



Northern Ireland  
Assembly

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Dolan, Ms Jemma (Fermanagh and South Tyrone)  
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# Northern Ireland Assembly

Monday 7 September 2020

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Executive Committee Business

### Executive Committee (Functions) Bill: Royal Assent

**Mr Speaker:** I inform the Assembly that the Executive Committee (Functions) Bill received Royal Assent and became law on 25 August 2020. It will be known as the Executive Committee (Functions) Act (NI) 2020.

### Housing (Amendment) Bill: Royal Assent

**Mr Speaker:** I inform the Assembly that the Housing (Amendment) Bill received Royal Assent and became law on 28 August 2020. It will be known as the Housing (Amendment) Act (NI) 2020.

## Assembly Business

**Mr Speaker:** I want to make some remarks, mainly of thanks, before we commence the formal business this afternoon.

While I have been dealing with business remotely for the past few months, I want to record my thanks to Christopher Stalford and Roy Beggs for their assistance and cooperation in managing the Chamber in my absence. I also want to express my appreciation to Members Gerry Kelly and Jim Wells for stepping in and providing additional support in order to see the Assembly through this period.

I also take this opportunity to note the thanks of the Assembly to Assembly staff for their efforts during a very challenging period. I am acutely aware from all my contacts with them that countless issues had to be dealt with, and I acknowledge the long hours, flexibility and creativity that they have provided.

As we begin to return to a normal pattern of business, I have written to all Members in relation to a number of issues that I have been raising with the Executive in order to have them on the record. These have been very unusual times, but the scrutiny and accountability role of the Assembly is, of course, paramount and continues. Issues around the normal courtesies and conventions expected from Ministers towards the Assembly are therefore important, including being available on sitting days and bringing major announcements to the Chamber to take questions from Members as appropriate.

Ensuring that time is provided for the Assembly to conduct legislative scrutiny is also crucial, and the First Minister and deputy First Minister have agreed with me that we must return to the position that accelerated passage should be used for Bills only on an exceptional basis. I have therefore made a new ruling that, if Ministers seek to shorten the passage of a Bill through the Assembly, separate to the accelerated passage procedure for Committee consideration, they are required to provide a

statement when submitting the Bill for introduction. That will provide more information for Members in considering these issues.

Finally, last week, I suggested to the Business Committee that, as the Assembly intends to resume two settings each week, that should provide sufficient opportunity for Ministers to make statements and, therefore, we should have less need of sessions of the Ad Hoc Committee on the COVID-19 Response. Therefore, while the Ad Hoc Committee will continue to be available in emergency circumstances, I have written to Ministers to indicate that sessions should no longer be held routinely. The return to being able to use a Thursday afternoon will be particularly helpful in scheduling Statutory Committee business.

Let us move on.

## Matter of the Day

### Implementation of the Protocol on Ireland/Northern Ireland

**Mr Speaker:** Mr Matthew O'Toole has been given leave to make a statement, which fulfils the criteria set out in Standing Order 24, on the implementation of the Ireland/Northern Ireland protocol. If other Members wish to be called, they should rise in their places and continue to do so. All Members who are called will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this, or any other matter, until the item of business has finished.

**Mr O'Toole:** Mr Speaker, I welcome you back to your place. I am glad to see you there.

Mr Speaker, thank you for granting this urgent Matter of the Day. It is in many ways fitting that the Northern Ireland Assembly is first to debate some of the stories that have emanated from the press over the last 12 hours in relation to the implementation of the Ireland protocol. For three years, this place was in abeyance so, when the Brexit process happened, which dramatically and fundamentally affected Northern Ireland more than any other part of these islands or Europe, we were unable to have our voice heard. That has now changed.

The Ireland protocol, which was signed by Boris Johnson's Government in January of this year, exists only because of the unique nature of our society and the unique political institutions that have grown up, and been agreed, in order to protect and preserve its stability. That is why it is particularly disappointing to see suggestions that the UK Government will repudiate elements of the protocol being briefed late on a Sunday night, ahead of new negotiations between the UK and the EU.

It is deeply worrying and disappointing, but perhaps not surprising, that the UK Government, not only a signatory to the withdrawal agreement with the European Union last year, but a party to the Good Friday Agreement and the international treaty between itself and the Republic of Ireland that underpins that agreement, would seek to use what looks like legislation in the House of Commons to undermine core tenets of the protocol.

Businesses and society here have been calling for clarity for months over the implementation of the protocol, but, more broadly, over trading arrangements that will exist between the UK

and EU at the end of the transition period. The Assembly passed a motion in June calling for an extension to the transition period. The UK Government have not even acknowledged that that motion was passed, let alone reacted to it. Their attitude to Northern Ireland and our institutions, throughout this process, has been little better, I am afraid, than contemptuous, certainly since Boris Johnson became Prime Minister.

The protocol is no one's ideal situation for Northern Ireland. It is not something that any of us, five years ago, before the Brexit process, would have asked for. However, it is now lodged with the United Nations in international law. It is there to protect our society and island from a hardening of the border. It is necessary. It is essential. It becomes all the more essential when the UK Government signal that they want to strike the hardest possible Brexit and that they want to break all —.

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

**Mr O'Toole:** Mr Speaker, thank you very much for taking this Matter of the Day. I hope that other Members will join me in acknowledging that this is a deeply concerning time for Northern Ireland, and that we join together to get the best outcome for all our citizens.

**Mr Stalford:** It is precisely because I want to get the best outcome for all our citizens that I am opposed to the provisions of the protocol. For 25 years this place has been governed by the principle of dual consent. Mr O'Toole mentioned the motion that passed in favour of seeking an extension to the Brexit period. What he did not mention is that not a single unionist Member of this House voted for that motion. The guiding principle of dual consent, which has been the cornerstone of the institutions here and that he talked about, went out the window with the passing of that motion, and he knows it.

There have been ongoing discussions between the Executive and the Government on a range of these important matters, and, for our part, we will be doing all that we can to act in the interests of Northern Ireland within the United Kingdom. It is precisely because we are acting in the interests of Northern Ireland that we as a party are opposed to the protocol. It will damage our economy because it hives us off from our largest market: the GB market.

I must underline that what we are talking about here is mere speculation, but as a sovereign and now, thankfully, independent country, the

United Kingdom has the right to legislate on the regulation of its own internal market. It is to be hoped that this is what is about to be undertaken this week by the Government. The DUP position is, and always has been clear about this, and the First Minister said:

*We must remain in the UK's customs union, it is a principle that we have and that will for ever be there, we have to secure the integrity of the United Kingdom.*

Sir Jeffrey Donaldson, a Member of Parliament, said:

*There is not another country in the world with an internal customs arrangement — this is unacceptable.*

I absolutely agree with both of them. It is because we care about the prosperity of our people that we are in favour of ensuring free and unfettered access for Northern Ireland businesses in their own country and to their own country, and anyone opposing that should explain to those businesses how the provisions of the protocol would benefit them, because I have yet to hear any defence of them that demonstrates that that is the case.

So there we have it. The dual consent principle went out the window the minute the pro-Europeans had a majority. The provisions of the protocol will damage our business and we are running to defend it. Why? It is because of speculation in the 'Financial Times'.

There is great rejoicing over one sinner that repents, and for the sake of our country, our small businesses and our economy as a whole, I hope that the speculation is correct.

**Dr Archibald:** Go raibh maith agat, a Cheann Comhairle, and thank you for accepting this Matter of the Day, which I also had submitted.

Last night, with fewer than 16 weeks to the end of the transition period and ahead of the latest round of negotiations, we had reports of the British Government preparing to abandon the withdrawal agreement and the Irish protocol and to introduce their own legislation, without any regard for its impact here. That would be a betrayal of what has already been agreed and would inflict irreversible damage on our economy and on the Good Friday Agreement.

For some time now, the outlook and mood music on the future arrangements negotiations have been pessimistic, with little positivity, but the British Government are now playing a

dangerous game. It is hard to see this as anything other than a deliberately provocative yet desperate attempt by the British Government to sabre rattle on the eve of a crunch round of negotiations this week. It is worth reflecting, however, that, this time last year, the British Government also engaged in similar jingoistic theatre to try to rally all the Brexit zealots around a no-deal fantasy, before going on to compromise significantly, with Boris Johnson doing a U-turn to do a deal with Europe, which included the protocol.

Over the last few days we have seen British Ministers talking about the positives of a no deal, with George Eustice this morning going as far as saying:

*It will be a good outcome in that we will have regained our independence as a country and we'll be making our own laws again.*

Which, of course, is utter nonsense.

### 12.15 pm

Of course, we need to see the internal market Bill that is referred to in the speculation, which will be published on Wednesday, but whether this is an effort to gain some leverage in negotiations or a malign attempt to undermine the protocol, it will do little to make progress in the negotiations. Sinn Féin's priority, as it has been since the referendum four years ago, is to avoid any hard border in the island of Ireland to protect the peace process, the Good Friday Agreement and the all-island economy. That also needs to remain a top priority for the EU and its member states. They must ensure that the full and urgent implementation of the protocol, which provides the safeguards, is paramount. We will continue to defend the foundation stones of the Irish peace process, including the Good Friday Agreement, and work with those who share those priorities wherever they may be, whether they are in the Assembly, the Dáil, the EU or the United States Congress.

**Mr Dickson:** Thank you very much, Mr Speaker, for the opportunity to speak on this matter, and I thank Mr O'Toole for bringing it to us today.

It is vital that, even if these are speculative rumours in the press, the matter is debated in the Northern Ireland Assembly. It is vital to ensure that the protocol that was and has been negotiated and that is an international agreement is carried through by the UK Government on behalf of everybody in Northern Ireland. That is not to say that it is a perfect

agreement — it is far from that — but it is there to protect the institutions of the Good Friday Agreement and to protect the vast majority of people in Northern Ireland, who voted to remain in the EU. It is the best of a bad job for all of us. It is also vital that we have an opportunity to scrutinise the proposed Bill. In reality, it will only be when that Bill is presented, which will, hopefully, be later this week, that we will have a real opportunity to work through whether this is just pure speculation and posturing by extreme Brexiteers in the UK Government or whether it will actually be a reality — a very serious reality — for citizens in Northern Ireland and for businesses large and small.

We are not in a perfect position with regard to Brexit. This part of the United Kingdom has been dragged out of the EU by a UK Government and their supporters, predominantly members of the DUP. This is not an issue to be welcomed by any party. It has put us into a very difficult situation, and, as far as the Alliance Party is concerned, it is important that we take every opportunity to question and to ensure that Northern Ireland gets the best out of what will be, inevitably, a very bad Brexit deal for the whole of the United Kingdom.

**Mr Speaker:** On behalf of all Members, I take the opportunity to welcome you back to the Chamber and the Assembly, Stewart, after your period of serious illness. I send you ongoing best wishes, and I have no doubt that you will continue to make your voice heard and your presence felt. Go raibh maith agat.

**Mr Allister:** I do not know how many times in the House I have heard Members from all sides proclaim their concern about business, workers, consumers or jobs and affirm that they will do anything to advance those causes. Yet, the protocol is the one thing that poses a considerable long-term threat to business, workers, consumers and jobs, and it is the one thing that they clutch dearly. Make no mistake about it: the protocol cuts us off from our primary market, which is the United Kingdom. It fetters our trade in both directions, most particularly from GB to here but also from here to GB. Yet, when a proposition is mooted — whether it is mere speculation we will see — that some of that fettering could be loosened and that, for example, you would not have exit declarations, which is a preposterous proposition in the first place, to trade internally in the United Kingdom and that you could have the facility for the United Kingdom Government to look after business by providing aid to businesses in need, when those two propositions are mooted, who is up in arms?

The very people who tell us that they care about business and about jobs. Two measures that would greatly assist the retention of business are suddenly anathema. Why? Because their ideology is more important to them than anything else.

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

**Mr Allister:** I do not think that I can.

Take the issue of state aid. There are many socialists on this side of the House. State aid is the essence of socialism. It is about government propping up business; it is about government with handouts. Yet, when you have a Government, possibly in a Bill, wanting to give themselves the freedom to do exactly that, who are the first people up in arms? The mighty socialists. What a sham this is, and, of course, it is all dressed up, most disingenuously, as being about supporting the Belfast Agreement. The Belfast Agreement, I remind the House, never had anything to say about trade across the border in terms of whether there should or should not be a border.

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

**Mr Allister:** It has been the biggest con of our time that the protocol was necessary to protect the Belfast Agreement.

**Ms Bailey:** Mr Speaker, it is great to see you back in the Chair.

I do not know why anybody is even surprised by Boris Johnson coming out and saying what he has. This is not the first time that he has made the threat to break the protocol. The protocol is a legally binding international agreement and one that he has continued to threaten to break, but what surprises me more than Boris's threats today is that anyone would still believe what this Prime Minister says. I will give you a bit from his track record. Let us remember that the Prime Minister was sacked from his job with 'The Times' newspaper for making up quotes from his godfather and that the Prime Minister, when he was Mayor of London, promised to eradicate street homelessness in London by 2012, when it actually doubled under his mayorship. The Prime Minister, Boris Johnson, back in December 2019 told us:

*"There's no question of there being checks on goods going NI/GB or GB/NI,"*

Look how that is turning out. Probably most famous of all is the Prime Minister's lie on his bus during the Brexit referendum campaign

about saving £350 million a week by leaving the EU that would be spent on the NHS instead. Even last week, Boris Johnson, the Prime Minister, claimed that he was not even aware of Marcus Rashford's food poverty campaign the very day after he had issued a gushing press statement on the footballer's efforts. Let us remember that, during the Conservatives' 2005 election campaign, the Prime Minister, Mr Johnson, said:

*"Voting Tory will cause your wife to have bigger breasts and increase your chances of owning a BMW".*

Why is anybody in the House surprised, shocked or dismayed to hear anything coming out of this Prime Minister's mouth? What we should be doing is being left in no doubt that this UK Government will act in their own best interests and not in the best interests of people. If there is anything to be held onto, it is the fact that there is no good Brexit for Northern Ireland. All that we can hope for is that the EU will step up and step in and make sure that it holds the Prime Minister accountable.

**Mr McGrath:** Mr Speaker, I was not expecting to be called, but thank you. I want to add to what my colleague said. It is a deeply worrying turn of events. Regardless of what has been said here today, a lot of businesses are very concerned about what will take place and are looking for the security and the understanding of having processes put in place. They were beginning to interact with the protocol. They were beginning to find the methods to ensure that their businesses would not be impacted, and, at the eleventh hour, that has been completely railroaded by what we have heard over this past day.

I worry, too, about the scrutiny role that this place will play. The Committee for the Executive Office has, after a number of false starts, been able to try to hold Ministers and their involvement in the negotiations to scrutiny. Now that that has been completely eradicated and there is a threat to everything that has taken place so far, the scrutiny role that we have played to this stage has been rendered pretty much useless. It means that we have not been able to have input by making requests of Ministers. That is all so that Boris Johnson can flex his negotiation muscles. It shows the real contempt that he has for people in the North that he will use us in that way. People, businesses and communities here are all being used as a bargaining chip. That is absolutely disgraceful. It is absolutely unacceptable. We cannot have tampering with the protocol.



**Dr Aiken:** I apologise for not being in the Assembly earlier for the Matter of the Day.

In many respects, coming to the Assembly to debate a matter that is, frankly, press speculation at this stage shows the degree to which it is unsettling to many people across Northern Ireland and beyond. One of the most interesting things that we have to deal with is the fact that many items and parts of the Northern Ireland protocol are disadvantageous to our businesses and consumers and very disadvantageous to the economy as we go forward.

The Ulster Unionist Party has always stated that we do not want to see any borders north, south, east or west. However, we do want to see free and open access with the rest of our country, which is our biggest trading partner. That is what we want to see. If the discussions come to fruition and bring more certainty about what is in or is likely to be in the protocol, particularly with regard to goods at risk, the level playing field or any of the raft of issues that will affect Northern Ireland significantly come 1 January 2021, we need to be in a position to act. If that means that the EU and London Government actually sit down and agree what those changes are likely to be and how they will be made so that they do not affect Northern Ireland, every political party in the Assembly should push for that and try to make it happen.

There is another issue here. We keep talking about the implications of the deal for the Belfast Agreement. We need to emphasise that the Belfast Agreement is about the principle of consent. To have Northern Ireland, in some way, managed by a specialist Joint Committee, with the implications of that, is not democracy. Again, Members of the Assembly should push against that.

My party will continue to call for clarity, both from London and the EU, on the necessity to make sure that our businesses and consumers are not disadvantaged by the deal. If we get to the point, regrettably, where there is no trade deal between the United Kingdom and the EU, what is left for Northern Ireland should not create disadvantage for all of us. If that is what the discussions are about — again, I must emphasise that we have not seen them — it is appropriate that we see that.

Again, Mr Speaker, I apologise for not being here for the start of the debate. I thank the Member for South Belfast for bringing forward the Matter of the Day.

**Mr McCrossan:** I welcome Stewart Dickson back to the House and wish him well for the months ahead.

I find it astonishing that some unionist Members in the House would become and continue to be mighty defenders of the British Government: Boris and his Tory cronies. Have they learnt nothing from the fact that, not that long ago, he threw them under the big, red bus and, in fact, reversed over them to make sure that he did not miss? Since then, that bus has gone missing, along with its message, painted right throughout the campaign, of great reassurances for those who were persuaded to vote Leave. The reality is that in the North, in Northern Ireland, the majority of people voted to remain. Whether some in the House like it or not, people from their background also voted that way because they realised that, as Ms Bailey rightly articulated, Brexit is bad for Northern Ireland and bad for our people, our businesses and our farmers. It is bad for everybody.

#### 12.30 pm

Yes, Mr Aiken is right: we do not want to see any borders across this island. However, the reality is that this British Government — Boris Johnson — cannot be trusted. Mr Allister, who is a very sharp, articulate gentleman, must realise that Boris is a blundering buffoon who cannot be trusted with the affairs of this place. He will go down in history as the Prime Minister who ignored NI and who ignored the interests of this place. It is our people and our children who will be expected to recover and to pick up the pieces of the madness that is being defended by the Members on the opposite Benches. This is not good for Northern Ireland; it is not good for our children, our businesses or our young people. To sit there and defend Boris Johnson is pathetic.

