parties, where they incur additional costs from employing temporary staff to cover periods of long-term sick absence or periods of absence associated with maternity, paternity, adoption leave or shared parental leave. When considering the quantum and structure of amounts payable under the FAPP scheme, a range of options was considered, and there were different views amongst Assembly Commission members. The majority agreement of the Assembly Commission was therefore to propose the amounts payable under the FAPP scheme, as set out today.

In conclusion, the revised FAPP scheme seeks to ensure that the scheme remains fit for purpose, with funding levels protected against future economic uncertainty by the inclusion of the inflationary uplifts. It also aligns the definition of an official Opposition fully with that in the 2016 Act and incorporates the recommendations in NDNA and the AERC review to increase the level of funding available to support official Opposition parties. The revised scheme seeks to simplify the structure by removing the split between general party funding and funding for the administration of the Whip's office and removing the exclusion for Members who hold a ministerial or junior ministerial post, as well as other administrative changes. I commend the FAPP scheme 2024 to the House.

**Dr Aiken:** I am trying to do my maths here to see how this works out. As I read it, there has been an increase of close on £250,000 to go to the various parties. As I look at it, Sinn Féin's total has probably gone up by £100,000 to about £270,000; the DUP's total has gone up by £85,000 to £250,000; Alliance's total has gone up by £45,000 to about £170,000; the Ulster Unionist Party's total has not gone up; the TUV's total stays the same; and People Before Profit's total stays the same. Will somebody please explain to me the methodology behind that? I cannot see how that is an equitable way of funding political parties in the Assembly.

I understand that our hard-working staff behind the scenes have not had much of an uplift over the intervening years, but this seems to be a rather perverse way of doing it. The three

largest parties seem to think that this is some method or another of reinforcing their position. Please, will somebody explain to me how this is an equitable distribution of funds? Quite frankly, I cannot see it, and I cannot see any Administration or any political groups of parties anywhere looking at this and saying that it is an equitable distribution of the funding that is available, particularly when we look at the size of the larger parties and the increase in the cake that they have taken, as well as voting through close to a 25% increase. Please, somebody explain it to me.

**Mr Allister:** It has often been said that a Parliament can be judged by how it treats its minorities. If that is the test that we apply to this, it falls woefully short.

Here we have a situation in which independent officials came to the Assembly Commission with, as I understand it, a proposition that was deemed to be equitable that would have seen all parties, big and small, receive an increase — considering that there had been no increase for many years — but the big parties on the Assembly Commission decided no. Instead, they would Hoover up all the increase and award to themselves £100,000 extra in the case of Sinn Féin, £90,000 extra in the case of the DUP and £45,000 extra in the case of the Alliance Party, while the rest of the parties could suck it up and live on what they had lived on for the past seven or eight years.

### 5.15 pm

What does that say about the House's treatment of minorities? What does it say about my staff member, who is employed out of the FAPP scheme, as opposed to staff members who are employed by other parties? Is my staff member less valued? It certainly seems so. My party and People Before Profit are told, "You are capped at what you had" — I cannot remember, but I think that it is the same figure as back in 2016, which was £27,000 a year — "but the large parties get an extra £100,000, £90,000 and £45,000".

What about the poor old Opposition? They cut them to the bone as much as they can, because they expect an Opposition to run in this House and face a Government with — what is it? — 14 special advisers and a Civil Service at their back with an extra £100,000. At least the Opposition got something extra, however.

As for the rest of us, we are treated as nothing, because of the greed of the big parties, which take upon themselves the lion's share and look



after themselves. That is what the carve-up was all about: the big parties in the House looking after themselves. Of course, they will railroad the motion through here this evening on a vote, because they care nothing about the reputation of the House when it comes to how it treats minorities. As long as the bank balances of Sinn Féin, the DUP and the Alliance Party are on the up, nothing else matters. That is a very sad commentary on this place indeed.

**Ms Sugden:** I declare no interest in the debate at all, because, out of 90 MLAs, I am one of two who do not receive financial assistance for political parties. I do, however, want to provide some criticisms of the scheme itself, not necessarily about the huge uplift that we are hearing about that seems to satisfy the three largest parties but about the fact that it explicitly states in the legislation that the financial assistance for political parties scheme is there to assist them in their Assembly duties. Why, then, is it that, in the five years in which the Assembly was suspended, it continued to be paid out? These are not small sums of money. It is a minimum of £500,000 a year. Go to the Assembly website and look at the figures. We have had £5 million paid out during a time of suspension to assist Members in their Assembly duties: Assembly duties that were suspended. I would be keen to hear from the Commission as to whether any consideration was given to parties not receiving it when the Assembly was suspended. An awful lot was made of MLAs' pay and how we reduced that by a third, but nothing — not a button — was said about the financial assistance for political parties. I wrote to the Secretary of State on that, saying "You know what? You want to get them back to the Assembly and hit them where it hurts, because the two largest parties that have the ability to form an Executive in this place are the ones that will lose out if they lose the financial assistance for political parties".

I am not standing here saying that I want the money. I operate quite successfully as an independent without that money. Indeed, I have been advised many times to get myself down to the Electoral Commission and register the Claire Sugden Party simply to get an extra £25,000 in my bank account. I refuse to do it, however, because I have integrity.

What I am hearing today from the Commission and, in particular, the three largest parties is that there is no integrity here: the more money, the better. Indeed, the largest parties, if anything, do not even need the money because they are already much richer than the other, smaller parties. This Assembly has always been about protecting the voices of the smaller

parties and independents. This new scheme that has been proposed, as opposed to the 2016 scheme, excludes the smaller voices. I am not comfortable standing here as a Member of this House, saying to the public, "Let's give an uplift on a payment that, number one, you should not have been getting for at least five years". Uplifting that payment to help the larger parties? Where is the integrity there?

**Mr Clarke:** Will the Member give way?

**Ms Sugden:** Please, go ahead.

**Mr Clarke:** On the point about cutting the fat. Is the Member suggesting that, whilst the Assembly was not sitting, the political parties should have suspended their staff or made them redundant? If you take that to its conclusion, should the MLAs have made their staff redundant when their salaries were cut as well?

**Ms Sugden:** What parties do with the financial assistance for political parties is a matter for those parties. I cannot tell you what to do with your staff. I appreciate that it would have an impact.

**Mr Clarke:** Will the Member give way again?

**Ms Sugden:** I will make this point before I do. Maybe the parties should not suspend the Assembly and then see the impact felt there. I direct that comment to the party across the Chamber as well. If you do not want to have that impact — the impact that it had on the people of Northern Ireland — or you do not want it for your staff, do not suspend the Assembly. Do the job that you are elected to do. I am happy to give way.