People you represent in your own community — farmers and businesses — have said to me, and to other Members across the House, that they do not consider this an orange or green issue; they consider it an issue of their livelihoods, of the economic stability of this place, of their children's future. It is not something that we should be playing fast and loose with. The Prime Minister needs to get the message.

The House was gone for three years, but it is back. Our voices will be heard, as will those of the majority of people across the North of Ireland, Northern Ireland, who voted Remain.

No matter how strong the voices in opposition to that reality, it remains a fact that the majority of people here voted to remain. We will make whatever moves necessary to protect their interests, and our interests, as European citizens.

**Mr Speaker:** That concludes the discussion on the Matter of the Day. I ask Members to take their ease for one moment.

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

## Assembly Business

### Northern Ireland Assembly Commissioner for Standards: Appointment

**Mr Principal Deputy Speaker:** Order. I ask Members to leave the Chamber quietly. Thank you.

The first item of business in the Order Paper is a motion from the Assembly Commission to appoint an Assembly Commissioner for Standards.

**Mr Butler:** I beg to move

*That this Assembly, in accordance with Section 19(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, appoints Dr Melissa McCullough as the Northern Ireland Assembly Commissioner for Standards.*

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to 30 minutes for the debate. The proposer will have up to 10 minutes to propose the motion and up to 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Butler:** The Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 provides for the role of Commissioner for Standards. It also provides for the commissioner's independence and powers, which includes the same powers as the Assembly to call for witnesses and documents. The primary role of the commissioner is to carry out investigations into complaints that a breach of the Assembly's code of conduct has occurred and to report the outcome of those investigations to the Assembly. Therefore, the role of commissioner is important in ensuring that MLAs uphold high standards of conduct in public life.

The 2011 Act that provides for the office of the commissioner requires that the person to be appointed as Commissioner for Standards has been identified by a fair and open competition. The Assembly has delegated that function to the Assembly Commission, along with the responsibility for making arrangements for determining any criteria for appointment and for determining the terms and conditions under which such an appointment is made.

Members will recall that the tenure of the last commissioner, Douglas Bain, ended in September 2017. I would like to thank Mr Bain for his committed and professional service in what was, at times, a challenging role. While the Assembly Commission had undertaken a fair and open recruitment exercise in advance of Mr Bain's tenure ending, it was not possible for an appointment to be made at that time, as the Assembly was not sitting and could not, therefore, pass a resolution, as required by the 2011 Act.

The recruitment panel comprised two members of the Assembly Commission of the time, Alex Maskey and Stewart Dickson, the Clerk/Chief Executive, Lesley Hogg, and the former Commissioner for Standards for what was then the Welsh Assembly, Gerard Elias. I place on record my thanks to all the panel members, but I especially want to thank Mr Elias for his insight and expertise, which was of tremendous assistance to the panel.

As the Committee on Standards and Privileges was not in place, the approach adopted for the previous recruitment competition, whereby the Chairperson of that Committee sat on the recruitment panel, could not be replicated. The Speaker, in his role as Chair of the Assembly Commission, has kept the Chairperson of the Committee on Standards and Privileges updated on the matter.

While there have been some delays between the date of the recruitment competition and the date of today's motion, the Assembly Commission is satisfied that drawing from the merit list for this recruitment competition remains valid. The Assembly Commission is, therefore, delighted to nominate Dr Melissa McCullough as Assembly Commissioner for Standards for a period of five years as set out in the 2011 Act.

Given the importance and significance of the role, it is important that we appoint a person who has the experience and expertise to undertake the duties with skill, wisdom and judgement. Dr McCullough has worked as an academic in law, ethics and professionalism in the UK and Ireland since 2005. Between 2009 and 2020, she served as a ministerially appointed non-executive director for the Health and Social Care Board in Northern Ireland and as a member of the governance, reference and remuneration sub-committees. She is a visiting academic at the Royal College of Surgeons in Ireland, an assessor and chair for undergraduate medical programmes for the Medical Council of Ireland, and she acts as a law and ethics specialist on the clinical

governance board at Synergix Health in London. Dr McCullough's published work and research interests include professionalism, organisational ethics, applied ethics, equality and justice in policy and practice, diversity and inclusion and public health ethics.

I am certain that Dr McCullough's background and wealth of experience will enable her to carry out the important functions of the Commissioner for Standards robustly and effectively. The Assembly Commission recognises the importance of filling this key position. I commend the appointment of Melissa McCullough as the Commissioner for Standards to the House.

**Mr Principal Deputy Speaker:** Thank you. I call Ms Sinéad Ennis, the Chair of the Standards and Privileges Committee.

**Ms Ennis:** Go raibh maith agat, a Leas-Cheann Comhairle. I rise to speak as Chairperson of the Committee on Standards and Privileges. Although the motion has been tabled by the Assembly Commission, I will point out that, given the hiatus since the previous postholder's five-year term of office ended in September 2017, the Committee has maintained a close watching brief on the issue. Whilst I am aware that it was not possible to appoint a replacement Commissioner for Standards prior to the resumption of Assembly business last January, the Committee has been mindful of the crucial role of the Commissioner in providing the external and independent element of the Assembly's ethical standards framework.

The process for investigating complaints has been designed so that allegations of breaches of the Assembly Code of Conduct go directly to the Commissioner for assessment of admissibility and, where applicable, for investigation. The Committee then considers the Commissioner's investigation reports and determines whether or not a breach of the Code has occurred and, where appropriate, recommends to the Assembly a sanction to be imposed. Therefore, the Commissioner, the Committee and the Assembly exercise the complementary functions of investigation, adjudication and sanctioning respectively. Each plays a key part to ensure that proper standards of conduct are upheld by Members of this Assembly. Clearly, the absence of the independent Commissioner hinders the work of the Committee and the wider Assembly in implementing and enforcing the ethical standards regime, and that is why the Committee has taken a keen interest in the appointment of a new Commissioner.

Since the return of a fully functioning Assembly earlier this year, the Committee received a number of updates from the Commission. Members noted that the Commission had agreed on the need to appoint a Commissioner as a matter of urgency, and had examined the options for proceeding in a timely and pragmatic manner. I expect that the other members of the Committee, like me, will be pleased to see this appointment being made today. I look forward to engaging with Dr Melissa McCullough to progress the vital work of implementing the Assembly's ethical standards system. On behalf of the Committee, I, therefore, support the motion. Go raibh maith agat.

**Mr McGlone:** Go raibh maith agat, a Leas-Cheann Comhairle. I am glad to stand here today. Mr Principal Deputy Speaker, I thank you for your support over the past number of months when circumstances meant that I could not, unfortunately, be here.

I am delighted that, after such an extensive period, we have eventually got there. It is very important that such a highly qualified person as Dr Melissa McCullough, who has extensive experience from different walks of life in the public sector, from her work in law and ethics and indeed from her published works, will take up the role of Commissioner for Standards; she is the appropriate person. It is good that she will be there because it is an integral part of the work that we, as MLAs, all do. I am glad that the Chair of the Committee has outlined the role of the Committee in working with the commissioner and overseeing the work that will be produced and presented to the Committee in regard to the openness, transparency and ethics that are expected of us all as public representatives. I am delighted to see us get there eventually and look forward to working with the commissioner on the way forward for the Assembly.

**Mr O'Dowd:** I welcome the appointment of Dr McCullough. It is another of the many legs on the stool that keeps this place balanced. It is a precarious balance that is required for us all to function. I hope that I never have to come under Dr McCullough's attention, but I wish her well in her work.

**Mr Principal Deputy Speaker:** Thank you, Members. No other Member has indicated to me that they wish to speak in this debate, so — *[Interruption.]* Mr Blair? Sorry.

**Mr Blair:** Mr Principal Deputy Speaker, thank you. I have the role of winding on the debate. I

will do that and respond to the small number of responses that we have had. Before I do so, I will add to the comments that were made in welcoming my colleague Stewart Dickson back to the Chamber. I am very glad to see him here. Principal Deputy Speaker, you will, of course, understand that some of us saw more of him than he might have wished in the past number of months. We thank him for his contributions then and are glad to have him back.

I thank Members for their contributions. While neither me nor my Assembly Commission colleague Mr Butler, who moved the motion, were on the original recruitment panel, we, as members of the Commission, are assured that an effective, rigorous and fair recruitment competition was undertaken. I repeat Mr Butler's thanks to Mr Gerard Elias for the assistance that he provided to the recruitment panel. The role of Commissioner for Standards is crucial to how we are perceived as MLAs. Having a credible and experienced person undertake this role is hugely important. In that regard, I again pay tribute to the former commissioner, Mr Douglas Bain, for his work, which covered the investigation of a number of high profile and contentious complaints. I will now turn to comments that were made by Members. Sinéad Ennis spoke as —

**Mr Givan:** I appreciate the Member's giving way. I will just put on the record something that the Committee on Standards and Privileges may want to look at in due course now that a new commissioner has been appointed. The Speaker is responsible for the conduct of Members in the Chamber but not for the proceedings of Committee meetings, which come under the purview of the Commissioner for Standards. I know that, in the past, the commissioner has been brought into how members have interrogated witnesses and so on. I have always felt that there is a conflict there because privilege extends to Committee proceedings, yet the commissioner has a role in looking at how members interrogate witnesses. Witnesses do not always appreciate the way in which members engage in that interrogation process. I speak from experience in that a complaint was made against me in my chairing of the Justice Committee. Douglas Bain dismissed that but that did not stop the media from having headlines about complaints being made to the commissioner. The Committee may look at, in conversation with the new commissioner, how exactly that will be managed. I think that Members would find it beneficial if there was some kind of protocol for how Committee meetings will be conducted and how the commissioner will engage in that process.

**Mr Principal Deputy Speaker:** I refuse to believe that any person could find anything to complain about in the Member for Lagan Valley.

**Mr Blair:** Mr Principal Deputy Speaker, I am delighted that you were able to make that response before I had the opportunity to. I am sure that the Member's comments in the intervention will be picked up by the Chair of the Standards and Privileges Committee, who is here and who I thank for supporting the motion. I do not think that I need to go into much detail, but I thank Patsy McGlone for his support too. He spoke of the openness and transparency expected of Members in their work both here and outside this place.

John O'Dowd also spoke in support of the motion. On behalf of the Commission, I thank Members for their support.

**12.45 pm**

I trust that Melissa McCullough will be a highly successful commissioner. In fact, Mr Principal Deputy Speaker, I very much hope that she will have nothing to do at all during her term of office, once, of course, outstanding matters are progressed. It has been mentioned already, but I say to all Members that adherence by Members to the code of conduct is entirely in our own hands. It therefore falls to us to ensure that Dr McCullough does not have too much to do.

I hope that Members from across the Chamber will support the motion, and I commend to the House the appointment of Dr Melissa McCullough as Commissioner for Standards.

*Question put and agreed to.*

*Resolved:*

*That this Assembly, in accordance with Section 19(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, appoints Dr Melissa McCullough as the Northern Ireland Assembly Commissioner for Standards.*

## Private Members' Business

### Custodial Sentences for Attacks Against Emergency Workers

**Mr Givan:** I beg to move

*That this Assembly supports tougher custodial sentences for those convicted of attacks against emergency workers in Northern Ireland, including police officers, prison officers, firefighters, search and rescue workers and front-line healthcare staff; welcomes the campaign led by the courageous widow of PC Andrew Harper in favour of whole-life sentences, which reflects widespread public frustration with the current outcomes in such cases; acknowledges the recent UK Government commitment to increase penalties applicable under the Assaults on Emergency Workers (Offences) Act 2018; notes that, in the Republic of Ireland, there exists a set tariff of 40 years for the murder of a police officer, whilst, in Northern Ireland, the starting tariff in equivalent circumstances is between 15 and 16 years; and calls on the Minister of Justice to bring forward, as a matter of urgency, a revised sentencing framework that better reflects the seriousness of these crimes.*

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

**Mr Givan:** One of the main responsibilities of any Government — indeed, I would suggest the most important responsibility — is to ensure that law and order prevails in their society. In having that responsibility, we empower and mandate those who serve in our criminal justice agencies to enforce the law that parliamentarians, on behalf of the people, set. It is with that in mind that this motion has been brought forward in my name and in that of my colleague Mr Mervyn Storey, who leads for our members on the Policing Board.

That responsibility was brought into sharp focus this summer when it came to the sentencing of an individual for the murder of Detective Garda Adrian Donohoe. He was killed in County Louth in January of 2013: murdered in the line of duty. He was 41 years of age and married with two young children. Of course, in referencing his killing, we remember his family today. As a

result of that murder, a sentence was administered to a citizen of this country, Aaron Brady from New Road in Crossmaglen. He was found guilty of capital murder. With that conviction in the Irish Republic comes a mandatory minimum sentence of 40 years. Quite rightly, a response to that sentence came from a number of quarters and drew into sharp focus what our sentencing framework is here in Northern Ireland when it comes to the murder of police officers.

Our First Minister rightly responded to the sentencing decision, saying that victims deserve justice in Northern Ireland. We have often heard the anguished voice of those who have been left bereaved as a result of a loved one being taken from them. The First Minister rightly said that there must be a strong deterrent when it comes to those who would consider shooting or killing by whatever means those who serve in our criminal justice agencies. The Police Federation in its response said that there is an urgent need for the sentencing framework in Northern Ireland to be addressed in order to recognise the situation that prevails in this jurisdiction.

We also have the case of PC Andrew Harper, again killed on duty. Of those who were sentenced for that killing, one received 16 years and two who were aged 18 got 13 years. Of course, there were pleas from the widow about how the injustice has been felt. That is because early release, in those situations, could be granted after two thirds of the sentences have been served. A campaign is now taking place, called Andrew's Law, that is seeking to have a minimum sentence put in place for the killing of a police officer.

Whenever we look at those two examples, we in this part of the world can think of countless police officers in the past who lost their lives and who were killed in the line of duty. We can think of soldiers and prison officers who were killed, and then we can think about the sentence that was administered to them. Of course, it is one of the reasons why my party opposed the Belfast Agreement. One of the most immoral decisions and injustices inflicted upon the victims of those who were murdered was to have the perpetrators granted early release. That was one of the reasons why I wanted the Belfast Agreement to be defeated. It was because of the injustice that was carried out upon those who were victims and those who lost their lives because of the decision to grant early release to those perpetrators.

Therefore, when it comes to sentencing, there is an impact not just on the immediate family,

but on the wider community. There is also a distinction to be drawn between those who serve our community as public servants, and police officers and prison officers and those who serve in the forces of law and order. With it comes a particular risk for them because of the individuals who they have to go out and face. I think of the excellent operation that has been carried out recently against the New IRA. I think about those police officers who had to go through the doors and the premises to engage in all of that, and who have had to gather the evidence. Obviously, as that case goes through, I am mindful of those family members who worry because their loved ones have been involved and therefore I believe that they deserve to have the protection of the law when it comes to how people are sentenced.

Whenever we look at our sentencing framework in Northern Ireland, we have the lowest starting tariff of any region in the United Kingdom for murder sentences: it starts at 12 years. When we look at the lowest starting point, where a victim is in public service, it is 15 or 16 years. That represents half of the penalty in England and Wales. It is also lower than the 20-year tariff that is operated in Scotland, and, of course, the 40-year mandatory minimum sentence in the Irish Republic. That is why we need —.

**Mrs Long (The Minister of Justice):** Will the Member take a point of intervention on this matter?

**Mr Givan:** I will, briefly.

**Mrs Long:** I thank the Member for drawing this out. I will also point out that it is not a mandatory minimum sentence served, but it is a mandatory minimum tariff of 40 years. However, there is actually an automatic 25% remission of that sentence for good behaviour whilst in prison, so the end point is 30 years, which is more comparable with our end point, which is 25 years.

**Mr Givan:** I am sure that the Minister can elaborate later when she has got considerable time to deal with this. In due course I will get to the role of the Department of Justice and the Minister's. However, I will again highlight why those who serve in our criminal justice agencies require additional protection. In the past three years, there have been 166 attacks on prison officers in prison establishments. How many have been brought through the court system and what has been the penalty when it comes to the punishment for them?

Whenever we consider where we are with the current sentencing framework, former Minister Claire Sugden, who I see here, commissioned a review in 2016. Then we had a public consultation in October 2019 that was completed in February of this year. The consultation process was completed six months ago, some four years after the then Minister commissioned a review into the sentencing. That is regarded as the most significant review of sentencing since 2005 and it covers a wide range of areas that need to be considered as part of a review of the sentencing framework.

We are not keeping up with the pace of the changes elsewhere. We have had the Assaults on Emergency Workers (Offences) Act 2018. I know that colleagues are going to mention our hospital staff, our NHS workers and other emergency workers, who I have not touched on in my contribution. However, we know that, in every year for the last number of years, over 400 ambulance staff have been subjected to attacks. We think of the reports of incidents that take place in our hospital settings, where our nurses are being subjected to attacks. My colleague Mr Frew will speak further on that. The motion deals with the wide ambit of sentencing that we need to have in place for our emergency workers.

When I look at the process that we followed, I see that, some six months later, we are still waiting for the Department of Justice to come forward with the new sentencing framework, and that is why I regret that the amendment removes the call for tougher sentences. Why not? I appreciate that the amendment recognises the seriousness of these offences, but why is the Alliance Party not able to call for tougher sentences? Why did that need to be removed? I am sure that the party will elaborate on that.

The amendment also highlights the sentencing review process that has been taking place. I accept the substance of the amendment; the issue I have is that, six months later, we are still waiting for a conclusion. With this motion being the catalyst for the Department to look at this, we will hopefully see a positive announcement from the Minister of Justice in her contribution later as to when the review will be carried out. It needs to be carried out.

**A Member:** Will the Member give way?

**Mr Givan:** I have only one minute left, so I will not. It needs to be brought forward as a matter of urgency so that this issue can be dealt with.