**Mr Clarke:** I will stick to the theme of what you were saying about the financial assistance. The proposer of the motion properly articulated that there are strict rules as to how the money can be spent or not spent. There are guidelines in relation to that. The only way to remove money from individuals within a party or parties that have employed staff is to make those staff redundant. What I am hearing from you is that you believe that, when there are periods of suspension in this place, staff should be suspended. I pose the question to you: did you suspend your staff in your office, whom you pay, during the periods of suspension? You are suggesting that others should do the same with non-party political staff who are employed solely in administrative roles.

**Ms Sugden:** With respect, that is something for which the Member has to answer, given that it was his party that pulled the Assembly down. My point is: were we making these same strong statements when we suspended the ability of this place to progress public services? No, I do not think that we were.

There are express reasons why you should spend this money. My understanding, however, is that it is for Assembly duties. Does it make sense, then, that when the Assembly is not sitting, that money continues to be paid? Is that even legal? I would be keen to hear about that. Do you think that the legal definition of FAPP is that it is for Assembly duties? Does that mean that we continue to pay it when the Assembly is not functioning? I am happy to take an intervention if the Member wants to answer that.

**Mr Clarke:** I will take up the Member's offer. The same applies to your Assembly expenses. You employed staff during the period of suspension through your office costs allowance. Did you suspend your staff? Did you send them home, saying, "I am not paying you because the Assembly is not sitting", or did you continue to pay them? They were supporting your function as a constituency MLA of a legislative Assembly that was not sitting.

**Ms Sugden:** I think that the Member is getting confused by the two different funds.

**Mr Clarke:** Is it not you who is confused?

**Ms Sugden:** FAPP is expressly for Assembly duties, whereas the employment of Members' staff is to support their constituency offices — unless the Member is telling me that he shut his constituency office during the years of suspension and did not do any work. That is a different question.

**Mr Clarke:** No, I support the staff. You want to —.

**Mr Deputy Speaker (Mr Blair):** May I intervene for a moment? I ask Members, in the first instance, to address the Chair in all cases, because that is how debate is conducted. I also urge us to move away from a separate conversation about the merits of FAPP in the absence of an Assembly, back to the present Assembly where we are discussing this motion and this scheme.

**Ms Sugden:** Thank you, Mr Deputy Speaker. I will endeavour to direct my comments through you.

I am making this point because I believe that, as part of this scheme — this money is for the purpose of Assembly duties — consideration should have been given to accepting it when the Assembly was not sitting. That is one of the main points, given the millions of pounds that have been spent over the past number of years when the Assembly did not sit.

I appreciate all the other arguments that are being made, but this is a really important one. As I outlined at the beginning of my contribution, I have no financial interest in this. I am not saying that we should get rid of FAPP, because I understand the benefits of it when the Assembly is sitting, but I cannot tell the people of Northern Ireland that the Assembly agrees to giving parties money for the purpose of facilitating their Assembly parliamentary duties when the Assembly is not sitting.

**Mr Deputy Speaker (Mr Blair):** I call Mr Colin McGrath to make a winding-up speech on the motion on behalf of the Assembly Commission.

**Mr McGrath:** I thank Members for their contribution to the debate. The main objective of the Assembly Commission in revising the FAPP scheme was to ensure that the scheme remains fit for purpose, reflecting an increase in underlying costs since it was last revised, with funding levels protected against future economic uncertainty by the inclusion of the inflationary uplifts that are protected for the future.

**Mr Allister:** Will the Member give way?

**Mr McGrath:** Yes, of course.

**Mr Allister:** How does it, in your words, reflect the increase in costs since it was last increased for either People Before Profit, the Ulster Unionist Party or the TUV, since we are continuing on precisely the same level that we had years ago? How is that reflecting the increase in costs?

**Mr McGrath:** I will answer that in two parts. First, I am of a party of the same background; that is to say, it is regrettable that we do not have more Members. If we had more Members, we would have more funding. That is why the model used for the scheme is attached, as with all the other legislatures that were examined, to the number of Members that a party has. Secondly, your funding will increase with an inflationary uplift from this point onwards to reflect that you will be able to give your staff additional funding because it will rise with inflation, and that means that you will be able to

increase the wages of your staff, should you wish, at an inflationary level going forward.

**Mr Clarke:** I thank the Member for giving way. Through the Chair, it is notable that, when Mr Allister spoke earlier, he made the criticism of all of the bigger parties and how much they got. He clearly has a copy of the table, but, of course, he did not read into the record that it was suggested, not proposed, that his party, a single-Member party, should receive £54,000 while a party with 25 Members should receive £200,000. I am sure that you will think, as I do, that that is inequitable and unfair. Indeed, the calculation that has been arrived at from the FAPP process treated every party equally by size in how much was awarded to each party. If it had concluded that it should be the way in which it is applied now, the Member for North Antrim would have received £10,000, because it is £10,000 a Member. I think that that was a fair and equitable system, but I notice that the Member for North Antrim forgot those figures when he was on his feet earlier.

**Mr Deputy Speaker (Mr Blair):** Mr McGrath, before you continue, I request that Members keep interventions brief and that we do not start another debate by intervention. Thank you.

**Mr McGrath:** Again, I think, in the unedifying way that this —

**Dr Aiken:** Will the Member give way?

**Mr McGrath:** For the final time. I will give way to you.

**Dr Aiken:** Ach, come on. Sorry.

Some details have kindly been provided by our friend Mr Clarke. As I said before, can somebody please explain to me the methodology? If this was based on a funding level set for 2016, and it has been revised over a period of time to 2024 by looking at the overall inflation rates and the rest of it, how did we come to the figures that we did? I cannot get the maths to work, and I would like somebody to explain to me how we got to this position. Quite frankly, I cannot see how we have.

**Mr McGrath:** I am at risk of saying that it is done in multiples of 10, which is relatively easy to calculate, but that is exactly how it is done. We examined all the other legislatures that were presented to us in various tables, and the description was given of, for each Member, £10,000 calculated out. Your party is receiving a little extra because, previously, it had a higher level, although that level was protected

*[Interruption.]* It was protected. I do appreciate that it does not rise for the party and that you may feel sore as part of this process.

**Mr Butler:** Will the Member give way?

**Mr McGrath:** I did say when I took the previous intervention that it would be the last one. I will take one more, and then we need to move on.

**Mr Butler:** I thank the Member for giving way. Mr Clarke, who shares a role on the Commission, probably broke the convention. I am not sure that he and I were supposed to speak. I will make one point. I have been on the Commission during the whole journey, and the principle on which this was established was set aside. I understand the need for a democratic vote, but this is definitely a departure from where this journey started. Colin, as I have expressed, I think that it is unfortunate that you are having to give the winding-up speech on this. Maybe the Member can give the Assembly a bit of a steer regarding that.

**5.30 pm**

**Mr McGrath:** I thank the Member for his intervention. He has been very strong in being unhappy with this. His colleagues can know that that was done.

I was not there at the start of the process, because it goes back and predates my being involved, certainly on the Commission. There was an intention that it would see certain levels rise so that staff could get additional money. I hope that the inflationary rise that will be applied will allow additional moneys to be passed on to staff so that their wages do not stay static and that it will be done in steps and will increase each year.

I took interventions from both Members because, hopefully, the Division will happen only once, and we have a little bit of extra time. I will move on and will take no more interventions, because I have only a page to read, and it is taking me forever to do it.

It was also necessary to ensure that the scheme properly reflected the various agreed recommendations that were made through New Decade, New Approach and the Assembly and Executive Review Committee's review of Opposition funding. The fundamental structure of the FAPP scheme and, therefore, the nature of the split of the funding under FAPP between parties of certain sizes and the two elements of the scheme — the general party funding and the funding for the administration of the Whips'

offices — was also a consideration of the Assembly Commission at this time.

That, along with examining how similar schemes operated in other jurisdictions, made it necessary to simplify the scheme and revise the amounts payable to ensure that the financial assistance offered was aligned to party size. It is recognised that, for the revised scheme presented for consideration by the Assembly today, agreement by the Commission was not unanimous. However, it was agreed by a majority.

In considering the FAPP scheme 2024, the Commission has endeavoured to ensure that the recommendations agreed by the House for Opposition funding were implemented in the most cost-effective way, remaining cognisant of the wider public-sector budget constraints while not diluting the support offered to other parties.

The Commission seeks the Assembly's agreement to the FAPP scheme 2024 as set out in the motion. I commend the scheme to the House.

**Mr Allister:** On a point of order, Mr Deputy Speaker. In light of what Mr Clarke said, it is obvious that there is a table, which I do not have. He referenced £54,000. I have never heard of it. Can Members have that table shared with them so that we can see what Mr Clarke is talking about? It sounds to me as if there has been a lot of concealment to arrive at this carve-up.

**Mr Clarke:** That was not a point of order.

**Mr Deputy Speaker (Mr Blair):** I am going to caution that points of order should be points of order. I am happy to deal with the request that was made and will do that in a moment. First, Mr Clarke. *[Pause.]* Go ahead. Did you wish to make a point of order?

**Mr Clarke:** No, I said that it was not a point of order.

**Mr Deputy Speaker (Mr Blair):** Apologies, I misheard you. I was about to say that I am not sure that that was a point of order. It was a request for information. We will make every effort to relay that request to the proper place. In the meantime, we are convinced that the motion in the Order Paper is in order and will proceed on that basis.

*Question put.*

*The Assembly divided:  
Ayes 57; Noes 8.*

## **AYES**

*Dr Archibald, Mr Baker, Mr Boylan, Mr Bradley, Ms Bradshaw, Miss Brogan, Mr Brooks, Ms Brownlee, Mr K Buchanan, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Clarke, Mr Delargy, Mr Dickson, Mrs Dillon, Mr Donnelly, Mr Dunne, Ms Eastwood, Ms Egan, Ms Ennis, Mrs Erskine, Ms Ferguson, Ms Forsythe, Mr Frew, Mr Givan, Miss Hargey, Mr Honeyford, Mr Kelly, Ms Kimmins, Mr Kingston, Mrs Long, Mr Lyons, Mr McAleer, Miss McAllister, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Miss McIlveen, Ms McLaughlin, Mr McMurray, Mr McReynolds, Mrs Mason, Mr Middleton, Mr Muir, Ms Mulholland, Ms Á Murphy, Ms Ní Chuilín, Ms Nicholl, Mr O'Dowd, Mr O'Toole, Miss Reilly, Mr Robinson, Mr Sheehan, Ms Sheerin, Mr Tennyson.*

*Tellers for the Ayes: Mr Kingston and Mr McReynolds*

## **NOES**

*Dr Aiken, Mr Allister, Mr Beattie, Mr Butler, Mr Carroll, Mr Elliott, Mr Nesbitt, Ms Sugden.*

*Tellers for the Noes: Dr Aiken and Ms Sugden*

*Question accordingly agreed to.*

*Resolved:*

*That, in accordance with section 2 of the Financial Assistance for Political Parties Act (Northern Ireland) 2000, this Assembly approves the revised scheme NIA 32/22-27 laid before the Assembly on 16 May 2024 for payments to political parties for the purpose of assisting Members of the Northern Ireland Assembly who are connected with such parties to perform their Assembly duties.*

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr Blair).]*

## Adjournment

### Educational Achievement: West Belfast

**Mr Deputy Speaker (Mr Blair):** In conjunction with the Business Office, the Speaker has given leave to Pat Sheehan to raise the matter of supporting educational achievement in West Belfast. I call Pat Sheehan, who has up to 15 minutes.

**Mr Sheehan:** This evening, I want to talk about educational achievement in West Belfast. I am sure that the Minister is aware of the developments that have taken place in education over the last number of years, as his two colleagues who held the Education Minister role before him certainly were. I acknowledge the contribution made by the Department through the funding provided to the West Belfast Partnership Board (WBPB) and the Full Service Community Network (FSCN).

For context, between nursery, primary and post-primary, there are 51 schools in West Belfast, including two grammar schools, five non-selective schools and one Irish-medium post-primary school. In fact, the Irish-medium post-primary school is the largest of its kind on the island of Ireland, and, as the Minister knows, it is absolutely bursting at the seams.

The fact that West Belfast is an area of high deprivation is reflected in the high number of young people who are entitled to free school meals. The average free school meal entitlement across the North at post-primary level is 27.7%; the average in West Belfast is 57.9%. At primary level, the average across the North is 28.3%, but it is more than double that in West Belfast at 59%. West Belfast also has a higher percentage of children with additional needs — just over 30% — as opposed to the regional average of 20%.

We are all aware of the strong link between persistent educational underachievement and socio-economic background. However, underachievement is not inevitable, and West Belfast is one area that has bucked the trend. In 2015-16, 58.1% of pupils in West Belfast received five GCSEs at grades A\* to C, including English and maths. By 2023, that figure had risen to 67.6%. That did not happen

by chance, and much of the credit for the uplift must go to the West Belfast Partnership Board and, in particular, Angie Mervyn, who plays a pivotal role in that organisation and coordinates the area learning communities across West Belfast. The work that they do to boost attainment should serve as an example of good practice for others to learn from.

People will be aware of the notion that it takes a village to raise a child. Last week, I welcomed the Minister's statement that committed £20 million to a place-based initiative that will support a whole-community approach to education, a key recommendation of the 'A Fair Start' report. It is clear from the evidence that that whole-community approach to education is what has been happening in West Belfast. Arising from a West Belfast area-based Education and Training Inspectorate (ETI) inspection, key priorities for development were established, including transition stages, strategic planning and quality assurance. Under the leadership of the West Belfast Partnership Board, opportunities were identified to develop a partnership approach to education with children and families at the core. A pathway of seamless transition from home or day care to nursery, then to primary and, finally, to post-primary education was established. That was important because research has identified transition years as being particularly problematic for some children.