There is then the debate on minimum sentencing and allowing judicial discretion. I have no difficulty with judicial discretion, but it should always be within the parameters of the legislative framework that we have set down. We need to send a very powerful signal that we back our emergency workers, that we have their back when they are being attacked and that we have an appropriate legislative framework in place that reflects the gravity of the offences committed against them so that the sentence that is administered gives them the support that I believe they should have. I hope that, today, we will send the right signal and support those emergency workers and that we will see movement from the Department of Justice and the Minister to bring forward, as a matter of urgency, the outworkings of that sentencing review. We will then consider the substance of what is proposed.

**Mr Principal Deputy Speaker:** I call John Blair to move the amendment.

**Mr Blair:** I thank you, Principal Deputy Speaker, and I rise, on behalf of the Alliance Party, to move the amendment. I hope that I will also —

**Mr Principal Deputy Speaker:** Mr Blair.

**Mr Blair:** — be able to clarify —

**Mr Principal Deputy Speaker:** Mr Blair.

**Mr Blair:** — the reasons why, as we have been challenged on previously, we do not —

**Mr Principal Deputy Speaker:** Mr Blair. Order. I am sorry. You just have to move the amendment and then I can tell you how much time you have to do that job.

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

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

*"recognises the seriousness of attacks against emergency workers in Northern Ireland, including police officers, prison officers, firefighters, search and rescue workers and front-line healthcare staff; further recognises the important contributions by victims, campaigners and respondents to the sentencing review consultation that closed in February of this year; and calls on the Minister of Justice to bring forward proposals for a revised sentencing framework after consideration both of the outcome of that important consultation and*

*sentences available for equivalent offences in other jurisdictions in these islands."*

**Mr Principal Deputy Speaker:** Thank you. You will have 10 minutes to propose the amendment and five minutes to make a winding-up speech. All other Members will have five minutes.

**Mr Blair:** Thank you, Principal Deputy Speaker. Apologies for that.

As I said, I rise, on behalf of Alliance, to move the amendment. I hope also to clarify the reasons why we, in this group, cannot support the motion.

Like others in the House, I fully understand the sadness, anger and frustration when a police officer is killed whilst carrying out their duties, and I cannot make it any clearer that I sympathise sincerely with the widow, family, friends and colleagues of the late PC Andrew Harper. In Northern Ireland, we, of course, need no lessons on the risks presented to our police service on a daily basis, not least in the context of the ongoing and severe dissident terrorist threat.

We have also seen all too regularly in public-order incidents attacks on fire crews and Ambulance Service personnel, but we should, at this juncture, acknowledge that, when recognising risk to what we have come to call our emergency or front-line services, there is also risk to others in public-facing roles. A few such roles come readily to mind, including retail-sector workers in the context of robbery and other offences. There are similar risks to taxi drivers and bus drivers, and civil servants carrying out investigatory roles have faced threat of or actual physical attacks in the course of their duties.

The amendment, while trying to overcome the limitations of the prescriptive list in the motion, nevertheless addresses the concerns raised on behalf of the listed sectors, and it also tries to address those concerns in the context of a sentencing review that is already under way. I suggest to the House that, in addition to overcoming those limitations, the amendment also deals with practical challenges presented by the original motion, two of which I will go into in some detail.

First, there is, as I have already referred to, an existing sentencing review process, the consultation on which closed in February this year and on which it is reasonable to expect there to be a response in the near future.

Good practice, I suggest, should not facilitate predicting or undermining the outcome of that review consultation, to which interested parties, possibly including victims and their representative groups, will have responded and taken time to do so. Politicians, including those represented in the House, will know themselves whether they have responded to that and have raised points that they may also raise or have previously raised and are repeating here today.

### 1.00 pm

Secondly, on the detail, there is the challenge of the perception of disparity in sentencing, when, in fact, the neighbouring jurisdictions on these islands all provide for a mandatory life sentence for murder. There is the additional factor, of course, of different recommendations on the time spent in prison — no one seeks to deny that — although those are determined by guidance given to the judiciary, whose independence we value highly. It is also fair to say that there is currently specific Northern Ireland provision. The most recently created offence — assault on ambulance workers — emerged from work in the Assembly following an attempt, as I understand it, to introduce an offence that recognised all emergency workers. With the collapse of the Assembly in 2017, the subsequent private Member's Bill to introduce an offence against hospital workers fell. I do not think that the current Minister or her immediate predecessors can be held responsible for the lapse of the previous legislation or the current consultation or for a lapse of time that was created solely by the absence of an Assembly. While we make specific provision for offences of assault on police, fire and rescue personnel and ambulance workers, we should aim to encompass a wider range of emergency workers such as nurses, midwives, prison officers, social workers and mental healthcare professionals. Those outstanding matters can surely also be dealt with in the current consultation. The amendment calls on the Minister — it makes it clear — to bring forward a revised sentencing framework based on both the recent consultation and the sentences available for equivalent offences in other jurisdictions in these islands. It seeks, therefore, to address any perception of disparity.

In closing, I caution against any move or request to move towards any process that would replace the perception of disparity around sentencing with the perception or reality of a hierarchy of victims set out in law. For example, that disparity would differentiate, I imagine, between the sentence for the killing of a police officer or other services officer in a public incident and that for the killing of a



civilian bystander, possibly on the same day, in the same street and in the same overall circumstances. That creates, without doubt, a hierarchy of victims such —

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

**Mr Blair:** I am almost finished, and I really do not see the moment. I have about 30 seconds to go.

Such a move as is described would be a disservice to fairness and victims alike. There should be no difference in the sentence for murder. I urge the House to support the amendment.

**Mr Principal Deputy Speaker:** Before I call the next Member, I remind the House that I have plenty of names on my list. Further down the list are a Queen's Counsel and a former Justice Minister, and I think they will have a valuable contribution to make. It is important that we — *[Interruption.]* Now, Mr Storey, do not chunter from a sedentary position. You will get in too. It is important that we try to keep the debate moving and let people make a contribution.

**Ms Dillon:** I intend to make my contribution brief, so hopefully that will assist in letting other Members in.

It is unfortunate that Mr Givan made some remarks about how he was against or voted against the Belfast Agreement because it allowed people who had killed police officers and others out of prison early with no thought for the families who lost loved ones at the hands of police officers through collusion and directly. I agree, therefore, with Mr Blair's comments about a hierarchy of victims. I will leave that aside for now, because that is not really what we are talking about today.

I support the amendment. First, I would like to place it on record — it is stating the obvious, but it cannot be said enough — that we support all of our front-line workers. Any attack on our front-line workers, particularly those that result in serious injury or death, are completely unacceptable. Those staff, whether in our hospitals, our prisons or on our streets, need to have maximum protection measures put in place to prevent and reduce such attacks and to ensure that they do not happen in the first place. That is really where we want to be. Punitive measures are OK, but the harm is already done. We really need to look at what we can do to prevent such attacks from happening in the first place. In that regard, I welcome some of the Minister's actions so far

on what can be done to reduce attacks on prison officers in prisons.

The Department of Justice (DOJ) recently carried out a public consultation, and I am sure that many Members will have responded to that. I am certain that many of the remarks that will be made today will be fed into that consultation. In our response, we asked that a sentencing council should be established to look at the sentencing tariffs. The original motion removes the ability of a judge, who will have all of the facts of the individual case at their disposal, to look at mitigating and aggravating factors when applying the sentence. That concerns me deeply. There is no doubt that those who attack our emergency services and front-line workers should most definitely be brought to justice. As in all cases, we want to see that the sentencing reflects the crime. In that, again, we say that we cannot have a hierarchy of victims. The life of a person who is attacked or killed as a result of domestic violence has no less value than that of any other member of our society, and we need to acknowledge that.

We also need to look at all of the mitigating factors where people have mental health or addiction issues. I am not saying that they should get away with attacking members of our front-line services, but there are many incidences where front-line workers would not want to see the book thrown at those people. They work with such people day and daily and understand the challenges that they face. There are people with all types of learning and social disabilities who have great difficulty in communicating with others. We need to acknowledge all of that, and we will not do so if we do what the original motion asks us to do. I support the amendment and thank the Members who tabled it.

**Ms S Bradley:** At the outset, on behalf of the SDLP, I place on record our sincere gratitude to all the emergency service workers who courageously put on a uniform and step forward for the good of society on a daily basis. It is not their uniform that sets them apart from other individuals but their commitment and courage in playing a part in society.

I acknowledge the sentiment articulated in the House by Mr Givan and Mr Storey in the motion, and, given its contents, I also acknowledge the horrendous death of PC Andrew Harper as being the catalyst for its timing. The voices of PC Harper's wife, Lissie, and his mother, Deborah, have resonated with many people. Serious questions surrounding the determination of murder versus

manslaughter and consequential appropriate sentencing have legitimately been raised. However, I support Mr Blair and Mr Dickson's amendment, which cuts right to the heart of the debate in a Northern Ireland context. As we know, a sentencing review is under way here, and the consultation closed in February this year. On behalf of the SDLP, I add my support to the words in the amendment that express gratitude to all the victims who courageously engaged with the consultation.

It is fair to say that, since March of this year, nothing in the House or outside it has been business as usual.

It is reasonable to give some latitude to the speed with which the matter has moved in the Department to date, as resources were hastily, temporarily and correctly directed towards the united fight against COVID-19. However, as business as usual begins to resume, albeit in a period of COVID coexistence, I urge the Department to build momentum into developing the sentencing review. Mindful that a flow of information into the review may have been hampered, I also welcome the wording in the amendment that calls on the Minister to look beyond the consultation and consider sentences:

*"for equivalent offences in other jurisdictions in these islands."*

I further urge the Minister to consider options for sentencing in cases that sit within that fine margin of a determination from murder to manslaughter.

The question raised before us in the House today is this: do we task the Minister of Justice, who already has limited time remaining in the mandate, to begin to explore the possibility of creating legislation that looks specifically at the sentencing of those convicted of attacking emergency workers, or do we, as a House, unite behind the broader sentencing review that has already started? The rigours of the legislative process will facilitate the level of discussion, deliberation and debate required when considering a proposal to break from the principle that all lives should have equal protection from the law and be equally subject to the law. The public and victims are all too often left rightly outraged that sentencing does not reflect the horror of the crime committed. We, as a House, have a duty to remedy that wrong as quickly and effectively as possible. The SDLP, therefore, believes that, if the Minister is allowed to continue undeterred with the comprehensive sentencing review, we will

have the opportunity to explore in detail all the issues raised in today's motion.

Three years of absence, COVID-19 and Brexit have stripped our Departments of time and resource. It is critical, where possible, that we get behind a focused way of moving such an important issue through the House. The SDLP, therefore, acknowledges the motion and recognises the sentiment behind it, but it supports the amendment as the solution to getting things done.

**Mr Beattie:** I thank the Members for tabling this important motion for discussion.

I fully understand the spirit of the motion and what it is trying to achieve and will support it, as does the Ulster Unionist Party, but I am uneasy about categorising any sort of victim. We must protect our blue-light services — the police, the fire service, the Ambulance Service and the army operating under Operation Helvetic, which is a blue-light service — as well as our nurses, paramedics and prison officers. An attack on them is utterly reprehensible, and any sentence must match the crime to act as a deterrent. However, what about school teachers, bus drivers, taxi drivers, the old, the disabled and our children? Are they less deserving of stiff, strong deterrent sentences? Each year, 50% of mainstream teachers and 90% of special needs teachers are attacked, and 45% are verbally abused. Everyone, not just emergency workers, expects and is entitled to go to work free from the threat of physical, mental or verbal violence.

The issue is not about sentencing for attacks on emergency services; for me, our sentencing framework is of genuine concern. Death or injury through drink- or drug-driving needs to be treated with severity so that it acts as a deterrent. I know that some people say that deterrents do not work: I do not agree. Attacks on children must be seen as an aggravating factor. It is the same with older people. The sentence must reflect that. Terrorism sentencing must be addressed.

Former Royal Marine Ciarán Maxwell, who was found guilty of committing terrorist offences in Northern Ireland but was tried in Great Britain, got 18 years in jail. Had he been tried here in Northern Ireland it is likely that he would have got 10 years and would have been out after five. That is unacceptable. The 50% licensing, or 50% parole, for extended custodial sentences is partly the cause of that.

**1.15 pm**

The Ulster Unionist Party fed into the sentencing review, and we noted the five purposes of sentencing, which are listed as punishment, protection of the public, deterrence, rehabilitation and reparation. We do not see prisons as a warehouse for offenders, but we do believe that rehabilitation seems to have trumped everything else. At times, sentencing must be about the protection of the public, and it must be about deterrence. The principles of sentencing — proportionality, transparency, fairness and the use of punishment sparingly — inject a bias against harsh custodial sentences. We have a concern in regard to that last principle.

What am I saying? I am saying that deterrents work. I am saying that deterrents against attacks against our police officers, prison officers, emergency services workers and nurses do work and must be seen to work. People want to see that. They want to see our front-line services protected, but they want to see teachers, young people, disabled people and older people protected as well. We really have to deal with the sentencing framework.

I also note the First Minister's call for those who disappeared their victims to be refused parole unless they disclose the whereabouts of their victims. I absolutely stand by that. That is something that we must address now, and it should be retrospective, so that the people who disappeared Columba McVeigh and Robert Nairac should be returned to jail, if they are still about.

Sentencing is always going to be emotive. We know that. We know what we are trying to achieve here. I am happy to support the motion and the amendment.

**Mr Frew:** I support my colleagues' very worthy motion. It is reprehensible that our public servants and their families are not given the protection in law that they and their jobs merit. For police officers, soldiers and prison officers, jobs do not begin at 9.00 am and finish at 5.00 pm. Their whole lives are wrapped around protection, worry and sincere measures that they have to put in place to protect themselves and their families, even children, from terrorist threat, as has always been the case here in Northern Ireland.

I suppose there is one thing that I can say to appeal to the party opposite. The party opposite has a horrendous past, like no other party in the House. Whilst we cannot change the past — you cannot change your past — we can make a difference to the future by protecting those people and their families as we go forward. To do the right thing by those people would be an

enormous benefit and a recognition of the sacrifice of the past.

I will speak, if I may, on the other aspect that is bound to be neglected here. We are going to focus on murders. There is no doubt about that, because, obviously, those are the most horrific crimes and loss to families and the biggest sacrifices made. However, there is also an issue around assault and the damaging of people. That goes right across the spectrum of people who serve. It affects nurses and ambulance workers. We have always differentiated between different people's jobs. Our job is to try and find that differential and try to be fair. We have made exceptions for police officers, firefighters and, a number of years ago in the Justice (No. 2) Bill, my amendment for assaults on ambulance workers was successfully passed in the House. That made a difference to those workers who serve the community, help vulnerable people and, at times during their service, fall under circumstances where they are assaulted — some of them very grievously — and damaged in the course of their actions.

Mr Blair alluded to the fact that I had a private Member's Bill in front of the Assembly on the same protections for emergency workers in relation to assaults. That private Member's Bill proved to be a challenge for a number of reasons, one of them being about who you extend the protection to because social workers also go into people's homes, where they could be vulnerable and could be attacked. There is a wide range of healthcare workers and people who work in mental health hospitals who have very challenging scenarios to deal with on a daily basis. That all had to play in the mix and should play in the mix.

One thing that is important when looking at this is the impact of a crime on an individual, how they suffer pain, how it affects them and the role that they play, their job, their sickness and when they can return to their jobs. Not only that, but the impact on other people if you take somebody out of service. If you assault an ambulance worker or an accident and emergency nurse, doctor or worker and they have to take time off work — even on the night that they are assaulted — that could have ramifications that could mean the death of someone else, indirectly. We should be mindful of that when looking at these sentencing laws in relation to assaults. If a nurse or doctor is assaulted and they have to leave their place of work for an hour, that could have massive ramifications for someone's life because that nurse, doctor or healthcare professional is then not there to administer first aid to somebody.

That could have massive ramifications and deprive people of their family members and their loved ones. That is something that we should be mindful of when we pass these motions and this legislation.

**Ms Dolan:** I stand to support the amendment. There is a view that sentencing for attacks on people providing front-line public services does not reflect the gravity of the offence nor act as a sufficient deterrent. It emerged, earlier this year, that there were 36 attacks on ambulance staff in the North in January 2019 alone. In the 12 months leading to 30 September 2016, 4,382 assaults on nurses were recorded in the health and social care sector. Additionally, in April this year, a survey by the shop workers' trade union suggested that incidents towards shop workers has doubled. One in six, of the almost 5,000 workers surveyed, said that they had been abused on every shift; almost two out of three, of those questioned, said they had suffered verbal abuse; and around a third had been threatened by a customer.

I am not downplaying the challenges that our emergency workers face, but, as Sinn Féin's spokesperson on workers rights, I found it horrific that any worker should face increasing abuse and violence. That should never be a part of any job. Yes, whilst the punishment of the perpetrator needs to be a priority, so too does the support provided to the victims of these attacks. Therefore, in the process of the sentencing review, it is paramount that the contributions of victims to the consultation are fully taken into account, moving forward.

**Mr McGrath:** The motion that we are debating today is, indeed, an incredibly emotive issue. There can be no doubt in anyone's mind that we must have a societal attitude, where people on the front line of our emergency response teams feel safe in the work that they do, and that they are assured in the knowledge that they can go about their essential work without fear of injury or their life being taken. Likewise, it is incumbent on us to ensure that everyone in our society who is in their workplace, community, home, school or streets to feel safe. The violence witnessed throughout the North for all too many years serves as a reminder to us that violence will only breed further violence.

That assuredness of safety is underpinned by a societal response to someone who takes another's life with little or no motivation other than the job that they are doing. Such a person must be assured that they will face the full consequences of the law of the land for their actions. A key component of that is a custodial

sentence that is commensurate to the crime that is committed.

All too often, we hear of people who have been charged with murder who then receive a sentence that seems wholly inadequate and does not reflect the horror of the crime committed, the pain that is felt by the family left to grieve or the moral outrage felt by a society that has witnessed it.

Whilst I support the sentiment of the motion, I say to the proposers that I worry that, if we pass it, we will set a precedent that says that if you murder certain people, you will get a particularly long prison sentence, yet if you murder others, you will get a shorter sentence. In truth, there is a danger here, albeit, I accept, unintentional, of creating a hierarchy of sentencing and a hierarchy of victims.