The partnership was linked to neighbourhood renewal and to family support hubs, with everything designed to happen in the context of schools and the community working together to support each other and share best practice, leading to collaborative working to support children and families. Area learning communities were established at nursery, primary and post-primary levels, with meetings managed by the West Belfast Partnership Board. There is also a strategic steering committee that has, along with the chairs of each of the area learning communities, representatives from the Education Authority (EA), the ETI, the Education Department, the Council for Catholic Maintained Schools (CCMS) and St Mary's University College.

As well as that collaborative working, the West Belfast Partnership Board organises an Easter school for GCSE maths and English at St Mary's University College. That is targeted at students with projected borderline C/D grades in those subjects. The Easter school lasts for four days. It involves 20 hours of intensive tuition that teachers from the local schools provide, supported by student teachers from St Mary's. In 2022-23, 63% of the young people

taking part in the Easter school were entitled to free school meals. The outcome was that 77.5% of all the young people who participated in the Easter school received a grade C or above.

It does not stop there. In an attempt to make third-level education more accessible for young people from West Belfast, the Aisling Bursaries were established. Local businesses and individuals donate funds that are given to young people in third-level education at undergraduate and postgraduate level and in further education. Over the past 24 years, almost £1 million has been raised, and 1,247 young people have benefited from those bursaries.

The evidence is clear: when young people underachieve at school, they are more likely to end up unemployed, to suffer from poor health, to die young, to come to the attention of the criminal justice system or to have to deal with addiction. Tackling underachievement and maximising the opportunities available to our young people are therefore vital to improving the outcomes of our most disadvantaged young people. They are also fundamental to improving our society. That is why it is not the role of the Department of Education alone to ensure that our children enjoy the best possible opportunities. How can children achieve their full potential if they suffer from chronic ill health, come from dysfunctional families or live in unsuitable accommodation or if their additional needs are not met?

We need the Department of Education, the Department of Health, the Department of Justice, the Department for Communities and the Department for the Economy to work in collaboration to deliver for all our children and young people. The fantastic educational achievements in West Belfast and, indeed, across the North can be improved even more with greater cross-departmental collaboration. The Children's Services Co-operation Act 2015 empowers Departments and agencies to cooperate, where appropriate, to deliver services aimed at improving the well-being of children and young people. There needs to be more use of that legislation.

In 2012-13, the average percentage of pupils in West Belfast attaining five or more GCSEs, including maths and English, was 49.1%. By 2021-22, the figure had risen to 68%. For pupils entitled to free school meals, the average percentage of pupils in West Belfast achieving five or more GCSEs, including maths and English, was 31.1% in 2010-11. By 2021-22, that had risen to 59.6%, which is almost double. Those are phenomenal increases and are a

testament to the work being carried out in the schools, in the community and in families. It is collaboration in action. All that I have spoken about this evening is tried and tested. It is all evidence-based, and the Department should harness the expertise that exists in West Belfast to help roll out the model to other areas that would benefit from it.

Finally, I commend all the staff and pupils in the 51 schools, the West Belfast Partnership Board, the Full Service Community Network, all the other community organisations and all the families for their involvement in that great collaboration. You are doing West Belfast proud.

**Mr Deputy Speaker (Mr Blair):** All other Members who are called will have approximately six minutes in which to speak.

**Mr Baker:** I begin by thanking our school principals, teachers and non-teaching staff for the fantastic work that they do in supporting the children and young people of West Belfast. It is also vital that I highlight the work carried out by our informal educators, who work tirelessly across my constituency in the statutory and voluntary sectors. Their immense efforts to impact positively on young lives must not go unrecognised. Youth workers have faced difficult times that include job insecurity, and many experienced youth workers have left the profession in recent times.

The informal education sector is uniquely positioned to engage young people who have fallen away from formal education and become disconnected from their community. For some, that path has led to destructive decisions. That is why the work of groups such as the Attach programme's youth work team in West Belfast was so vital. Its outreach efforts helped steer vulnerable young people towards positive decisions and re-engagement in constructive life opportunities. The cut to its funding, however, dealt a massive blow to its ability to make an impact in West Belfast in recent times.

I was in the Balmoral Hotel when our community came together: our community groups, the PSNI, political reps and youth workers. The fear was that all the great work that was being done would unravel in the time ahead, and, unfortunately, we have seen that in recent weeks with increased attacks on Glider services. When the Attach team was operational, they were only a phone call away, and they would respond no matter what the circumstances were.

I can think of the most serious one in recent times: a riotous situation that took place over a number of nights on Lanark Way. It was the youth workers who led the way in taking our young people away from that situation. We are now starting to feel that coming into our community, again. It is not as serious as that, but when you see attacks in our play parks and at night, that is a real growing concern.

#### 6.00 pm

I ask the Minister to work with the Education Authority and to look at this particular programme, because it was unique for West Belfast. It had full community buy-in and wrap-around support, and they were the front face of who you went to when children were in a vulnerable situation. Investing in those services is an investment in the well-being of our youth and the future prosperity of West Belfast. I urge the Minister to support this programme and the many others that transform young lives through education, mentorship and community engagement.

**Mr Carroll:** I declare that I have two immediate family members who work in schools in West Belfast.

Unfortunately, my West Belfast constituency has amongst the highest rates of educational underachievement in the North; the highest number of people on the housing waiting list; the highest number of households affected by welfare reforms, such as the two-child tax limit; and the highest rates of poverty, with 28.5% of children living in poverty. Some 26 years on from the Good Friday Agreement, working-class communities like West Belfast and beyond suffer worse levels of poverty and deprivation than ever. Given the link between poverty, class and educational outcomes, it is no surprise that educational underachievement remains so high in West Belfast.

The other thing that has remained constant in that time is that, for the most part, West Belfast has been dominated by Sinn Féin. The promised peace dividend, opportunities for a better life, better education and so on have not been felt in working-class communities like mine. That is because the brutal economic policies that have been inflicted on working-class people by Stormont have stymied the potential of generations of people, including school pupils. That is not to single out one party, but the experience of West Belfast points to the collective policy of the Stormont Executive, which has devastated our communities through years of punishing cuts.

The education cuts suffered by schools on the Falls under Sinn Féin's watch are the same as those suffered by pupils and schools on the Newtownards Road or the Shankill Road under the DUP's watch, and so on.

It is a disgrace that, almost every year, we see schools being forced to fundraise for basic materials, early years initiatives fight to stay open and youth clubs and other educational settings fight to save services that are under constant threat from Stormont. Just last year, we heard that the strategy from the 'A Fair Start' report to tackle educational underachievement was underfunded to the tune of £18.9 million in 2023-24. I have seen nothing to suggest that the new Administration are about to make up any of the shortfall. So, while I agree with the instigator of the Adjournment debate that we need to fund early years, champion emotional health and well-being, support our teachers and make the curriculum and exam process relevant to the needs of our young people, I ask how that is possible in the context of an austerity Budget once again brought forward by a Sinn Féin Finance Minister and subsequently agreed by the DUP and the Alliance Party. According to the strategy outlined by the Executive parties, prioritising funding to deal with educational underachievement will require cuts to other areas. I do not think that school communities, early years or youth services should accept any funding agreement that says that you have to rob Peter to pay Paul. The difficulty for the Executive is that to deal with any of these issues facing our young people, schools and communities, you have to break with the Tories and fund services at any cost.