I believe that that is a dangerous message. I believe that we need to send a clear and unequivocal message that if you set out to commit a murder, you will receive a sentence that reflects that. Obviously, I do not want to detract from the judicial process that will take each individual circumstance into consideration, but I refuse to accept a situation where someone's life is less or more valued based simply on the job that they do.

I am happy to support the Alliance amendment because it reflects all that I have said. It recognises the contribution and heroic work of our emergency services and accepts that they should not feel that their life is valued less than others or face the peril of murder when they are carrying out their work; nor should their families live in such fear. However, I will say that the motion correctly references the sentencing review consultation that took place recently, and I think that it is important that we allow that consultation to conclude and then consider its recommendations before we prejudge and suggest changes to the current system.

Many people believe that the system is too soft, and that is a view that I am sure will be encompassed in the sentencing review consultation. I think that it is best that we wait until we hear from that consultation, and I look forward to hearing its recommendations.

I support the amendment to the motion and hope that it can receive the support of the House and that, at the conclusion of the consultation, we will send out a clear message that all murders will be considered equally and have the same rigours applied equally too.

**Mr Butler:** I was not minded to speak in this debate, but I have to, and I also declare an interest. I have 20 years' experience both as a prison officer for four years in the Northern Ireland Prison Service and 16 years as a firefighter. So, if anybody wants to have a conversation with me with regard to what it feels like to work as an emergency worker and live under those threats, I can tell them that it is a job like no other. I have never been a nurse, but I have nurses in my family.

Many of those roles are not ordinary roles. They are exceptional roles, and I pay credit to each and every one of those people, whether they are in the police, the Prison Service, our hospitals, health centres, fire stations, paramedics and many others. Some of those have been named by Members today.

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

**Mr Butler:** Absolutely.

**Mr Gildernew:** Will the Member also acknowledge in that list of jobs that he is setting out that we have a very committed and dedicated workforce in domiciliary care who are out there every day working in homes and who are also vulnerable to attack and dealing with complexity?

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

**Mr Butler:** Thank you for that. I absolutely will acknowledge that. For anybody who works in the community, there is domiciliary care, mental health nurses who are working on their own in complex environments and social workers, which is the Member's own background, I believe. All those workers step into areas where there is increased risk. It is not the same as working in a shop. The risk is already there. It is slightly increased. In fact, we have these peculiar circumstances in Northern Ireland where, for instance, if you are in the police, the Prison Service or any security job, guess what, you are not on social media as your normal self. We are still not there yet. There is still an increased pressure in Northern Ireland, so there is a conversation to be had.

**1.30 pm**

I welcome the spirit of the motion. I also welcome the amendment. As my colleague said, we will vote for both. However, there are a couple of things that perhaps did not sit right with me with regard to the total conversation that we are having today. The Member for

Lagan Valley and I agree on about 90% of things: issues such as abortion and so on. The one that we do not agree on is the Good Friday Agreement. In 1998, I was 26 years of age, and I was a prison officer. I voted for the Good Friday Agreement because I wanted something better. Everything that went on before that was absolutely wrong, and it was vile. I had to see some things that stuck in my throat, but I knew that it was the best thing for peace. I would vote for it again. I will have a discussion with anybody on that again. However, we are not in 1998; this is 2020.

This is a complex debate. I recognise the victims' campaigners, such as the widow of PC Harper. The pain that that lady will go through for her life and the impact on her family needs to be recognised when we have appropriate sentencing for premeditated murder.

There are many types of violence that can be inflicted on each of the people whom we are talking about today, whether that is through social media, the coercive piece or just not being treated the same and being slightly outside society in Northern Ireland, which is mostly relevant to our security forces and the unique way in which they have to live. It is unjust and intolerable.

While I believe in a strong deterrent, I am also a keen advocate for rehabilitation and justice. I cannot look at one without looking at the other. If you are involved, as I am, in the field of mental health, you will know that we cannot neglect the high rates of poor mental health and addiction that we have in Northern Ireland and the correlation between excessive drinking, drugs and mental health and acts of violence.

I will support the motion and the amendment, but this conversation needs to be an adult one and the deterrent and rehabilitation pieces need to go hand in hand.

**Mr Allister:** This House significantly lacks credibility in discussing these issues and in propositions about tougher sentences being required, because four of the parties that make up the Government in this House were advocates for opening the prison doors and letting out the murderers. Whether those murderers were child killers or police killers, the unanimous view of four of the parties in this Government was, "They are different; let them out".

I listened to Mr Blair say that we cannot have a disparity, a hierarchy of victims. It is a bit late for the Alliance Party to think in those terms, because, in 1998, that is exactly what it

endorsed. If you killed a policeman, you got out of jail. If you killed your neighbour or your wife in a domestic, you stayed in jail. It really is stretching credulity to hear people in this House talk about not creating a hierarchy of disparity, when they, through their political parties, have done exactly that. That is why I say that this Assembly, peopled in the main by folk from those parties, lacks credibility on this issue. Of course, it lacks it, particularly, on the Benches of Sinn Féin, which, to this very day, not only campaigns for the release of IRA murderers but refuses to call them murderers and to condemn their acts as terrorist acts and still justifies those acts. They come here today, nitpicking about whether we will be creating a disparity, when they are the living, walking illustration of hypocrisy and disparity on the issue of criminality and yet cannot say that it was wrong to kill. Nay, they celebrate; they glorify the killers. I, therefore, stress the point: the Assembly starts from a very low base when looking to pontificate about sentencing for all. I recognise that there is an issue about picking specific sectors for a particular format of sentencing, but there is a bigger issue, which is the issue that I have been talking about.

There is an issue that the Justice Minister needs to look at seriously. The 50:50 practice of half probation and serving half the time in non-homicide cases is rightly regarded as the soft option, because that is what it is. Putting criminals on probation is what causes most of them to laugh as they walk away from the criminal justice system. The idea of a 50:50 process in sentencing is one of the issues that is bringing the whole criminal justice system into serious disrepute. That is an issue that needs to be addressed in a vigorous way.

It is unfortunate that we are having a debate on an issue in which there is an attempt to —

**Mr Principal Deputy Speaker:** I ask the Member to conclude his remarks, please.

**Mr Allister:** — set up straw men about disparity, when the creators of the disparity are the people sitting in front of me.

**Mr Carroll:** I rise to speak against the motion, for a multitude of reasons that I will try to outline, but I begin by being clear that the policy and approach set out in the motion is straight out of the right-wing playbook. The motion references the fact that Boris Johnson's Tory Government are considering a similar move, but it is also the preferred approach by Hungary's Viktor Orbán, who was elected to power by pandering to a right-wing base with

promises that he would introduce mandatory minimum and whole-life sentences. Bolsonaro has long advocated for harsher punishments in Brazil's penal system, and, last year, spoke of plans to introduce whole-life sentences, which are advocated in the motion. When Donald Trump, whom, I know, has fans across the Chamber, first sought election, he won support from the right for advocating mandatory minimum sentences for people who tried to cross the US-Mexico border. It is the preferred approach by those on the right who view the issue of criminality as an individual problem rather than a societal problem, and who rely on retribution rather than seeking out the root causes of crime in society. That approach has been criticised and opposed the world over because it completely overhauls the principles of proportionality and rehabilitation.

The motion references the South of Ireland as having desirable mandatory minimum sentences. I refer Members to the Irish Council for Civil Liberties who, as far back as 1996, opposed such sentences. It said:

*"The ICCL has always been opposed to mandatory sentencing on the grounds that it doesn't leave sufficient discretion to take into account the individual circumstances of the offence and degrees of culpability."*

The concept of proportionality has been recognised by the European Court of Human Rights as constituting an essential part of human dignity, and grossly disproportionate sentences can be found to breach article 3 of the European Convention on Human Rights.

The detrimental impact of mandatory minimum sentences on first-time offenders is also well-documented and can be clearly linked to instances of reoffending. Most relevant of all, there is little evidence that tougher sentences deter potential offenders from committing the specified serious offences. It is also worth acknowledging that this approach would row back on a series of reforms that sought to remove political interference in the courts and lessen the long-term detriment faced by those serving mandatory minimum sentences.

This is not a proposal that seeks to end reoffending or change behaviour in order to protect those emergency workers whom it references. The evidence shows that the approach proposed in the motion does not work. The motion is simply an attempt to pander to those who view offenders as simply incapable of change.

I want to speak to the hypocrisy that I see with the approach often taken in the motion. There is already massive disparity and treatment in the punishment meted out by state forces and those who are not state forces. That is summed up well by the tragic murder of Mark Duggan at the hands of British police in Tottenham in 2011. Unsurprisingly, Mark's murder has been on many minds since the murder of George Floyd by US police, and many other innocent black people have been tragically killed. Not only were the media and wider public misled by the police, who lied and claimed that Mr Duggan had opened fire on them, but even after that was deemed false, the murder of Mark Duggan was judged to be lawful. No mandatory minimum sentences, no consideration of a whole-life sentence. Those who took aim and took the life of Mark Duggan were, effectively, given a free pass.

Obviously, there are countless other examples, including those that happened locally, of the police and other state forces acting with impunity and without a sentence of that kind. This motion, if it were to become policy, would serve to enhance that disparity.

I find it galling that those emergency workers referred to in the motion, including firefighters, search and rescue workers and front-line healthcare staff, have found themselves standing on picket lines begging the Executive to pay them fairly — and, in the case of search and rescue, which carries out some of the most essential and worthwhile roles imaginable, it is not funded properly and has to rely on volunteers, donors and the goodwill of many people.

The way that the Executive have treated those workers has been appalling for over a decade —

**Mr Principal Deputy Speaker:** The Member's time is up, I am afraid.

**Mr Carroll:** — and the motion does not even acknowledge that.

**Mr Principal Deputy Speaker:** I call Claire Sugden, but would remind her that she has five minutes. If she gives way, I am afraid that I cannot give her an additional minute.

**Ms Sugden:** Thank you. I might just do that, given that it does not happen very often.

I support the motion and the amendment. That is my first preference. If the House does not

accept the amendment, however, I am content to support the original motion.

My support for the amendment, however, is on the basis that the Minister of Justice does review the consultation responses urgently, formulates new policy and brings forward legislation, if necessary, before the end of this mandate. If that is not possible, I am not sure that we can support the amendment. I do not think that victims of that type of crime can go another two years without getting the proper justice that I sought to achieve when I announced the sentencing review in 2016.

I do not accept that the delay in the sentencing review was because we had no Executive or because of COVID, because, more than four years later, we are still in the consultation stage of the review. As Minister, I instructed the Department to get on with the work. That process should have been allowed to happen. The Northern Ireland Executive did not sit but Departments continued to work, so why has it taken nearly four years to get to where we are now?

I am not blaming or laying the fault at the Minister. She has not been in the post for very long, but I encourage her to progress this as soon as possible. This is a significant piece of work. There will have been many responses to the consultation. However, if it is not possible to have a wider piece to address what has been raised by stakeholders, maybe we need to look to succinct pieces of legislation that address elements of it.

I sought to review sentencing in 2016, mostly because of a lack of public confidence in our justice system. It was felt that sentences were not fit for purpose and did not reflect the crimes. I have heard many arguments that we, as legislators, should not be guided by the emotion of the public but should look at this from a judicial and fair justice perspective. We are legislators. The sentencing framework within which the judiciary will act will be in legislation. We create the law; they interpret it. If we, as representatives of the general public, are being told by our constituents that the framework is not fit for purpose, we have to listen to them. I fully recognise and support the independence of the judiciary. They are far beyond being qualified and experienced enough to be able to give their opinion on how we do this. Indeed, they are a major stakeholder, and we should be listening to what they say. So, however, are the general public and victims.

**1.45 pm**

The sentencing review that I announced was, in part, led by the case of Enda Dolan. It would be remiss of me not to mention it. His father, even in the last four years, has continued to pursue a change in the sentences for dangerous drink-driving, and I fully support that. Whilst I am happy to acknowledge and support what the proponents of the motion have said, I think that this must form part of a wider sentencing review.

Also, there is the parity issue and the practical implications of that. Other jurisdictions within the United Kingdom, and, indeed, the jurisdiction of the Republic of Ireland, operate differently in this area, as do we, which causes difficulty between regions. If anything, we need to look at that as a practical concern and one that means that we have to address this quickly.

I have heard some people talk of a hierarchy of victims. I do not accept that. I look at the context in which crimes are committed. Evidence might suggest a hierarchy, and I would really like to see that evidence if we are to pursue this type of motion. Prison officers, police officers and front-line service workers are disproportionately targeted because of the work that they do. That is an important acknowledgement. These people are not targeted because they are sitting at home with their family; they are targeted because of the job that we, the public, expect them to do to keep us safe. That is an important distinction when looking at crimes like this. However, it might not be about pursuing this through new legislation or changing the sentencing framework. People talked about everybody being equal, but there are circumstances in which other contexts and different types of victim are considered. For example, the new Domestic Abuse and Family Proceedings Bill includes an aggravating factor that, if children are present, the sentence may be longer. So, there are opportunities to look at this in different ways.

I support the sentiment, but I think that we need to do this as part of a wider sentencing review. If anything, it should be an end-to-end justice review, but maybe that is for the next mandate.

**Mr Principal Deputy Speaker:** Members, Question Time commences at 2.00 pm, and we need to allow some time for Members to change places, and to sanitise the Benches. As we do not have time for the Minister's full 15-minute contribution, I propose, with your leave, to suspend the sitting until 2.00 pm. The sitting will resume at 2.00 pm with questions to the Minister for Infrastructure. This debate will

follow the question for urgent oral answer to the Minister of Health, which will be taken after questions to the Minister of Justice.

*The debate stood suspended.*

*The sitting was suspended at 1.48 pm.*

**2.00 pm**

*(Mr Speaker in the Chair)*



## Oral Answers to Questions

### Infrastructure

#### Bicycle Strategy: Targets

1. **Mr Muir** asked the Minister for Infrastructure to outline how she intends to meet the targets set out in the bicycle strategy for Northern Ireland. (AQO 550/17-22)

**Ms Mallon (The Minister for Infrastructure):** The bicycle strategy that the Member refers to was published by one of my predecessors in August 2015. The strategy was based on three pillars: to build a comprehensive network for the bicycle; to support people who choose to travel by bicycle; and to promote the bicycle as a mode of transport for everyday journeys.

There were no specific targets set out in the strategy, but there were a number of Ministerial ambitions related to significantly increasing the proportion of shorter journeys made by bicycle. That desire to increase cycling journeys is reflected in the Programme for Government, and my commitment is to increase the proportion of journeys made by walking, cycling and public transport.

In order to achieve that, I want to ensure that in all transportation interventions my Department includes measures to improve walking and cycling as key components of the project, particularly in urban areas. I want to build infrastructure that makes walking and cycling journeys easier, safer and more convenient to undertake, including segregated and separated lanes and paths on the road, quiet streets where motor traffic is not allowed to predominate and traffic-free paths away from roads. Finally, I want to support councils in their development of greenways across the North.

**Mr Muir:** I thank the Minister for her response. The Belfast Bicycle Network, which arises from the strategy, has targets that to be met would require 12,500 metres of cycleway being created each year. In 2019-2020, only 120 metres of cycleway was created. The Republic of Ireland's Programme for Government has committed to allocating 20% of its transport capital budget to active travel. I declare an interest as I was previously an employee of Translink. Will the Minister commit to making a similar allocation in the budget for the next financial year?

**Ms Mallon:** I thank the Member for his question. One of the positives from COVID is

that we are seeing an increase in people engaging in active travel, particularly cycling. As the Member will know, I have appointed a walking and cycling champion in my Department to demonstrate that this policy area and commitment is at the centre of the work of my Department. The Member will also be aware that I have allocated a new blue/green fund of £20 million, and we are very keen to see more cycling infrastructure and the further development of greenways.

The Member referred to the Belfast Bicycle Network. I hope to publish a document on the Belfast Bicycle Network before the end of the year, which will set out the priority cycling routes for Belfast. I am very keen to see that agenda progressing across council areas and would be very keen to see that replicated in towns and cities across Northern Ireland.

**Mr Speaker:** Before I call the next questioner, I remind Members that questions 7 and 9 have been withdrawn. I call Trevor Clarke. Oh, sorry, I am way ahead of myself — I need to bring back Roy or Christopher. *[Laughter.]* I call Michelle McIlveen.

**Miss McIlveen:** I thank the Minister for her responses. As she will be aware, momentum is growing in certain areas to move greenway projects forward. Will the Minister commit to contacting councils to encourage them to fully consult with landowners, with a view to reaching agreement for routes to avoid vesting land?

**Ms Mallon:** I thank the Member for her question. My walking and cycling champion wrote to all of the councils in July, if recollect correctly, asking them to submit proposals on greenways. So, we are very keen to work in partnership with councils to address the areas that you highlighted.

I would like us to be a much more advantageous situation with greenways, but there is money in my blue/green fund to work on design and feasibility and to work in partnership, which is really important, with landowners, local communities and councils to try to address and pre-empt any difficulties that might emerge so that we can make as much progress as possible.

**Ms Mullan:** Minister, the Department's recent survey on student travel behaviour showed that only 3% of students cycle as part of their journey to school, even though 50% of young people live less than 3 kilometres from their school. What is the Department doing to

encourage cycling as well as working to expand educational programmes such as Active School Travel?

**Ms Mallon:** The Member makes a very important point. The survey showed, as has almost every survey conducted on active travel, particularly on cycling, that more people, of all ages, would cycle if they had safer infrastructure and the space to be able to cycle. We are engaging in a number of pilot projects and working with Sustrans so that we can have cycling proficiency in schools, which is important for the required cultural change. We are looking at a number of schools to see how we can progress cycling routes.

The Member will be aware that I announced funding for a 20 mph speed limit to be rolled out around 100 schools in this financial year. That does not solve the problem, but, again, it is about creating an environment for children to be able to walk and cycle safely to school.

**Miss Woods:** How much funding is allocated to the bicycle strategy for this financial year?

**Ms Mallon:** I thank the Member for her question. We have not allocated money as such to the strategy itself. Given that it is capital money, we are hoping to utilise it to advance a number of projects in the scheme and consider any ideas that councils or communities come forward with in terms of advancing the whole cycling agenda.