Dealing with educational underachievement will also require a holistic approach that deals with poverty as the root cause of these problems. Anti-poverty strategy? We are still waiting. How many years has that been? Children cannot concentrate in class whilst going hungry or worrying about their next meal. Therefore this Sinn Féin- and DUP-led Government cannot deal with educational underachievement whilst cutting workers' wages, implementing such welfare reforms as the two-child tax limit, hiking people's rates bills or bringing forward anti-working-class, revenue-raising measures. Homeless children, or children in substandard accommodation, cannot do homework or study in cramped living spaces or while sofa-surfing. Therefore, you cannot tackle educational underachievement while failing to build social homes and refusing to deal with the housing crisis. You cannot deal with educational underachievement while cutting school funding, youth services or refusing to give education support workers a much-needed pay and

grading review. Unfortunately, like much of what we hear from the Government, none of it matters unless they are prepared to provide the funding needed to match their grand plans and statements. If they are not, they should do us all a favour and stop the grandstanding. Our schools and young people deserve much better.

That is, of course, not to mention the underfunding and pressure faced by the Irish-medium education sector as well. There has been a growth in demand from people who want to educate their kids through Irish-medium education, but often na bunscoileanna agus na naíonraí [*Translation: the primary schools and the nurseries*] cannot accommodate them or cope. I say that as parent of a child whom I hope will avail himself of those services. I want to let the Minister know that parents and family members are organising to put pressure on his Department to ensure that those people who want to educate their children through the medium of Irish have those services and can send their children to na naíonraí agus na bunscoileanna.

**Miss Reilly:** I also commend the West Belfast area learning community, working with the West Belfast Partnership Board, for its efforts in collaborative learning to improve outcomes for learners throughout West Belfast. It is this community approach that epitomises all that is good about education. It is vital to recognise that education is not just the responsibility of teachers and schools. Education happens in the home and in the community, as well as in the classroom. It is when all those things work in harmony that our young people have the opportunity to thrive and reach their full potential. That is why we need to build on that in the time ahead. I also know many teachers, staff, parents and governors involved in schools, including in my area of lower Andersonstown and upper Springfield in West Belfast, whose dedication to the children in their care is nothing short of inspiring.

The people of West Belfast have always valued education. They recognise its power to transform lives for the better. It was that community commitment to education that saw the ground-up development of Coláiste Feirste, for example, which I was very fortunate to attend. Irish-medium education in West Belfast began with just a handful of parents, battling against overwhelming odds and all kinds of resistance but united in their shared commitment to the right of our children to enjoy a quality education through the medium of their native language. Today we have a thriving Gaeloideachas [*Translation: Irish-medium*

*education*] sector in West Belfast, where children and young people benefit from full-immersion, Irish-medium education, from naíscóil go meánscoi. [*Translation: from nursery school to secondary school.*] Glór na Móna also does tremendous work in the community and in youth work, among a range of other areas, to ensure that education does not stop at the school gates.

In West Belfast, we are also very much looking forward to the planned new build of All Saints College on the Glen Road, as that represents an investment not just in bricks and mortar but in the future of our young people. It shows them that we believe in them and that they are worth investing in. That should be our main role as political leaders and lawmakers. We need to encourage aspiration, create opportunities and demonstrate to the children and young people of West Belfast that they have a future here. We will do that by investing in the schools estate, and I want to see every school that requires it benefit from the required capital spending. We know that all Departments are under pressure due to chronic underfunding from the British Government for many years now, but we still have a responsibility to ensure that we do the best for those whom we are here to serve, not least the children and young people who attend our schools and colleges.

I welcome the Minister's statement that committed £20 million for a place-based initiative to support a whole-community approach to education, as recommended in the "A Fair Start" report. As I said earlier, a whole-community approach is vital to a successful educational system. So, too, is a united political approach. Creating aspiration and fostering opportunity are multifaceted and require a cross-departmental approach. It is an unfortunate reality that we still have many different viewpoints as to how the education system here should operate. However, for me, it is very simple. You just have to look at the evidence, here and internationally. We still have a long tail of underachievement in the North and far too many young people leaving school without the qualifications that they need or the aspiration that they deserve. Academic selection and rejection is the key driver of that inequality, and continuing with that flies in the face of the overwhelming empirical and international evidence that demonstrates how damaging the transfer test is for children and their outcomes in life. We can do so much better for them, and I urge all parties to embrace that message. We need to be ambitious for our children and young people. We need to be ambitious for their futures and



create opportunities for them to stay here, live here, thrive here and raise their families here.

Today, we are talking about supporting educational achievement in West Belfast. I will do everything that I can to support the collaboration, investment and political leadership that is required to do that. However, the Sinn Féin vision for education is one in which all areas thrive, all economies benefit and all children get the opportunity to reach their full potential here in life.

**Mr Kingston:** I am very pleased to speak about this topic, and I thank the Member for West Belfast for bringing it to the Assembly. I will focus my comments on the greater Shankill part of West Belfast, which, obviously, I know well, having been a councillor for the area for 12 years on Belfast City Council and a community worker in the area for many years. I also declare an interest as a long-serving governor of Belfast Boys' Model School and Malvern Primary School.

A great deal of effort goes into supporting educational achievement in the greater Shankill area. As Members may be aware, in 2014, the Greater Shankill Partnership asked the Northern Ireland Departments to recognise the designation of the greater Shankill area as a children and young people's action zone. I attended the launch of that here, as did five Stormont Ministers. We are now halfway through that 20-year designation. Three of those Ministers are still Assembly Members. The zone aims to improve coordination and cooperation between different government initiatives, with the aim of providing improved wrap-around support for children and young people.

I welcome the fact that the Education Minister is present for this debate. I thank him for finding the time to attend. He may wish to make reference to announcements that he made just last week that are relevant to this topic. The first was the confirmation of capital new build funding for Glenwood Primary School, which is the largest of the eight primary schools in the greater Shankill area. I spoke about that matter in a Member's statement this morning, in which I thanked the Minister and his predecessors for bringing about the confirmation of that long-awaited funding. The Minister also announced last week £20 million for a major programme of investment to deliver innovative and community-informed approaches to raising achievement and reducing educational disadvantage in Northern Ireland. In areas of multiple disadvantage, there are additional challenges and complexities that face children,

their families and the education system. I will always speak up for the need for additional resources to help children, their families and the educational system to address and overcome those additional challenges.

As Pat Sheehan mentioned, in the wider west Belfast area, Full Service Community Network funding flows through the West Belfast Partnership Board, and is used for interventions that are considered to be the most appropriate. In the greater Shankill area, Full Service extended schools money is given directly to the Boys' Model School and the Belfast Model School for Girls to put in place relevant interventions, including linking with community partners, such as the Greater Shankill Partnership. The Model schools submit a joint evaluative report to the Department of Education each year on that funding. I understand that the funding is approximately £185,000 per year for each school. It is considered invaluable by the school governors. In the Boys' Model School, it funds parent support; transition activities for P7 to year 8 pupils; pupil support teams of staff who engage with vulnerable young people who are at risk of dropping out; and learning mentor intervention, which is targeted academic support at GCSE and A level. Both Model schools have seen year-on-year improvements in results and pupil attendance, notwithstanding the COVID impact. That could not happen without Full Service extended schools money. That money is approved annually, and so it remains constantly under threat. It would be catastrophic for the Model schools if it were to be lost. Funding in young people's education is the best way in which to prevent negative consequences later in life.

I say as a member of the Boys' Model School board of governors that the school consistently performs well above the expected level of exam results for its level of free school meal pupils.

The school principal, Mary Montgomery OBE, was a key member of the expert panel on educational underachievement in Northern Ireland. The panel submitted its final report and action plan entitled 'A Fair Start' to the Education Minister in May 2021, and the Northern Ireland Executive endorsed it.

#### 6.15 pm

Both Model schools are also part of the north Belfast area learning community, which involves 11 post-primary schools on a cross-community basis plus the Belfast Metropolitan colleges. It facilitates shared classes in some A-

level subjects, for which one school alone could not provide sufficient numbers. A number of inter-school activities bring pupils together in the interests of shared education, including the inter-schools North Belfast Youth Choir, formerly known as Harmony North.

Returning to West Belfast before someone reminds me of the subject of the debate, I am pleased to note that the eight primary schools in the greater Shankill area are in the process of establishing a Shankill primary area learning community. That is a positive initiative that will benefit the entire school community.

As has been mentioned, there are a bursary funds for pupils, one of which is run by the Boys' Model, one by the Aisling awards and one — the Baroness May Blood awards — by the Argyll Business Centre. Those three bursary awards cooperate to enable pupils to move on to further and higher education.

In closing, I welcome the opportunity to highlight some of the positive initiatives supporting educational achievement in the greater Shankill area.

**Mr Butler:** I had the option tonight of speaking in the debate or leafleting in Lagan Valley. One of my earliest forays into school visits happened in 2016 or 2017, when I visited a school in West Belfast. Pat Sheehan was there. He gave me a handshake and welcomed me to, I think, the Christian Brothers' school on the Glen Road: is that fair?

**Mr Sheehan:** Yes.

**Mr Butler:** It was great.

I have a real passion not just for education but for the children from West Belfast. I have to declare an interest, and the reason is that my dad's family — the Butlers — come from west Belfast. I skinned my knees in Springmartin and Highfield from the late 1970s and through the 1980s, and I ran about with a lot of young people there at that time. They are not so young now; we are in our 50s. There are schools up there that no longer exist. There was a school up in Springmartin. I remember its image, but it is no longer there. In fact, some of my family have to travel to schools in north Belfast — the Boys' Model, for instance.

It is perverse that there are areas and borders on maps of Northern Ireland that show places where, statistically, our children are failed. I am a Butler from Lagan Valley, and there are Butlers in West Belfast who are every bit as

bright, clever and talented. However, the statistics will say that, potentially, they may face a more difficult challenge in their educational attainment or achievement. That is not indicative of the person or the families; it is indicative of a societal problem that we have allowed to develop over many years. We absolutely must get to grips with it. I will give Mr Sheehan absolute credit for this: there probably has not been an Education Committee meeting at which he has not tussled with that one, and that has been the case for a while.

I am really pleased to speak about the matter, because, sadly, educational underachievement blights many sections of the community, particularly those who struggle with poverty. The problem is not merely an educational challenge but a societal one. When children grow up in disadvantaged environments, the odds are already stacked against them. Many schools in those areas face significant hurdles, including higher levels of disadvantage, which have already been talked about, and higher levels of additional needs. Mr Baker mentioned the higher levels of need among some of our students. When you go around those schools, you often find that some of them are in the greatest state of disrepair, unfortunately, which has a fundamental effect on the therapeutic environment in which children learn. However, our schools, teachers and support staff do phenomenal work, despite the challenges being, sadly, greater.

I have witnessed first-hand the transformative power of Sure Start. Only a couple of weeks ago, I managed to visit a number of Sure Start centres in West Belfast, one of which was Clan Mór, which is on or just off the Falls Road. It is not off the Falls Road. Clan Mór is beside — what do you call the big church, Pat?

**Mr Sheehan:** Clonard.

**Mr Butler:** Clonard monastery — Clan Mór Sure Start is there. I also visited Shankill Sure Start, which is in Ballysillan. I had to work out why it is in Ballysillan but is called "Shankill Sure Start". I could not help but be moved by the dedication of the staff and the palpable impact that they have on the lives of the children there. It was phenomenal. I had sand ice creams thrust at me. Those children were learning and playing, and it was absolutely fantastic. I pay tribute to Sure Start and all the other initiatives that are tackling this at the very start. We need to give our children the best start in life, as that is what will make all the difference.

He will go buck mad when he sees this, but I will also pay tribute to a success story from Sure Start. My cousin Robert's son is called Ashton, and he is the head boy at Belfast Boys' Model School. He was one of the first children to go through Shankill Sure Start. If you needed evidence that the proof of the pudding is in the eating, Ashton is that. He is a fantastic sports student — that is not in the Butler genes; it must be in the McQuade genes. He is head boy at Belfast Model, and he lives in West Belfast. As you rightly said, Belfast Model is in North Belfast, on the border, but my nephew — my cousin's son — comes from West Belfast, and he is doing us all proud. That is a real marker of what can happen if we get the start right. Through his parents' support and the impact of Sure Start in his life, he has grown into a fine young man. He is a credit to West Belfast and to Belfast Model.

Education is the best route that any child can take. It opens the doors of opportunity and breaks the cycle of poverty. There should be no borders. I said this at the start. We talked about borders, but there should be no borders in educational attainment for any child. Every child deserves the best start in life and the chance to succeed and reach their full potential. We must continue to support and invest in our schools, particularly those in disadvantaged areas. By doing so, we build a brighter future not only for our children but for our entire society. We need to support the great initiatives that Mr Kingston and the Members for West Belfast talked about. Thank you for bringing the topic for debate, Pat.

**Mr O'Toole:** I, too, really welcome being able to contribute to the debate. Educational attainment is a really important subject in respect of West Belfast and the North more broadly.