## Arc21: Planning Application Update

2. **Mr Clarke** asked the Minister for Infrastructure for an update on the planning application for the Arc21 residual waste treatment project. (AQO 551/17-22)

3. **Dr Aiken** asked the Minister for Infrastructure for an update on the planning application for the Hightown incinerator. (AQO 552/17-22)

**Ms Mallon:** Mr Speaker, with your permission, I will answer questions 2 and 3 together.

My officials are continuing to progress the application at pace, in line with planning policy, to a point at which a decision is ready to be made. When all consultation responses are received and all statutory processes complete, my officials will bring forward a recommendation. I am keen to bring a resolution to this long-standing application for the sake of all involved, but if a sound decision is to be reached, it is important that the

planning process is completed correctly. At this time, my officials are liaising with colleagues in the Department of Agriculture, Environment and Rural Affairs (DAERA) in relation to the updating of the statement of need for the facility in the context of the proposed development, the strategic and long-term needs for waste management and the circular economy in Northern Ireland. When that response is received, officials will complete their assessment of the planning application.

At this time, I cannot confirm when a recommendation will be made. In the interim, I hope that Members will appreciate that it would not be appropriate for me to comment on the individual planning merits or otherwise of this application.

**Mr Clarke:** I thank the Minister for her answer. Given that, prior to her appointment, she was publicly supportive of the No Arc21 campaign, does she believe that she may be conflicted when it comes to following due process in decision-making and that she would have to abdicate that position and pass it to someone else?

**Ms Mallon:** It is well known that I supported No Arc21 in my role as an MLA for North Belfast. However, I am now the Infrastructure Minister, and, as such, I am guided by the ministerial code of conduct as well as the Pledge of Office that I took when I accepted the portfolio for the Department for Infrastructure. As Infrastructure Minister, it is important to me that any planning decision is robust and sustainable, and that it is taken in an open and transparent manner, based on its planning merits. As such, I will not come to any conclusions on the processing of this application until I have carefully considered the report and recommendations of my planning officials.

**Dr Aiken:** May I make a declaration of interest? Along with the Minister, in previous guises, I have stood on the platform for No Arc21 and believe very strongly that this incinerator is nothing more than a Ponzi scheme.

Bearing in mind the length of time that this has taken, will the Minister outline the costs that have been accrued by the taxpayer for the considerable amount of ongoing legal activity since one of her predecessors made it very clear that this project should not go forward? Will she furnish those costs directly to the Assembly so that we can review whether this has represented good value for money by her Department or, indeed, anybody else?

**Ms Mallon:** I do not have that information to hand, but I am happy to take that question away and provide information as required.

**Mr Allister:** Does the Minister agree that, whether it is this planning decision or any other, pursuant to the Executive (Functions) Act, she can now make that decision without recourse to the Executive, and without awaiting any amendment to the ministerial code? Does she agree with that?

**Ms Mallon:** I do. With the granting of Royal Assent to the Executive Committee (Functions) Bill on 21 August, the Executive Committee (Functions) Act 2020 is now in effect. This Act, through its amendment of the Northern Ireland Act, clarifies that any Infrastructure Minister, now and in the future, can take planning decisions which are the statutory responsibility of the Department of Infrastructure. I see the taking of planning decisions as an important component in assisting a recovery from the COVID-19 pandemic. I intend to begin making decisions shortly on a number of planning applications which officials have been working on to bring to a decision point. Having considered legal advice, I am satisfied that the amendments to the Northern Ireland Act allow me, as Minister for Infrastructure, to take planning decisions from the period of Royal Assent.

**Mr Carroll:** Considering the weight and size of opposition to this application from communities and most parties in the Chamber, and the detrimental impact that it will have on the environment, does the Minister agree with me that this project should not proceed?

**Ms Mallon:** As I outlined in one of my previous responses, as Minister for Infrastructure, I have to ensure that due process is completed and, therefore, it would not be appropriate for me to comment any further on the application.

**Mr Blair:** Further to the questions that the Minister has answered, will any future decision-making process on this application take into full consideration, revisited and reviewed environmental concerns and consultation with the relevant environmental agencies, particularly with regard to air quality and whether it is a good idea to burn our waste rather than recycle?

**Ms Mallon:** I confirm to the Member that, in the consideration of this application and its analysis by my planning officials, all relevant information will be scrutinised and reviewed.

**Ms Flynn:** I would like to ask the Minister about planning applications. Obviously, a lot of people are waiting with anticipation the Casement Park decision. In one of your previous answers, you mentioned that you will be considering some of these decisions soon. Have you any timeline by which the public could expect the decision on Casement?

**Ms Mallon:** I thank the Member for her question. As she points out, I have previously stressed the need for progression of this long-awaited application. My officials continue to work at pace so that it can be brought forward for a decision.

Officials have substantively completed their assessment of the application and are presently considering a recently submitted objection to it. It is important that due process is followed, if a sound decision is to be made, and it is hoped that a recommendation on this significant application can be brought forward shortly.

## **Flooding: Newcastle**

4. **Mr Boylan** asked the Minister for Infrastructure for her assessment of the recent flooding in Newcastle. (AQO 553/17-22)

**Ms Mallon:** I was in Newcastle on Tuesday 25 August, visiting homes and meeting residents, and could see for myself the extent of the flooding, the damage and disruption to properties and the very understandable upset of people. My Department has developed very effective emergency planning arrangements and those worked well.

Following the weather warning issued by the Met Office, my Department's operational teams and multi-agency partners were in a heightened state of awareness from Monday 24 August, and were ready to respond to the threat of flooding. Subsequently, on Tuesday morning, a multi-agency response in Newcastle was quickly established, with operational teams and multi-agency partners present from early morning, distributing several thousand sandbags, pumping, and providing assistance to property owners. It is believed that approximately 40 millimetres of rain fell in just under six hours. That is roughly 50% of the monthly average. At this stage, a partial blockage to a bridge on the Bryansford Road, that occurred as a result of the high water levels in the Shimna River carrying debris down the watercourse, is also thought to have been a contributory factor to the flooding.

In order to reduce the likelihood of flooding in the area again I am committed to delivering the Shimna flood alleviation scheme in Newcastle. It is due to commence on site next summer, and I have asked officials to do all that they can to accelerate delivery of that important project.

**2.15 pm**

**Mr Boylan:** I also welcome you back, Mr Speaker. The Minister is well aware of the stress, concern and worry of the residents. In leading up to the storm there were reports to the Department of debris and trees along the river. Will the Minister clarify when exactly it responded and what she and her Department did in relation to that?

**Ms Mallon:** At 12:45 the Department received a report from the PSNI that debris had built up and was blocking the flow of water at the Bryansford Road bridge that crosses the River Shimna. Action was taken to remove that.

I would say to Members, because I know how close we are to our constituents, that we are always keen to learn in the Department. We put in measures in advance, but we could not foresee the exact location of the flooding or its extent. It was very much unprecedented, but we are keen to always learn and improve. If Members are aware of things that were brought to the attention of the Department or things that, they think, we should have done better, I would be keen to hear them so that we can try to implement any learning, going forward.

**Mr Beggs:** I find it strange that the Department is being criticised for a lack of preparedness for this, especially given that there were three years when we had no Minister in post and the difficulties that arose in that time were not overcome. Does the Minister agree that those who were responsible for those three years of delay and for not removing the obstacles owe a responsibility to those who were flooded and should take responsibility for it and their contribution to it, rather than attempting to blame the Department for what resulted?

**Ms Mallon:** First and foremost, I feel for the residents, because they should not have had to undergo that horrendous experience. I also think of the front-line workers: Roads and Rivers staff in the Department for Infrastructure and the emergency response teams, who worked tirelessly to protect people and property. I understand that party politics sometimes comes into play, and I can understand why you have said what you said, but the residents just want to know when the

scheme will be implemented to prevent a recurrence. When I was in Newcastle, I gave them my commitment that we would be on site with a scheme next year, and I said clearly to my officials and the senior director, in front of the residents, that I wanted everything to be done that could be done to escalate that and to bring that project forward as quickly as possible. Residents do not want to hear us bickering and fighting among ourselves. They want action, and that is what I have committed to doing as Minister for Infrastructure.

**Mrs D Kelly:** Minister, I know from speaking to party colleagues that they very much appreciated your swift attendance at the scene of the flooding. Are there any other hotspot areas that have been brought to your attention where there may well be flood alleviation schemes already in the pipeline that, unfortunately, as Mr Beggs rightly pointed out, have been held up because there was no Stormont Executive and Assembly for the last three years?

**Ms Mallon:** In the area of flood alleviation and across all Departments, there are many things that would have been advanced and implemented if the Assembly had been sitting for the past three years, but, as I said, we are all in post now and our focus has been on the challenges that we have. Flood is a hugely challenging area. We have had significant underinvestment in our water and waste-water infrastructure for several years. We are also in the face of a climate emergency, so we see flooding incidents happening much more regularly. We need a concerted effort across all Departments, working with residents and local communities, to do what we can to prevent these situations occurring.

When I was in Newcastle, the sense of community spirit was overwhelming. Even when people were standing up to their knees in water in their own properties, they were looking out for their neighbours. Local businesses rallied around to provide free food for the emergency services and the front-line workers. Even in the midst of all that distress, I took heart from the fact that the community spirit was strong and positive, certainly in Newcastle and in Strabane, which also experienced flooding.

## **Active Travel: South Antrim Investment**

**5. Mr Blair** asked the Minister for Infrastructure to outline any planned investment in active travel in South Antrim. (AQO 554/17-22)

**Ms Mallon:** The Member will be aware of my announcement about funding of £20 million for the blue-green infrastructure, which will support our communities through transformation, promoting active travel and shaping our places to live in the new normal. I am keen to see progress on better walking and cycling infrastructure throughout Northern Ireland, and I am considering the basis on which funding may be allocated for cycling infrastructure. Specifically in South Antrim, my officials are developing proposals to improve walking and cycling in the constituency and have recently completed a shared-use path at Loughanmore Road, Antrim.

My Department is working in partnership with councils and stakeholders on identifying and taking forward schemes that deliver on our Programme for Government outcomes and ensure lasting change for people across the North. Greenways are an important part of that positive change, and part of the blue-green infrastructure funding has been identified to support councils in delivering more of their greenway schemes. I am keen to work with all councils and stakeholders in the development of safe active travel routes throughout the North, and I encourage councils to liaise with the walking and cycling champion in my Department on suggestions for projects in their area.

**Mr Blair:** I thank the Minister not only for that answer and the detail therein but for the various replies to me from her and her officials on that issue in recent times. Will the Minister provide an update on greenway projects that were previously identified in consultations, specifically those in South Antrim from Ballyclare to Ballymena and from Doagh, Ballyclare to Draperstown?

**Ms Mallon:** As I said, I am keen to see progress, and it is important that we work in partnership with councils. They are well placed to lead on these projects, and I say clearly that I want to do what I can to support them. Under the Programme for Government, greenways are an important part of the positive change that we seek to achieve.

Under the small grants for greenways programme, Antrim and Newtownabbey Borough Council received funding to develop a feasibility study for the Doagh to Larne greenway, and, in 2018, further funding was provided to develop a detailed design. Following the announcement of the blue-green infrastructure fund, my officials wrote to all councils in July asking for details of greenway projects that are ready to be taken forward to

construction. I understand from that exercise that further work is required on this scheme, but I reiterate to the Member that I am keen to do what I can to support it and will be happy to have further engagement with the councils to see how we can work together to bring it forward.

**Mr Sheehan:** Will the Minister tell us what her plans are to expand cycle paths in general as a key element of the active travel infrastructure?

**Ms Mallon:** I am keen to see the extension of cycle paths and separated cycle paths. I have also been clear, though, that, if we are trying to bring about positive and lasting change, we cannot impose change from on high and top down; we need to work with local communities, councils and local reps to understand what changes will work best in those areas. We have been engaging primarily with councils on that, but I also had a really positive stakeholder meeting with groups across the spectrum of active travel. I hope to announce shortly a challenge fund, and that will be for community groups and others to bid for so that we can bring the type of projects that the Member referred to in the right locations across the North.

**Mr Clarke:** The Minister referenced one of the paths on the Loughanmore Road, which is a good job. Some communities want to be active, particularly in the rural areas, where people have nowhere to walk, but the criteria for the assessments that her Department carries out for those communities to qualify have been fairly stringent over the years. Can the Minister give us a commitment that she will look at those assessments to make it much easier for those communities to qualify for those paths so that they can be active?

**Ms Mallon:** I am very conscious of the Member's point. I am caught in a bind where I have to have an objective matrix for assessments so that I can fairly assess proposals, going forward. Since I announced the £20 million blue-green fund, I have had correspondence from residents of rural areas talking about the lack of extended pavements for them to go out walking, so I have asked my officials to look at that. At the beginning, when I announced the fund, the focus was on urban areas because we were looking to see pilot projects in city centres and town centres that we could get up and running, but I am mindful that there are rural communities and that they need to be able to avail themselves of the fund. I do not know whether we need to look at the assessment criteria or, maybe through the

challenge fund, try to do something more to encourage active travel routes in our rural communities.

## Driving Tests: Update

6. **Mr Irwin** asked the Minister for Infrastructure what steps are being taken to restore driving test services at the Craigavon Driver and Vehicle Testing Agency (DVTA) site. (AQO 555/17-22)

14. **Mrs D Kelly** asked the Minister for Infrastructure for an update on the provision of practical driving tests. (AQO 563/17-22)

**Ms Mallon:** With your permission, Mr Speaker, I will answer questions 6 and 14 together.

The Driver and Vehicle Agency (DVA) has reinstated driver-testing services where testing can be done safely in line with Public Health Agency (PHA) advice and guidance on social-distancing requirements. That includes motorbike driving testing from 6 July and tests for drivers of buses and tractors and module-4 Certificate of Professional Competence (CPC) tests for lorry, bus and coach drivers from 20 July. From 1 September, category B, which is private car, and category C — lorry — driving tests have resumed, initially prioritising requests from key workers, followed by customers whose tests were cancelled due to lockdown.

The DVA has directly contacted around 200 key workers and offered them a driving test. Officials are now in the process of contacting customers who had their driving test cancelled between March and June to arrange a driving test appointment with them. The DVA estimates that it will take between six and eight weeks to clear the backlog, after which the driving test booking system will be open to the general public to book a test. The DVA will continue to work with staff and trade unions in the coming weeks to ensure that testing is conducted in line with public health advice and guidance to ensure the safety of all.

The Craigavon test centre continues to be used for COVID testing, and, given the worrying rise in the spread of the virus in the area, I believe that it is a very important service in the fight against the virus. While it does not greatly impact vehicle testing, driver testing services cannot be safely recommenced until the site is vacated. Candidates wishing to be tested at Craigavon will have a choice of other test centre locations, but I appreciate the inconvenience that this is causing to driving instructors and candidates. My understanding is

that the centre will no longer be needed by the Department of Health from mid October, and, in the meantime, officials are working with the Public Health Agency to enable driving tests to be restored at the Craigavon test centre as soon as is practicable, once an alternative site for COVID-19 testing has been identified. Officials have also met a representative group of instructors from the Craigavon area to identify whether there are any alternative workable solutions for the temporary provision of driving tests in a different location in the Craigavon area in the interim.

**Mr Speaker:** I remind the Minister that she has two minutes to answer a question, but I appreciate that that was a double bumper.

**Mr Irwin:** The Minister will accept that Craigavon driving test centre is the second largest in Northern Ireland. Given that tests cannot currently take place there and that it covers a large area, the young people have to take tests in Newry, Lisburn or Armagh. That is totally impractical. Will the Minister assure me that, as soon as it is practically possible, the test centre will be up and running again?

**Ms Mallon:** Yes, and, as I said, I appreciate the inconvenience that it causes. While a case can be made that, if you are to pass your driving test, you should be expected to be able to drive on any road and be tested on any road, I accept that it adds nerves to the situation. It is not an ideal situation at all for people to be inconvenienced and disrupted in that way. As I said, we have been working with our colleagues in Health, and our understanding is that they will no longer need to use the grounds in mid October, but I recognise that there is still a difficulty in the interim. That is why we have been engaging with local driving instructors, and they have suggested possible interim solutions, which are being explored by DVA staff. DVA staff have committed to coming back to local driving instructors to update them on progress.

**Mrs D Kelly:** Thank you, Minister, for your work on the issue. The rise in COVID at local level is of major concern to us all.

Minister, you said that there was ongoing communication with driving instructors.

I take it that they will play a key role in the consultation and agreement on alternative sites. Can the Minister give some idea of the time frame for when that might be resolved?

**2.30 pm**

**Ms Mallon:** I thank the Member for her question. I know that she has championed the issue, along with local representatives in the area. Yes. We have engaged locally with driving instructors. They have suggested a number of alternative sites in the Craigavon area. Those sites are being explored. We also explored the possibility of being able to carry out both services on site. My Department's risk assessment found that that was not the right way in which to proceed. Our Health colleagues also felt that it was too risky. That risk has been heightened by the fact that, with the increased spread of the virus, we have seen quite a significant increase in the demand for services there. As I say, the Department of Health has indicated that it will not need the site from mid-October, which will provide a lasting solution, if you like, to the issue. However, we are exploring what could be done in the interim. As I have said, DVA has met driving instructors and is committed to going back this week to update them.

**Mr Speaker:** That ends the period for listed questions. We now move on to 15 minutes of topical questions.

### **Public Transport: Social-distancing Concerns**

T1. **Mr Gildernew** asked the Minister for Infrastructure what assurances she can give that the concerns raised in recent weeks about a lack of social distancing and capacity on public transport, including on the Belfast to Dublin train service, are being addressed. (AQT 301/17-22)

**Ms Mallon:** I thank the Member for his question. I am aware of the incident on the Enterprise to which he refers. As I understand it, there were technical difficulties with another train, which reduced capacity. It was an unacceptable situation. It must not happen again. Learning has been implemented. I have to say that a number of measures were taken when the situation started to unfold. Passengers were advised that there was alternative bus provision. A number declined to take that up. We have taken learning from that and will implement it as we go forward.

I have to say, though, that while that situation was unacceptable, it is not a common occurrence, thank goodness. That is testimony to the fact that Translink has put on a number of additional contingency measures. For example, additional capacity is on standby if required when we can see that passenger numbers will

make social distancing difficult. It is a very challenging environment, but we are keeping it under constant review and trying to implement learning as we go along.