Since Members — including some who do not represent West Belfast — are sharing personal stories about their connection to education in West Belfast, I will share mine. Although I represent South Belfast, some schools in the south-west Belfast part of the constituency have an intake from West Belfast. That includes Malone Integrated College and Rathmore Grammar School. A significant number of kids who live in the West Belfast constituency go to Rathmore and Malone. My aunt was, for years, a French teacher in St Rose's, which no longer exists and is now part of All Saints College. She used to organise exchange trips over to Brittany for girls from St Rose's and St Louise's Comprehensive College. When I was, I think, 12 — a wee culchie from Downpatrick — I was persuaded, possibly against my better judgement, to go on a one-man exchange trip to Brittany with a bus full of girls from St Rose's

and St Louise's. We are talking about educational attainment: well, I certainly got an education from that bus-full of girls from West Belfast, who were not long educating me in what I was right and wrong about. It was great craic.

It has been said that educational attainment in West Belfast has improved but is not where it needs to be. It is also true that West Belfast, despite progress and the amazing contribution of educators and community groups there, who have been named, deprivation levels are far too high, as they are in other parts of this region, and educational attainment is not high enough. Educational attainment is not where it needs to be in this region more generally, but it is —

**Mr Sheehan:** Will the Member give way?

**Mr O'Toole:** I will, yes.

**Mr Sheehan:** On the issue of underachievement in West Belfast, the average percentage of young people who get five GCSEs, including English and maths, sits at 2% below the regional average, but, when you take account of the deprivation that exists there, that is extremely high and well above the average for the type of area that we are talking about.

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

**Mr O'Toole:** I completely acknowledge that. The point of my remarks was not to single out West Belfast as an area of underachievement, because the Member is right that, clearly, there is real attainment going on there. However, it is true that attainment is not good enough in the North generally. He has been one of the most consistent advocates, as his colleague Aisling Reilly was earlier, of the idea that the long tail of underachievement in this region is intimately connected to our system of selection and the fact that we have a pernicious system that divides kids at age 11 and promotes a form of selection that no serious objective analyst or academic who is looking at educational outcomes thinks is a good way of running your education system or, frankly, your economy. It is important to put that on the record. Kids in West Belfast suffer from that, in part because it is also an area of higher than average deprivation. It is important to say that, and it would not be honest of us not to say it.

I want to draw on a couple of particular themes that have been talked about today. Some of the important initiatives that go on in West Belfast have rightly been highlighted. Obviously, West

Belfast, in addition to all the great schools there, has one of the North's two teacher training colleges, and I know that St Mary's plays a huge part — the summer schemes at St Mary's have been outlined — in the broader community work of improving attainment and joint working between agencies, schools and, indeed, community groups.

There are specific issues that, we know, affect kids across this region, particularly in working-class families, such as the cost of school uniforms and holiday hunger, and those structural challenges exist in West Belfast too. My colleague Paul Doherty, councillor for Black Mountain, who does amazing work in Foodstock on the Andersonstown Road, has done particular work on, for example, holiday hunger and school uniform drives. That is a real challenge. We had questions to the Minister yesterday about that. That is one of the real pressures that face families in the west of the city, as it is in other parts of this region.

It is important to say that, in getting to the root of some of the issues that we face in West Belfast and across the North regarding educational achievement, we need to see specific targets. I will look to a Programme for Government, when it finally emerges, to see what the specific targets are for the Executive. I acknowledge that there are real funding constraints facing the Minister and other Ministers, but it is important that we see specific, measurable outcomes. Hopefully, some of those will be outcomes converted from the independent review of education and the report, 'A Fair Start'.

Gerry Carroll acknowledged and was right to say that there are concerns around the underfunding of some of the recommendations in 'A Fair Start'. I acknowledge that there is not endless money. The way in which we are funded in this place imposes constraints. We, as an Opposition, have never been unrealistic about that, but that means that it is even more important that there are clear and measurable targets for families and educators in West Belfast and other parts of the North. They need to know what the targets are, what will be prioritised and what will be delivered. There are specific things that I would like to see tackled in this mandate, but I suspect that they will not be, in part because I do not think that the Minister will be able to get political agreement; in fact, I am not sure that the Minister would give that political agreement in the Executive. What are the specific actions that will be taken to improve educational attainment in places like West Belfast?

In commending the debate and acknowledging the huge progress that has been made and the real work done by educators in West Belfast, I should also talk about the impact of lost programmes and lost funding for things like Healthy Happy Minds and holiday hunger. Real work has been done by educators and community groups and by schools like St John the Baptist Primary School on Finaghy Road North, which has had to do its own fundraising and plug gaps caused by lost funding. While acknowledging all the positive work that is happening and the positive progress in West Belfast and other parts of the city, I would like to see specific plans in a Programme for Government. If the Minister is able to shed any light on that, that would be most helpful.

**Mr Givan (The Minister of Education):** I thank the Member for West Belfast Mr Sheehan for securing the Adjournment debate. He has managed to keep Mr Butler out of Lagan Valley, and he is depriving me of the same opportunity to be with my colleague, although he is in Lagan Valley.

**Mr Sheehan:** He has stolen a march on you, Robbie.

**Mr Givan:** At least I have had it confirmed. There was always speculation that Robbie was related to Paul Butler, who is of renown in West Belfast. I would like to get a DNA test done, but we will not go on to 'The Jerry Springer Show'; we will stay here in the Assembly.

I am grateful to have the opportunity to respond to some of the issues, and I will pick up on some of the Members' contributions in due course.

### 6.30 pm

Every child has a right to high-quality education in a setting of their parents' or carers' choice, where they can be happy learning and succeeding. I am committed to delivering better outcomes for all children and young people across society, and so are the Members who have contributed to the debate. Where disadvantage exists, we must work collaboratively to address the causes and the consequences. Whilst more can and should be done, we must acknowledge West Belfast as an example of an area where there are strong community partnerships and an ongoing commitment to improving educational outcomes despite the challenges.

That is one of the reasons why Belfast has been included in the RAISE programme that I

announced last week. It is a new programme of investment in communities and families in the most educationally disadvantaged areas across Northern Ireland. The RAISE programme aims to address a key element of the 'A Fair Start' report by promoting a whole-community approach to education through place-based partnerships. Funding of £20 million is being provided through the Shared Island Fund for a period of two years. It will operate in specific localities across Northern Ireland that have been selected using objective criteria based on data. The RAISE programme offers the opportunity to look afresh at the issues caused by deprivation and to drive forward a whole-community place-based approach to education and the issues that children and young people face.

Northern Ireland is not unique in needing to tackle educational disadvantage. Indeed, the most recent programme for international student assessment (PISA), published at the end of 2023, evidenced a significant attainment gap here between the least disadvantaged quarter of pupils and the most disadvantaged across mathematics, reading and science, but the gap was not significantly higher in Northern Ireland than the average gap across the OECD countries.