**Mr Gildernew:** Does the Minister agree that the strongest possible messaging is needed in order to encourage compliance with COVID-19 measures on public transport?

**Ms Mallon:** Absolutely. I agree completely. We need a strong and uniform message. The Member will know that I moved to bring in mandatory face coverings on public transport. Prior to that, only around 10% of passengers were wearing face coverings. The most recent survey that has been conducted found that up to 86% of passengers are wearing face coverings. That is a positive sign. Absolutely. We have to be mindful. We can see what is happening in Craigavon. The virus is still very much amongst us. We are all still very much at risk of it. Therefore, it is very important that we follow all the public health advice. Some of us think that hand washing is a small, minor thing. It is actually critically important. Social distancing is critically important. The onus is on all of us to convey that message at every opportunity.

### **MOT Certificates: Paperless System**

T2. **Ms P Bradley** asked the Minister for Infrastructure, after welcoming the Speaker back to the Chamber, and after explaining that she has now received a second date for her MOT, which is perfectly fine and which she understands, why the issuing of MOT certificates has moved to an almost paperless system. (AQT 302/17-22)

**Ms Mallon:** We moved to the automatic issuing of temporary exemption certificates (TEC). There was a lot of confusion about the TEC process. People were not sure whether they had to apply, whether certificates were being issued automatically, and when they would get their certificate in the post. Therefore, we tried to move to an automated system in order to reassure people that when their MOT was due to expire, they would be issued automatically with a temporary exemption certificate. That was done to take some of the pressure off the customer and to reassure them that they did not need to do anything because DVA would do it on their behalf. The customer can also go onto the DVLA website — the Member is nodding, so she has done this — and put in their registration details to confirm that a TEC has been issued, which will then, obviously, allow them to tax their vehicle. It is always important

to remind people that responsibility for the safety of a vehicle rests with the vehicle owner. That applies equally at all times.

**Ms P Bradley:** I thank the Minister for her answers so far. The Minister said that automation was to decrease confusion. However, I think that it has increased confusion, particularly among older people. My father has done my head in over recent weeks about his MOT certificate. People are used to seeing a certificate; it is called an exemption certificate. Many people have phoned my office saying that they were unaware that their MOT had been changed again. So, will the Minister look at the issue again for those more vulnerable people who may not have online access or who cannot navigate the system?

**Ms Mallon:** That is an important point. We are caught up in a very strong push to put all our services online in this digital age. However, as the Member says, there are people who cannot access services online. I will look at the issue, but I cannot see us reversing automation. However, there may be more that we could do to ensure that the message of automation is communicated accessibly to older citizens. As I say, I will take it away and think about how we might raise awareness in the community.

### **Sewerage System Problems: Galliagh Shore, Enniskillen**

T3. **Ms Dolan** asked the Minister for Infrastructure whether she is aware of the unacceptable sewerage problems that are facing residents in Galliagh Shore, Enniskillen. (AQT 303/17-22)

**Ms Mallon:** I am aware of the unacceptable situation in Galliagh Shore. It is a very complex situation, as the water and sewerage system is not owned by Northern Ireland Water, although Northern Ireland Water has, on a few occasions, stepped in to pump when the situation was particularly bad. It is a very complicated issue, but it is one that I am looking at. I am very mindful that Northern Ireland Water does not have the resources to fulfil its statutory duties and obligations, and the situation in Galliagh Shore is outside those statutory obligations. However, I am willing to engage with the Finance Minister to see whether he might be able to assist in finding a financial solution to the situation.

**Ms Dolan:** I thank the Minister for her answer. Would the Minister agree to accompany me on

a visit to Galliagh Shore to reassure residents that the issues will be addressed?

**Ms Mallon:** I am always happy to meet residents. For that meeting to be as useful as possible, it would be important that I have engagement with the Finance Minister in the first instance so that, when I go to Galliagh Shore, I can update residents on the progress of the negotiations.

### **Active School Travel: DE Financial Contribution**

T4. **Mr Lyttle** asked the Minister for Infrastructure whether the Department of Education contributes any funding to the Department for Infrastructure/Public Health Agency Active School Travel programme, given that the Education Minister recently referenced the need for an increase in the number of journeys to school that are made by walking and cycling. (AQT 304/17-22)

**Ms Mallon:** My understanding is that it is the Public Health Agency and the Department for Infrastructure that fund the programme, although I stand to be corrected if the Department of Education is contributing financially. However, the question demonstrates that if we are to address those issues, we need to come at them in a partnership approach. Public finances are extremely tight, and, when we pool our resources, we can make much greater progress.

I am happy to engage with the Education Minister, and with other Ministers, to see how we can work together on a common policy approach in those areas and also to bring resources and public messaging to ensure that we can make as much progress as possible. We are in a climate emergency, and active travel is an important element in addressing it. However, we also need to drive a cultural change. As the Eco-Schools initiative has proven very successfully, changing culture and behaviour in schools has a lasting impact, not just on young people but on their parents.

I am happy to work with any Minister, and with the all-party group on cycling as well, on the matter, Chris.

**Mr Lyttle:** I thank the Minister for her response and welcome her commitment to work with the Minister of Education to increase active travel journeys to school. As part of that engagement, has the Minister any plans to increase the on-road cycling proficiency training available to pupils?



**Ms Mallon:** As the Member will know, we are involved in cycling proficiency initiatives; we make a contribution to them. However, the challenge to my Department is that I have very little wiggle room when it comes to resource expenditure. I would like to do so much more, but it is a very challenging environment, and that curtails what I would like to achieve. However, I recognise the importance of the initiative, and I would like to do what I can to help it.

### **Schools: 20 mph Speed Limit**

T5. **Mr Irwin** asked the Minister for Infrastructure how many schools in Newry and Armagh have been able to implement a 20 mph speed limit. (AQT 305/17-22)

**Ms Mallon:** As I referenced earlier, the Member will know that I have allocated £2 million for the roll-out of the scheme to an estimated 100 schools in this financial year. The way that that has broken down in the 100 schools is that we have taken 25 schools per division and carried out an assessment, which is now complete. This afternoon, we should be publishing the list of the 100 schools. The list will cause some disappointment to schools, and I would like to be doing so much more. We are in a very constrained time for delivering on the scheme, but we are working at pace. I am writing to schools today to advise those that are included in the scheme that they will be, and also to those schools that were unsuccessful this time to assure them that I want to see the programme rolled out going forward. We hope to be in a position to commit further funding to the scheme to extend it to many more schools.

**Mr Irwin:** I thank the Minister for her response. I, too, encourage the Minister to roll that scheme out as widely as possible. I am aware that the Minister has just recently announced a road safety community fund scheme. Will that scheme be available to schools?

**Ms Mallon:** Yes, that is a fund of £100,000. Individuals and groups can make an application for a grant up to £10,000. I am very keen to see this money spent. It is for people who have any ideas or initiatives about promoting road safety in their area. I am really keen to see projects coming forward that are very much focused on active travel and road safety. I appreciate any support that the Member can give to raising awareness of that grant scheme and to encouraging people in his constituency to apply.

### **Belfast City Centre: Bus Travel**

T6. **Mr Humphrey** asked the Minister for Infrastructure, given that it is important to get the right balance between people being able to travel to Belfast city centre, the environment and the progress of the city centre, which has been devastated in recent years, with the fire in the Bank Buildings and, more recently, COVID-19, whether she supports the motion that was tabled by the SDLP at Belfast City Council on 1 July 2020 regarding buses coming from north Belfast and the greater Shankill area to the city centre, particularly Donegall Place, which has caused real concerns to her constituents and his, the Belfast Chamber of Trade and Commerce, the chief executive of which he met over the summer, and to Translink, the chief executive of which he also met. (AQT 306/17-22)

**Ms Mallon:** I am willing to consider all proposals. However, as you say, we need to get the balance right. As part of the active travel work and transportation plans, we need to feed in to local communities and get their feedback on it. I am happy to take the issue up and discuss it further with the Member or any of the residents who have been contacting him with concerns.

**Mr Humphrey:** Have you discussed those concerns with the chief executive of Translink, an arm's-length body within your Department, and with Mr Simon Hamilton, chief executive of the chamber of commerce?

**Ms Mallon:** No, I have not. I have met Simon Hamilton, but we discussed a range of issues. This was not one of the particular issues that he raised. However, I am happy to engage with all partners and stakeholders on the matter. I am happy to meet with Translink as well. I am in discussions with Translink on a very regular basis, particularly as we respond to COVID. I am in very regular contact to get reviews and updates about how we are managing that situation. Certainly, I am happy to have discussions with anyone to try to address any concerns that people might have.

### **Brexit: British Government/Executive Discussions**

T7. **Mr Durkan** asked the Minister for Infrastructure, given that she will be aware of the 'Financial Times' report that the British Government are planning new legislation to end the legal force of customs arrangements

designed to avoid a hard border in Ireland, whether, as an Executive Minister, she can update the House on the Executive's discussions with the British Government on Brexit and the work of her Department in preparation for the EU exit and the implementation of the protocol. (AQT 307/17-22)

**Ms Mallon:** It is clear that we need to ensure that both the letter and spirit of the protocol are infused into the negotiations themselves and reflected in the negotiated outcomes. The Member is correct. If reports are true, this is entirely unacceptable. Any threat of a hard border on the island of Ireland must be resisted by this Executive and, indeed, by this Assembly. The Executive meets weekly to discuss EU exit issues. However, it is clear to me, and to the stakeholders that I have been engaging with, that the British Government are not providing enough clarity to Ministers. I will be pressing, yet again, at the Executive and to the British Government directly for answers in light of these alarming reports.

**2.45 pm**

Businesses and communities face an unprecedented challenge, and they need answers. As my Department is working to do all that we can to prepare — I recently held sectoral meetings with the industries to discuss Brexit — it is really important that we work in partnership over the coming months. In addition, the Member may wish to know that, in the Department's EU exit legislation programme, there are eight EU exit-related statutory rules (SRs) at various stages of development that need to be made before the end of the transition period. It should be noted, though, that the number of SRs remains under review. The Department seeks to ensure that it addresses any emerging need for legislation, particularly in relation to developments in the UK/EU negotiations on future arrangements.

**Mr Speaker:** Members, time is up for this session. Before we move to questions to the Minister of Justice, I ask Members to take their ease for a moment.

## Justice

### Reducing Offending in Partnership

1. **Ms Flynn** asked the Minister of Justice for an update on her Department's plans for further development of the Reducing Offending in Partnership programme. (AQO 564/17-22)

**Mrs Long (The Minister of Justice):** Reducing Offending in Partnership (ROP) is a multi-agency approach, led by the Police Service of Northern Ireland (PSNI), to preventing crime and reoffending that focuses on the most persistent and prolific offenders as identified by criminal justice partners. It uses proactive engagement to prevent and reduce crime and delivers tailored interventions as part of individual action plans based on assessed risks and needs.

Within the PSNI, the work was initially developed as a specific project. It has now become mainstreamed and integrated in the organisation, with reducing offending units well established and designated officers in place. As this is an operational issue in the main, PSNI reports on ROP to the Northern Ireland Policing Board on a regular basis. My Department and its agencies continue to be engaged in the identification and assessment of individuals, along with the delivery of interventions and supervision.

I am aware that a review of the Police Service role in ROP and how it manages repeat offenders has been commissioned. It is essentially an internal PSNI review, undertaken with a view to recommending a way forward that reflects the broader change in crime trends, a changing operational environment and the impact of vulnerability in our communities. The Police Service views this as a maturing of the offenders programme and a move to a new level of collaborative service delivery. I look forward to hearing the outcome of that review.

**Ms Flynn:** What mechanisms are in place for reporting on the impact of work to reduce offending, sharing good practice and learning from experience?

**Mrs Long:** As part of its work, the PSNI first tries to identify offenders who are at risk of reoffending and then works with them alongside partner agencies and the community on the basis of the risk assessments that they carry out in order to try to prevent reoffending. I think that it is possible, therefore, using a managed set of interventions that are sequenced and tailored to respond to the risks and needs of the individual to have a measurable outcome in terms of whether or not that person goes on to reoffend. Of course, the interventions have a key aim of trying to disrupt the individual's criminal activity, but it is also about supporting compliance, reducing their offending and giving them the other support that they may need in

order to be able to desist from offending and have more productive lives in the community.

**Miss Woods:** May I ask the Minister for an update on the delivery of a centre for restorative excellence in Northern Ireland to contribute to a reduction in reoffending interventions?

**Mrs Long:** There is ongoing work on the restorative justice element. We have already signed off on the new arrangements in terms of the basic plans for restorative justice. I have signed off on those to take them forward. We will, of course, continue to make progress in that regard.

Restorative justice, far from being an easy option, is an option that challenges offenders by having them confront the impact that their actions have on their victims, and that it is a good way for us to deliver the responsive justice that, I think, most people in the Chamber would wish to see. I therefore believe that, by properly adjudicating, measuring and quantifying the work that is done in partnership with other parts of the justice system, we can use restorative justice in a way that brings home to people who offend the seriousness of their crimes but also, hopefully, supports victims to see not just that the crime committed against them has been acknowledged but that reparation for it has been made. The centre will go ahead as we previously discussed, and I am happy to bring an update to the Justice Committee in due course as we make further progress.

**Mr Speaker:** Question 2 has been withdrawn.

### **Sexual Offence Cases: Pilot Scheme**

3. **Ms C Kelly** asked the Minister of Justice for an update on the pilot scheme to fast-track serious sexual offence cases involving child witnesses under 13 years of age. (AQO 566/17-22)

**Mrs Long:** Although the operational responsibility for leading the pilot lies with the judiciary, I am grateful for the opportunity to place on record my thanks to Her Honour Judge Smyth for initiating the pilot to fast-track serious sexual offence cases involving children under 13 years old to the Crown Court. I also thank the NSPCC Young Witness Service and criminal justice partners for signing up to the voluntary protocol for their hard work and their dedication to improving the experience of child victims of serious sexual assault.

This judge-led pilot applied to cases received by the PSNI from 1 September 2019. It was a one-year pilot, and the multi-agency group that has taken the work forward is now reflecting on the application of the protocol. It will report back at its next meeting, later this month, to determine whether and how the protocol can be continued on a voluntary basis.

My Department will also wish to consider any lessons or best practice arising from the pilot, and we will continue to work with our criminal justice and voluntary sector partners to improve the experience of the criminal justice system for children at what must be an extremely traumatic time in their young lives.

**Ms C Kelly:** The Barnahus model of how child victims and witnesses are dealt with and assessed for serious crime or sex offence cases is an international gold standard for responding to the unique needs of children. Can the Minister tell us whether she plans to introduce a similar system here?

**Mrs Long:** I am pleased to be able to respond to that specific issue, because, as the Member will be aware, implementation of the Gillen review of law and procedures in serious sexual offences is a key priority for me and my Department. The Department, working with multi-agency partners, has developed a phased implementation plan for Gillen. It prioritises the recommendations that will have the greatest impact on complainants going through the system, including children. There are four strategic priority areas, which are remote evidence centres; separate legal advice and representation for complainants pre-trial; support for child victims, including the Children's House-type or Barnahus-type model; and committal reform. We are therefore in the process of bringing those work streams forward to set specific delivery dates for the change, and that will be monitored by the Strategic Justice Group on Sexual Harm and overseen by the Criminal Justice Board.

### **Victims' Payment Scheme**

4. **Ms S Bradley** asked the Minister of Justice, following the Executive's announcement nominating the Department of Justice to administer the Troubles-related-incident victims' payment scheme, to outline any financial commitments she has received in relation to the scheme. (AQO 567/17-22)

8. **Mr Middleton** asked the Minister of Justice for an update on the process for the Troubles-

related-incident victims' payment scheme. (AQO 571/17-22)

9. **Mrs Barton** asked the Minister of Justice what engagement her Department has had with the Department of Finance regarding the Troubles-related-incident victims' payment scheme. (AQO 572/17-22)

11. **Mr Chambers** asked the Minister of Justice when the Troubles-related-incident victims' payment scheme will be open for applications. (AQO 574/17-22)

**Mrs Long:** With your permission, Mr Speaker, I want to answer questions 4, 8, 9 and 11 together.

I have consistently expressed my concerns around the delay in implementing the victims' payment scheme. We have waited too long to have that important scheme in place, and victims have waited too long to be provided with the support that they very much need as survivors of the Troubles. In seeking to avoid any further delays, I previously indicated that I was content for my Department to be designated to deliver the scheme. Following the recent court judgement, the Department of Justice was formally designated by the Executive Office on 24 August to carry out the administrative functions of the Victims' Payments Board on the board's behalf.

Work has already commenced in my Department, and a project team has been established to progress the development of delivery structures under the new scheme. A number of important operational steps need to be advanced to implement that scheme. This includes the development of an IT system, the deployment and training of staff for administrative preparations, the development of a medical assessment process and the appointment of members to the Victims' Payments Board. Not all of those issues fall within the direct control of the Department of Justice. However, subject to funding for the scheme being made available, it is anticipated that the scheme could open for applications by early March 2021.

The Executive have made £2.5 million available in this financial year to support the development of administrative arrangements for the scheme. A component of that funding will enable my Department to advance a number of key priority operational activities. At this stage, it is not possible to indicate when payments to victims may commence, as that will be a matter for the Victims' Payments Board, when it is

established. However, every effort will be made to ensure that the scheme can open for applications at the earliest opportunity and that payments are advanced as quickly as possible.

Although the Westminster regulations came into force on 29 May, the important issue of longer-term funding for the scheme remains outstanding. I am strongly of the view that the UK Government have an obligation to make the necessary funding available, and I am committed to working with the Secretary of State, the Treasury and Executive colleagues to ensure that all of that is in place. In that regard, I am due to soon meet the First Minister, deputy First Minister and the Minister of Finance.

I know that delays have been deeply disappointing for many victims and survivors who need this important financial support. I share that disappointment and will do all that is possible to get that scheme delivered as quickly as possible. As progress is made on the development of the administration arrangements, in conjunction with the Executive Office, there will be ongoing engagement with key stakeholders, including victims and survivors groups, in order to keep them fully informed of progress.