I am delighted that my Department has invested in children and young people, families and the community in West Belfast over the past eight years through the West Belfast Partnership Board's Sharing the Learning programme, which has been acknowledged in Members' contributions in the Chamber this evening. That has come about because of the active representation from elected representatives for the West Belfast constituency in the Assembly and at council level and also by having Ministers from different parties responding to that. A total of £1.5 million has been provided during that period. It is an excellent example of a community partnership delivering bespoke interventions to address local issues. It provides essential support from cradle to career. I hope that that way of working can be used as a model as my Department considers how to implement community-informed solutions to help to raise achievement and reduce educational disadvantage.

We should celebrate the work undertaken in West Belfast by the committed teachers and community workers who have delivered significant outcomes in one of the most deprived areas in Northern Ireland. It is an area where 25 of the super output areas are in the 20% most deprived areas in Northern Ireland, and 19 of those are in the top 10%. Despite

that, we can see improvements in the educational outcomes in the area. In 2018-19, 63.7% of school leavers resident in West Belfast achieved at least five GCSEs at A\* to C grades or equivalent, including English and maths. Whilst that was below the Northern Ireland average of nearly 71%, it represented an improvement of nearly 12 percentage points since 2012-13. During the same period, the Northern Ireland improvement was 8.5 percentage points.

Of course, more can be done. There remains a gap between West Belfast and the Northern Ireland average at GCSE and A level. When we look closer at the data, we can see that the attainment gap between boys and girls is lower in West Belfast than the Northern Ireland average, as is the gap between free-school-meal pupils and non-free-school-meal pupils. The most recent figures, in 2021-22, show that 93.3% of school leavers resident in West Belfast reported going to higher education, further education, employment or training. That is just below the Northern Ireland average of 95.8%.

The overarching message should be that significant work has been done to improve educational outcomes in West Belfast, and that needs to continue. The Sharing the Learning programme is one example of the positive work that is being done. It operates in 24 nursery schools, 19 primary schools, eight post-primary schools and 14 after-school provisions. Its success has been down to the relationships that have been developed over time with and between schools and across all the school sectors and by collaborating effectively with the community and voluntary sector to provide a wide range of support that our children and young people need to succeed.

It is a model that should be further explored in other localities facing similar challenges. The range of projects that are supported and their achievements is impressive. Parent-and-child programmes have supported the transition from home to nursery and from nursery to primary school, thereby supporting readiness to learn. Primary support in literacy and numeracy has been provided to over 3,000 Key Stage 2 pupils, with further support through community-based after-school programmes and participation in programmes such as 'The Irish News' Young Readers critical literacy programme.

The West Belfast Partnership Board has also worked with practitioners in the area, including Sure Start, community-based providers and schools to develop resources such as

progression of play, which is from nursery to year 2; year 7 to year 8 transition resources; and special educational needs transition resources from nursery to primary school.

The name "Sharing the Learning" is an apt one. I know that many other voluntary and community groups and schools have benefited from the West Belfast Partnership Board's experience and knowledge. Examples include partnering with the teaching colleges to deliver workshops on community education programmes, as well as the THRIVE programme in Monkstown and Rathcoole, of which Members will also be aware.

West Belfast has also benefited from the Full Service Community Network, which forms part of the fabric of support that is unique to that area. My Department has been able to support the network financially in recent years to deliver programmes that enhance employability, improve the quality of teaching and learning and build collaborative relationships to deliver services for newcomer children and their families. The network has also employed a dedicated Irish-medium support teacher to work directly with children in schools to help support Irish literacy and fluency. Since 2016, the FSCN has worked with schools to support the growing population of children and families from asylum-seeking and refugee backgrounds, with training for entire school communities, as well as dedicated English as an additional language provision for children and families.

In addition to the significant targeted funding and programmes that are designed to tackle disadvantage, all schools are supported and challenged, as appropriate, to raise standards and bring about improvement. The Department's school improvement policy set challenging, system-wide targets for attainment at end of Key Stage assessments and in public examinations at GCSE and A level from 2010 to 2020. While statutory assessment at Key Stages 1 to 3 was disapplied during the 2019-2020 year, pending a review, creating a dearth of data on how our schools and our system are doing, participation in international studies also reassures us that we continue to perform well compared with other OECD averages and exceptionally well in some areas, such as reading. We need to establish improved measures, however. We want to know about pupils' progress, what their educational journey looks like and what value has been added. For example, are pupils happy? Are they learning? Do they go on to succeed when that journey ends? Are they living happy and healthy lives and contributing to the economy and society in a meaningful way?

Educational disadvantage can present in many different ways. More can and should be done to close the attainment gap and to address the wide range of barriers to learning that many children and young people face. Supporting educational achievement in West Belfast is no different from supporting it in any other area. Our expectations and aspirations should be as high for every pupil, every school and every neighbourhood. A school that is connected to its community is one of the four characteristics of a good school, as set out by my Department in its Every School a Good School policy.

West Belfast is an area where community links with schools are well developed. I am committed to delivering better outcomes for all children and young people across our society and to bringing about investment, where possible, to support a more prosperous, harmonious, happier and healthier society. The example of West Belfast shows the value of place-based approaches to tackling educational disadvantage, ensuring that schools, families and community partners all work together to improve outcomes from the cradle to the career.

This approach means that our most vulnerable learners are supported through development from preschool to key transition points at primary and post-primary level.

I assume that I have 15 minutes, Mr Deputy Speaker, or is it 10?

**Mr Deputy Speaker (Mr Blair):** It is 10. I think that I did not remind you of that.

**Mr Givan:** Apologies for that. Very briefly, a couple of Members raised a few points.

Mr Baker, I will follow up in more detail the project that you mentioned, and officials will engage with you on that.

Mr Carroll raised a number of issues around the 'A Fair Start' recommendations being underfunded. I point him to the announcement last week of £20 million, very much building on 'A Fair Start' — evidence of what can be changed and what the Executive are doing. Yes, we would like to do more, but I gently say to the Member — he will probably not listen to me — that you do not always have to have a pop at political parties. I think that everyone in the Chamber has tried to represent their constituencies, and I have demonstrated how West Belfast has made considerable progress over the years. That has been through all the parties representing that constituency and

different political parties. Each of us in the Chamber is personally invested in education. I sat on the boards of governors of three schools for nearly 20 years, so I do not just do policy; I put it into practice. Brian Kingston said that he currently sits as a governor of two schools. The Member may or may not have sat on a board in the past, but we do get engaged at a grassroots level, and I am sure that he does too. However, there are occasions for me to gently say to the Member that you do not always need to politicise something such as this when we are trying to speak to issues that we have made progress on.

I appreciate that time is against me and that I have already exhausted your good grace, Mr Deputy Speaker. I thank Members for their contributions.

**Mr Deputy Speaker (Mr Blair):** Minister, you actually kept us within our time limit, and I am very grateful for that. Thank you for your contribution.

*Adjourned at 6.42 pm.*