**Mr Speaker:** I remind the Minister that there are two minutes for an answer to questions.

**Ms S Bradley:** I thank the Minister for referencing the disappointment and frustration that is continually felt by those victims. I note your reference to the operational steps, which appear to be quite detailed, and the recruitment exercises etc that have to be gone through. Given that most in the House are, I think, in agreement about where a lot of the funding should come from regarding the finances, I ask the Minister if, within the capacity of building the operational systems that are required, she will give an anticipated timeline for when the structure will be in place, which would allow for applications to the scheme?

**Mrs Long:** As I have highlighted, there are important operational steps to advance before the scheme can open for applications and payments can commence. I remain committed to ensuring that the new scheme is operational at the earliest opportunity. We estimate that it could open for application by early March, although a number of the operational steps are outside our control. However, we are looking to see whether that timescale can be further shortened. There are critical steps that must be in place before we open the scheme for applications. The issue of when victims will

begin to receive payments will obviously depend on how quickly all of the evidence can be gathered to enable a proper assessment of individual applications. Therefore, officials have been engaging with the PSNI, the Public Records Office (PRONI) and the Department of Health regarding the evidence and information retrieval systems that need to be put in place.

**Mr Middleton:** Obviously, we welcome the fact that progress is being made on the issue. Shamefully, it has taken much longer than was expected. Will the Minister give a view on the substantial legal costs that have arisen from the fact that the victims had to go to court to push this on? Where does she believe that that bill should be paid from?

**Mrs Long:** With respect to the Member, I was not party to the ongoing court case, and neither was my Department, so it would be inappropriate for me to give any opinion on whether and where those legal costs should be laid.

**Mrs Barton:** Minister, can you confirm that people who were injured as a result of their own malicious actions will not receive the victims' payment?

**Mrs Long:** Yes, I can: anyone injured by their own actions will be automatically ineligible for the scheme. Others who have serious convictions that may militate against them being able to apply to the scheme will be open to apply to the scheme and to have those convictions and any mitigating circumstances considered in the round by the panel, who will finally decide on the eligibility or otherwise of applicants.

From my perspective, it is important that the decision as to who will and will not receive the pension will not be a political decision for me but will be an independent decision made by the panel.

**3.00 pm**

**Mr Chambers:** Thank you, Minister, for your responses. Can the Minister disclose the specific eligibility requirements that will allow those with convictions of more than two and a half years to claim the payment?

**Mrs Long:** The eligibility requirements, including the regulations and the explanatory guidance, have been issued by Westminster. Those documents are in the public domain, and the Member is, of course, free to read them. It

would not be appropriate for me to suggest how those might be interpreted by the independent panel that will be put in place, but, from reading them, the eligibility criteria are fairly clear. It is also clear that it is not eligibility to be able to apply but it is what will be considered by the panel in terms of how it will take it forward once the panel has been set up.

**Mr Allister:** The Minister will be aware of the great anger and frustration amongst victims that it took a judicial review to break the deadlock on this matter, with the resulting delay and cost to the public purse. What confidence does she have that there will not be further contrived delay when it comes to agreeing the funding and is there a risk of another judicial review? It would be quite shameful if that was necessary.

**Mrs Long:** First and foremost, whilst the judge did not rule on the matter of funding, he made clear his intention were a similar judicial review to be brought on that basis. He made it clear that the Executive Office has a duty under the law to fund the Department that is designated, which we now know is the Department of Justice, and, therefore, it is important that it is able to do that. There is a substantive point of difference here because, whilst the Northern Ireland Office is claiming that it is not for it to pay or that the money is already there as part of NDNA, that is simply not the case. The legacy money set as part of NDNA was set aside for specific purposes around the HIA, which is also under question at the moment, but it is not accessible for other legacy issues and was not, to the best of our knowledge, having previously approached the NIO about the matter, available for the pension. We will need to take a joint approach, as an Executive, to seek funding to see the scheme through to its conclusion.

In terms of my confidence in how well we will be able to do that, I can only say that the Finance Minister and the Executive Office have sought to meet me at the earliest opportunity to discuss how we can make that joint case to the Treasury and to the NIO.

**Ms Dillon:** Has the Minister had any direct discussions with the Secretary of State about funding and has he given any indication that they will be prepared to discuss funding? The previous Secretary of State said that funding would be sorted and that an approach would be looked on favourably.

**Mrs Long:** I have had those conversations. I have not had those reassurances, but I can assure you that those conversations are by no means concluded.

**Mr Givan:** The Minister will know that Sinn Féin continues to argue for the perpetrator to be eligible. Can the Minister provide an assurance that under no circumstances will the scheme be delayed because of the position that Sinn Féin wants to take forward in negotiations in the future? Furthermore, can she give an assurance that the Department for Communities — I have some sympathy with the Minister's position — which would have been better placed to deal with this, will not in any way frustrate the efforts of her Department in getting the appropriate structures in place for the application process to be opened?

**Mrs Long:** First, on the latter part of the question, there is no reason why the Department for Communities would be in a position to frustrate what we are trying to do. There is cooperation and collaboration in the Executive, and, whilst I agree with others that the judicial review was very unhelpful and difficult for the victims, it has at least brought clarity that this is a matter of law that needs to be progressed, and that will be helpful in progressing any future areas of dispute. I am also not aware of the Department for Communities trying to frustrate any engagement with the Department of Justice, and I want that placed on record.

The Victims' Payments Regulations provide that a person is not entitled to the victims' pension if they were convicted of conduct that caused the incident wholly or in part. That is as explicit as I can make it and that is from the regulations. The judgements that will be made in that regard will be up to the independent panel, and I believe that it is right that it should be independent of political interference and that the panel should be free to make decisions based on the regulations and guidance.

### **Fuel Laundering: Successful Prosecutions**

5. **Mr Newton** asked the Minister of Justice to outline the number of successful prosecutions for fuel laundering since 2017. (AQO 568/17-22)

**Mrs Long:** There is no specific offence of fuel laundering. Offences associated with fuel laundering are generally prosecuted under the Customs and Excise Management Act 1979 in relation to evasion of duty. Prosecutions for these offences are brought by the Public Prosecution Service on behalf of Her Majesty's Revenue and Customs. In the years 2017-18 to 2019-2020, there were 16 successful

prosecutions in Northern Ireland for offences under the 1979 Act, which related to hydrocarbon fuels. I have a table that I will share with the Member after we meet here today, which provides the annual breakdown for each of the three years; it was four, four and eight in each of those years. Penalties imposed in relation to these convictions included custodial disposals, suspended custodial disposals and monetary penalties.

**Mr Newton:** I thank the Minister for her offer of providing that table and look forward to receiving it. I wonder if the Minister accepts that great success has been achieved by the PSNI and the National Crime Agency (NCA) over recent months in their fight against very serious criminal activity. Is it the case that the technology that has been used in those successes could in fact be used in the fight against those who are engaged in fuel laundering activity?

**Mrs Long:** With respect to the technology, clearly there are a number of factors to be considered, because there are particular complexities in detecting fuel fraud. In the wider context, I think the important thing is that the relationships that are built between the NCA, the PSNI and indeed an Garda Síochána have been absolutely vital in disturbing the work of organised crime groups and preventing them from exploiting any industry where there is an opportunity to make profit. Fuel fraud has a far higher political profile in Northern Ireland because of the disproportionately higher level of fuel fraud when compared to the rest of GB, and because some of the organised crime gangs involved have links to paramilitary organisations, which brings them to the attention of the Police Service in more than one guise. I believe that addressing the harm caused by these crime gangs, including paramilitary groups, is a key focus for our Executive as we work together and a key part of creating a safe community where we can respect the law and each other.

**Ms S Bradley:** Can the Minister give an indication of how those figures for 2017-18 and 2018-19 compare with earlier years?

**Mrs Long:** I do not have that information to hand, so I will need to write to the Member to clarify it. However, it has been increasing; it was four in the first year, rising to eight in the most recent year.

**Mr Blair:** Can the Minister outline, either separately to the speculation of today or otherwise, what her Department is doing to

prepare for any potential smuggling and fuel laundering challenges arising out of the Northern Ireland protocol and EU exit in general?

**Mrs Long:** A lot of work has been undertaken in preparing for the end of the withdrawal period at 30 December. Also, it is important that we have in place robust communication measures between police forces on these islands, and indeed beyond. We have also recently seen very effective work done by the PSNI in relation to organised crime emanating from parts of Eastern Europe and, indeed, further afield.

We should never fall into the trap of thinking that Northern Ireland is a backwater when it comes to the opportunity for creating crime and the opportunity for exploiting differences. Brexit will be challenging. That is why I believe that it is so important that we get clarity on the economic agreements that are going to happen as part of Brexit, because you can be absolutely sure that every differential that there is at the border will be exploited by some crime gang or other in order to try and make an illegal profit, which will potentially undermine valid legal businesses in the way that they can do their work. So it is important that we get that clarity on the economic arrangements and agreements, but it is also important that we put in the requisite alternative means of being able to ensure good cooperation and communication between police forces, not just in these islands but further afield.

## Child Sexual Exploitation: Strategic Response

6. **Mr Gildernew** asked the Minister of Justice, in relation to strategic recommendation 1 of the Criminal Justice Inspection report on 'Child Sexual Exploitation in Northern Ireland', to outline her plans to take forward a cross-departmental strategic response to address child sexual abuse and exploitation. (AQO 569/17-22)

**Mrs Long:** I remain committed to working with criminal justice and health partners to further improve how cases of child sexual exploitation are handled. That includes working collaboratively to address the strategic and operational recommendations from the Criminal Justice Inspection Northern Ireland (CJINI) reports on child sexual exploitation. The most recent CJINI report contains two strategic and seven operational recommendations to improve the practice and approach of criminal justice agencies in handling child sexual exploitation cases. The majority of the recommendations

are operational and will fall to statutory partners to deliver, but the report recognises the importance of ensuring a coordinated and strategic multi-agency approach to this important issue.

It is important to note that my Department does not have the strategic lead for issues related to child protection, as the Member will, clearly, know. However, I recognise that more can always be done to enhance our strategic response and ensure that by working closely with partners we get the best possible outcomes for victims.

**Mr Gildernew:** Go raibh maith agat, Minister, for your answer. I declare an interest in that I previously worked in this area in my social work job.

In our response to the child sexual exploitation consultation, Sinn Féin proposed to extend the abuse of trust laws to include any adult who holds a position of trust, power or authority over 16- or 17-year-olds. Does the Minister intend to legislate for that change?

**Mrs Long:** As the Member will be aware, I set out my legislative programme a number of months ago and it is quite a heavy one. We have five to six Bills that will need to pass by the time that we end this mandate. That will require a marathon effort by me and, if I may say, by the Justice Committee, which has been incredibly cooperative in that regard. It is not, at this point, on the list of things that we are taking forward here, but it would not be for the Department of Justice to take it forward because we are not the lead agency. It is for the Department of Health to bring forward those changes and it may have some capacity in its legislative programme to do so. If it chooses to do so, we will work closely with that Department when it comes to things like penalties and so forth as it develops its plans.

## Sentencing Guidelines

7. **Mr Stewart** asked the Minister of Justice for her assessment of the current sentencing guidelines for convictions of attempted murder of a police officer. (AQO 570/17-22)

**Mrs Long:** In 2019, the Northern Ireland Court of Appeal confirmed that the normal level of sentence for the attempted murder of a member of the security forces is in the region of 25 years' imprisonment and, in some cases, a sentence in excess of 25 years may well be proper. That aligns with the sentencing guideline case for the murder of a police officer,

where a life sentence with a tariff of 25 to 30 years may be appropriate.

The tariff set by the court, after considering sentencing guidance and any aggravating and mitigating factors in the case, will be the minimum period that the convicted person must spend in prison before being considered for release. No remission is available on the tariff. After release, the person remains on licence for the rest of their life and may be recalled to prison if they breach the terms of that licence. My Department's recent consultation on sentencing included an examination of the current sentencing guidance mechanism for Northern Ireland and the setting of tariffs in murder cases. A report on the responses to that consultation is due to be published shortly.

**Mr Stewart:** I thank the Minister for her answer. I am conscious that a debate is ongoing in the House but my question was submitted prior to the motion being put on the Order Paper. In recent years, it seems that there has been a never-ending series of reviews and consultations on sentencing tariffs, particularly for crimes including murder. Five years ago, a former MLA asked a former Justice Minister about the issue of lenient sentences that were handed down in the case of the murder of Constable Stephen Carroll but nothing seems to have changed in that five years. Is it the position of the Executive that sentencing tariff guidelines for the murder or attempted murder of public servants, including police officers, need to be toughened up and brought in line with the rest of the UK and the Republic of Ireland?

**Mrs Long:** I thank the Member for his question. I would correct his assertion that nothing has been done in the intervening five years. He will, of course, appreciate that we did not have an Executive for at least three of those years but, in the last seven months, we have been able to take forward the review of sentencing, which was instigated by the Justice Minister following the one that he mentioned — Claire Sugden, to be clear. The sentencing that we have has been reviewed and the structures that are in place have been looked at. That went to public consultation and has come back and will be with me very shortly. Then, it will be shared with the Justice Committee and others so that we can have that discussion.

I have not taken the views of the Executive at this point because we do not have a policy proposal to take to them for discussion.

**3.15 pm**

**Ms Kimmins:** Will the Minister give an update on the sentencing review carried out by her Department?

**Mrs Long:** I just did so in a very indirect way. The sentencing review was completed earlier this year in February. My officials then undertook to go through the responses that were received to consider the issues raised and produce a report with respect to what may or may not be required in terms of changes to the current sentencing arrangements. That includes looking at not just the consultation but the wider work of the sentencing review in terms of the impact on the justice system in other places. Obviously, we all appreciate that changing sentencing is merely the tip of the iceberg; the ramifications throughout the wider justice system are quite significant. We have to weigh up all those decisions very carefully. That report will, hopefully, come to me in the next few weeks, and I look forward to being able to take the time to reflect on that and, indeed, the debate that will recommence after Question Time and the views expressed by Members therein.

It is important that people have confidence in sentencing. This is the largest review undertaken for 15 years. We need to get it right, not just get it done.

**Mr Speaker:** That ends the period for listed questions. We now move on to 15 minutes of topical questions.

### **Stormont House Agreement: Legacy Issues**

**T1. Mr McAleer** asked the Minister of Justice whether she shares his concern that the NIO's 18 March statement on legacy represents a major departure by the British Government to implementing the Stormont House Agreement. (AQT 311/17-22)

**Mrs Long:** I do share those concerns. It was an unhelpful way forward. We have struggled in this place to find any agreement on the issues around legacy and how to take them forward. The Stormont House Agreement was imperfect, as will be any solution at this remove from the events for which we are trying to seek justice. However, despite its imperfections, it was the best, and, perhaps, the last, opportunity that we will have to bring justice to many of those who were made victims during the Troubles. It is regrettable that the rather delicate ecology of agreement, which, often, equates simply to a



lack of active opposition in this place, has been disturbed so dramatically by the intervention of the current Secretary of State. However, it is important that we continue to work diligently with him to ensure that we have article-2-compliant investigation; the legal requirement for the Department of Justice to deliver that element is not removed simply because of the wishes of a Secretary of State.

**Mr McAleer:** I thank the Minister for her answer. Does she agree that, given that it is six years since the Stormont House Agreement, it is unacceptable that the British Government are still in default of their obligations?

**Mrs Long:** A number of parties have been in default of their obligations over recent weeks, months and years. The important thing is how we take that forward. All parties need to engage with the Secretary of State to find a way forward because, with the greatest of respect, this is not about differences between us, as parties, or between the perspective of us and the UK Government; it is about innocent victims. It is about people who were shot, injured, killed or lost loved ones and still do not have the answers that they have been seeking for many years. It is about upholding justice in the new dispensation in which we find ourselves, in a way that will build confidence that justice can be reached and available to everyone concerned.

We need to be honest: not everyone will be able to access justice given the remove from the events of the time. However, where justice is possible, it should not be denied. We need to work together now to find a way forward through this morass, not for ourselves or political expediency but because victims deserve it.

## Prisons: COVID-19

T2. **Mr Durkan** asked the Minister of Justice what work is being done with the South Eastern Trust to manage and minimise the risk of COVID to prisoners and staff in our prisons, following the weekend's news that a prisoner at Maghaberry has become the first inmate here to test positive for the virus. (AQT 312/17-22)

**Mrs Long:** I thank the Member for his question. I put on record my huge appreciation of the work being done not just by the South Eastern Trust but, day in and day out, by the Prison Service of Northern Ireland to keep safe the people in their care and ensure that those who visit our prisons out of necessity are kept safe and that we have a humane regime in place during a time when lockdown and other things

could become very stressful for not just prisoners but their families. I think that all those people have worked together very responsibly, and what I take away, and what I hope Members will take away, from the fact that that was discovered is that the system worked. Ensuring that anyone who is remanded into the prison system immediately goes into isolation for 14 days so that, if they develop symptoms, they do not transfer COVID into the main prison population has proved to be effective. We were able to identify that someone who was remanded into custody had COVID-19, and they will be taken care of, as you will expect, with the highest possible dignity for their case and respect for their privacy.

It is hugely important that we do not drop our guard when it comes to COVID-19, and I think that prisoners have played a hugely positive role in cooperating with a very different prison environment over the past number of months in order to ensure that we have maintained not just stability in the prisons but a good, healthy prison population.

**Mr Durkan:** I thank the Minister for that answer. Perhaps she would expand on what arrangements are in place to manage visits and ensure that prisoners' families are able to see their loved ones, particularly at this extremely difficult and stressful time, and whether there are any plans to review those arrangements.

**Mrs Long:** It is, and has been, a very stressful time. I am pleased that we have been in a position to restart in-person visits in the prison, although the mechanism for those is quite different to the way in which they were conducted previously, both in the volume of requests that we have received and the need to follow protocol in terms of the normal things that we accept in the Chamber, such as washing hands, wearing masks, social distancing and so on. However, we will retain the capacity for virtual visiting that we put in place as an alternative. We want to retain that for a number of reasons. First, it is not always easy for prisoners' families to come to the prisons to partake of visits, particularly if they, themselves, are vulnerable or if they have disabilities that make mobility around the prison site difficult, or, indeed, sometimes children find it quite frightening to come into the prison environment, despite our best efforts to make it a relaxed environment.

Being able to see their families at home is something that prisoners rarely get the opportunity to do, and it has been very much welcomed by some of them. In fact, when I was in Magilligan last week, I talked to some of our

officers about one gentleman who said that the highlight of COVID for him had been that he had seen his dog at home and was able to be content that his dog was healthy and well looked after and to know that things at home were normal, that home was still there and the people around him were healthy and well looked after. Therefore, we will continue to keep both of those tracks in place.

## Justice Delivery

T3. **Mr Blair** asked the Minister of Justice to outline what impact any attempt by the UK Government to undermine the Northern Ireland protocol, as alleged in the 'Financial Times', could have on justice delivery on these islands. (AQT 313/17-22)

**Mrs Long:** First of all, like others, I have not seen the detail of the internal market Bill, which will be laid in Westminster on Wednesday. I think that it is important that we consider its provisions, once it is properly available to us. That having been said, any action that seeks to undermine the withdrawal agreement or the Northern Ireland protocol could destabilise progress towards a future security partnership with the EU, which aims to support cross-border law enforcement and cooperation across Europe.

My Department has been working closely with law enforcement partners to prepare for the end of the transition period and ensure that the UK Government understand that the key issues for Northern Ireland, such as organised crime, data adequacy, cross-border cooperation and the fight against terrorism, must be prioritised in order to avoid a loss of operational capability.

It is also the case that, when one signs up to agreements in good faith and then one does not follow through with them in good faith, people may be much more reticent to sign up to future agreements. That has an impact not only in the justice arena but on the wider economic future that we hold together on this issue.

**Mr Blair:** I thank the Minister for her answer. In addition to the negative impact outlined, is such a distraction at this time not likely to have a very negative impact on programmes already under way, for example, policing budgets and work being done with partners to deliver for the public good, and a whole raft of effects across the Department's remit and beyond?

**Mrs Long:** I agree that it is a distraction. Some, in the Chamber, will not want me to say that, of course, Brexit was always going to be a

distraction. Setting that point aside, of course it is a distraction to the main thrust of the work that we have to do because we are replacing complex arrangements, particularly in the justice sphere, which have allowed us to have the successes, to which other Members have referred, against organised crime — both at home and abroad. We have had successes recently, for example, on issues around counterterrorism. All those things are hugely important. Any distraction from taking that forward, rather than spending our time trying to replace what we already have with what are, inevitably, going to be suboptimal solutions is a distraction. For example, data sharing is one of the key issues for our Department. Whilst it has an impact on health, education and the economy, it has an enormous impact on the delivery of justice. Unless we have data adequacy agreements with other EU countries, we will not be able to do the real-time sharing of data that goes on a daily and almost hourly basis between police and justice agencies across these islands and beyond. It would be shameful if we find that the biggest loophole, through which criminal enterprises could escape, is not being able to have these issues addressed.

## Executive Action Plan on Tackling Paramilitarism, Criminality and Organised Crime

T4. **Mr Sheehan** asked the Minister of Justice for an update on her phase 2 plans to implement the Executive action plan on tackling paramilitarism, criminality and organised crime. (AQT 314/17-22)

**Mrs Long:** The political panel will have its first meeting this week to discuss how we will take forward the second phase of the paramilitary action plan. As you know, a programme board has developed the second phase. What will set this phase out from the previous phase is that, hopefully, we will have a fully functioning Executive and the political impetus this time to put the weight behind it that is required to deliver results. The tackling paramilitarism plan is hugely important. It is a priority for the Executive and one in which all Ministers will be engaged at some level. Whilst Justice may lead on the issue, not all of the implementation will fall to the Department of Justice. Therefore, it is hugely important that that political coordination panel fulfils its role and is able to drive this forward with some enthusiasm and energy.

**Mr Sheehan:** Does the Minister agree that full buy-in and participation from local communities is essential in tackling all these issues?

**Mrs Long:** I, of course, agree that it is important that we have the buy-in of local communities. There will be those within the community who are opposed to tackling paramilitarism because they are the beneficiaries of it. For that reason, we also need to be sure that, when talking to local communities, we do it through a range of mechanisms that allows us to determine what the actual views of communities are as opposed to simply passing through gatekeepers in those communities. That is hugely important in getting buy-in for local communities. Doing that will also help to reinforce buy-in on the wider criminal justice sphere from local communities because many of them feel frustrated by the continued existence of paramilitary godfathers in their local communities. A visible undermining of that current situation would make a huge difference to confidence in policing and justice more generally.

## Drugs: Belfast

T5. **Mr Humphrey** asked the Minister of Justice, with him having met, in July, the then commander of the police in Belfast, the commanders for north and west Belfast and the officer leading the initiative to tackle drugs in Belfast, and given that she will know that drugs and their sale is a particular problem across Belfast, including in the city centre, whether she is convinced that enough is being done and enough resource is being allocated to tackle the issue, albeit that he knows that she will be reluctant to get involved in questions about operational matters. (AQT 315/17-22)

**Mrs Long:** Again, as you rightly say, I am reluctant to opine on operational matters for the PSNI. However, I argue that this is not simply an operational matter for the PSNI. There is a whole range of agencies, including the work through the policing and community safety partnerships and a number of other agencies with whom we work with people at risk of offending, to tackle this issue. There is a role for the Department of Health to tackle this issue because, for many who are engaged in taking illicit drugs, it is often illegal prescription drugs as opposed to other drugs, and it is often in an attempt to self-medicate for harm caused by mental health and other stressors in the community.

I think that work can be done through the Department for Communities to support people who are at risk and in need. A multi-agency approach is required on the issue, but I agree

that it is with growing concern that we see the degree of dependence on drugs and the harm and destruction that they cause, not solely to the person who takes the drugs but to their family and the wider community around them. Those who sell those drugs have to be the main target for the police, because cutting off the supply as well as trying to address the demand will bring an end to this issue.

**3.30 pm**

**Mr Speaker:** Members, time is up. I ask Members to take their ease, please, while the Minister and Members come to the Chamber for the question for urgent oral answer.

## Question for Urgent Oral Answer

**Mr Speaker:** John O'Dowd has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

**Mr O'Dowd** asked the Minister of Health whether the Regulation and Quality Improvement Authority (RQIA) has inspected or been asked to inspect Craigavon Area Hospital following recent COVID-19 outbreaks.

**Mr Swann (The Minister of Health):** First, I express my deepest sympathies to the loved ones of those who passed away recently at Craigavon Area Hospital with COVID-19. My thoughts are with them, and their grief sadly highlights the ever-present threat that the pandemic poses.

At all times, citizens should expect the highest standards of infection control to be in place across our healthcare facilities. In light of the recent clusters, the Southern Trust's immediate priorities are to care for affected patients and staff and prevent further spread of the virus. This morning, I chaired a discussion with the senior management of the Southern Trust and the Public Health Agency (PHA) to make my expectations clear on this very serious matter. I have been assured that everything that needs to be done in relation to infection prevention and control is being done and that support is available for families, patients and staff. As I said last week, a thorough investigation is required to provide patients and bereaved families with the answers that they are entitled to. I can confirm that that investigation will be in the form of a level 3 serious adverse incident, which I have asked the trust to initiate immediately. It will be independently chaired, and its findings will be made public. It is important to be very clear at this stage that, whilst we want a thorough investigation, we simply cannot put a timeline on this until we have the greater clarity around the underlying causes that the investigation will provide.

During this morning's meeting, I raised the role of the RQIA. As Members will know, it undertakes inspections of acute hospitals under its hospital inspection programme and conduct rolling programmes of hygiene inspections and inspections of augmented care services. Whilst the immediate focus is now on the investigation,

I have asked that the RQIA play an important part in that.

In conclusion, there are undoubtedly questions that will have to be answered by the trust in relation to the outbreaks once the immediate threat has been brought under control. The necessary steps are under way, and any lessons are being shared across all health and social care trusts as they emerge. COVID-19 remains a lethal and highly infectious virus.

**Mr O'Dowd:** Minister, I thank you for your answer to my question. We have three outbreaks, and, just before I came into the Chamber, a fourth death was confirmed in relation to the COVID-19 outbreaks in Craigavon Area Hospital. We have 17 members of staff in the haematology ward who have tested positive. We have a total of 56 staff who are self-isolating as a result of being in close contact with a COVID-19-infected person. Minister, when is it the time to call in the RQIA? Surely, it should have been in the hospital before this, giving an independent inspection of the measures put in place to prevent the spread of the infection across the hospital. I use my term differently, because we are told that these three outbreaks are not connected, but I am not aware of any other acute hospital in this region that has had an COVID-19 outbreak. That raises serious concerns for me about Craigavon Area Hospital and how infection control is being managed. The only way in which we can be reassured is if a body such as the RQIA, which is legislated to do so, inspects hospitals. I welcome the Minister's announcement this morning that there will be an independent investigation, but we need answers now to prevent further outbreaks.

**Mr Swann:** I thank the Member for his supplementary. I share his concern. The number of outbreaks that we have seen across our health and social care service have not seen anyone lose their life. What we have heard today about another life lost is a death too many. I stand here as Minister saying that. That is why I chaired this morning's meeting on the work that the trust is doing to ensure that every safeguard is in place. That is why they have the additional protocols to ensure that the inspections of personal protective equipment (PPE) and the support for staff, patients and all the families are in place.

As for the role of the RQIA, it has a responsibility to undertake inspections of acute hospitals under its hospital inspection programme, which is a rolling programme. This is a specific, targeted piece of work, and that is why I have asked the trust to implement the

serious adverse incident inspection and to get that work going now. Having spoken with the trust's chief executive and the chair this morning, I know that they are fully aware of the seriousness of the outbreak in Craigavon Area Hospital and are taking all the steps that they can to support the staff, the families and the patients who need that support at this minute in time.

**Mrs Cameron:** I thank the Minister for attending for the question for urgent oral answer. Obviously, our thoughts are with the families who have been plunged into grief at this time. It is disheartening to hear that a fourth patient from the haematology ward at Craigavon Area Hospital has lost their life.

Minister, what role have the Test, Trace and Protect initiative and the StopCOVID NI app played in relation, in particular, to the Craigavon Area Hospital outbreaks? Do you have a percentage for the positive tests that are showing to be asymptomatic cases? If that is the case, how do you plan to combat the complacency that is out there and the conspiracy theories about the pandemic?

**Mr Swann:** I thank the Deputy Chair of the Health Committee for her questions. As these specific outbreaks are hospital-based, we can do a lot of intensive work through the support of the trust. The PHA has an integral part in managing and overseeing the outbreak management as well. It is there and is already part of the incident management team that is meeting daily to make sure that it does all that it can to support the trust and its officials at this minute in time.

The Member asked about the test system showing asymptomatic patients. One of the things that our test system is identifying is people who are asymptomatic. They may not show symptoms, but they still have the potential to spread COVID-19. We are indicating that. It is concerning that, over the last number of days, we have seen a dramatic increase in the number of people who are testing positive for COVID-19. The Member referred to the complacency that has set in. There is a narrative that we are testing more people and, therefore, we are finding more positives: that is true, but the percentage of people who are positive is also increasing. In July and August, fewer than 0.2% of people who were tested tested positive; in the past three days, 3% of those tested have tested positive. The percentage of positive tests across the increased number of people whom we are testing is increasing, and that is a concern. We are also seeing a change in the demographic:

younger people are testing positive. With the asymptomatic carriers, it is even more important today than it was in the early days of the outbreak that people support us in our public health message on social distancing, good hand hygiene and face coverings.

**Mr Gildernew:** I thank the Minister for coming to the Chamber to address this serious situation. It is particularly concerning that we have an outbreak in a haematology ward, a place where layers of protection should be of the utmost importance at any time, never mind during COVID. What precautions has the Minister taken to ensure that the virus is contained within the affected areas?

**Mr Swann:** I thank the Chair for his question. According to the update that we received this morning from the joint meeting that I chaired between the trust and the PHA, infection-control nurses and specialists and haematology consultants — the entire team across the Southern Trust — are involved in making sure that every precaution is put in place to support the families and to support the staff, who are finding this a difficult time as they go about their daily business. They think, "Could or should I have done more?". There are on-site inspections in the hospital to make sure that all protocols are being kept up, as they should be, and strengthened. That reinforcement piece is also being done.

The Member asked about managing the infection in the unit. The PHA is genotyping all the people who have tested positive so that it can see the specific chain of infection for each case and determine where each case came from. That enhanced investigation will allow us to see where the chain came from and where else it could be in the hospital, if there is a risk of that. That is why so many staff are self-isolating at this minute in time, as Mr O'Dowd said, and why we are advising patients to self-isolate, if they have been in contact. We want to make sure that we break the chains of infection and get the outbreak under control as quickly as possible.

**Mr McNulty:** I welcome the designation of a serious adverse incident and your commitment to an immediate and thorough investigation. Six months into the pandemic, I recognise the stress that our medical staff are experiencing. The increased strain that the outbreaks will put on the staff in Craigavon is enormous. That said, four families are grieving. Alice McShane's family is grieving; they are grief-stricken and angry. John Fleming's family is grief-stricken and angry. Over the weekend, I spoke at length

with Yvonne Stewart. She is beside herself with anger and grief. She does not want her father's life to have been lost in vain. His final wish was that she would take this up and do something about it. The two families who are still nameless will also be grief-stricken and beside themselves with hurt. Minister, will you commit to meeting Yvonne Stewart to assure her that her father's death has not been in vain and to assure her that you will ensure that this does not happen again and that lessons will be learned to prevent any other family going through the pain that her family is experiencing? We remember that those four patients went to the haematology ward free from COVID. They went to a ward where there should have been a ring of steel around those patients to protect them.

**Mr Swann:** I will meet Yvonne. The private office has set that train in motion.

### 3.45 pm

If anybody heard Yvonne speak on Friday afternoon in regard to her father, the support she expected him to receive from a health point of view, and his final request, I do not think there is anyone in the House, in the Southern Health and Social Care Trust or across the health and social care system who could not be moved when you hear a daughter's commitment to her father and his last wish.

As the Member asked, I will meet the families, and my private office has set that in train. That is why when I had that meeting this morning with the independent chair that I moved to serious adverse incident status to make sure that we get to the bottom of this and answers to those questions. However, those answers will not bring back the people who have lost their lives. What they can and should do is ensure that that incident is not repeated across any other trusts or at Craigavon or any hospital. I will give the House that commitment.

The dedication of staff has been unquestioned during the past six months of this pandemic. Today, those members of staff feel this hurt and loss as much, I think, as I do standing here as Minister.

**Mr Chambers:** I am sure that the thoughts of the entire House are with those grieving families. Our thoughts are also with the families of patients currently in that hospital. It must be a really stressful time for them and their family members. It must also be a particularly stressful time for the staff of the hospital. Our thoughts

are certainly with them as they try to bring this outbreak under control.

The message here is that this virus is no respecter of location or person. If it can overcome all the infection controls in a hospital environment, would the Minister agree that it is more important than ever that the general public continue to follow the advice and regulations to the absolute limit to avoid any more grieving families?

**Mr Swann:** I thank the Member for his sentiment for the message that we at the Department of Health, the Executive and every Member has been putting across.

Where this virus goes and how it spreads is in our hands. This virus does not follow any plan or protocol, but the actions of the general public have a direct effect as to where and how quickly it spreads across the Province.

The Member makes a valid point when he says that the virus is no respecter of person, profession or workplace. That is why I reinforce the message and ask members of the public to help us to combat COVID-19 by reinforcing and re-practising the steps that got us to where we were in July and August, when we were seeing a very low number of positive cases and deaths. Any life lost to COVID-19, especially in this instance, is a life too many.

**Mr Speaker:** I thank the Minister. Notwithstanding the serious nature of the discussion, quite a number of Members wish to ask a question, so I urge them to move quickly to their questions.

**Mr Muir:** I echo the words of other Members in terms of our thoughts for the families of those bereaved as a result of this horror that we are enduring, which is COVID-19, and for the work of the staff who Alan Chambers spoke about. The first focus has to be on ensuring that we stop the spread of the virus, but what impact is it also having on the services being delivered, particularly as a result of the number of staff having to self-isolate?

**Mr Swann:** Again, I share the Member's concern. With regard to service provision in Craigavon, the focus of that hospital at this time must be to bring that outbreak under control. Other services will be affected and reduced while we ensure that staff are supported and that enough staff are in place across existing services so that they can continue. The number of staff self-isolating will have a knock-on effect, but we must implement that procedure and take

those steps, and we must do that now to make sure that we get this outbreak under control and break the chain of infection.

The adverse effect of some services being lost in Craigavon is such that the management of the Southern Trust is dealing with it under a managed risk procedure. If there is additional risk to any other provision or services, those services will be stepped back because that is what we need to do to get this outbreak under control.

**Ms Sugden:** Thank you, Minister, for responding. In my experience, the remit of the RQIA is quite limited, especially in respect of direct patient complaints and enforcement. Will the Minister give his view on its responsibilities? Does he plan to strengthen its remit so that we could feed into this bigger issue?

**Mr Swann:** The Member, rightly, highlights the role of the RQIA within the hospital setting. The RQIA will be involved in the serious adverse incident as that investigation goes forward and it takes a proactive role in inspections. Could it be doing more? I think that the RQIA itself would like to be doing more. We have seen that across a number of recent incidents, where the RQIA has been involved and has been cited. The current legislation hampers the RQIA in some of what it would like to do and in some of what its inspectors would like to do. However, that legislation is in place. In recent months, I have committed, in regard to the outbreaks in care homes, to strengthening and expanding the regulation and quality improvement functions of the RQIA.

**Mr Carroll:** Thanks, Minister, for your answers so far. I want to pass on my sympathy to everybody in Craigavon who has contracted the virus and to the families of those who have passed away.

Given the cases in Craigavon and the fact that we heard yesterday or this morning that our figure per head of population is twice that in England, is the Minister confident that the Executive are on the right path to eliminate this virus?

**Mr Swann:** The steps taken by the Executive were, I think, proportionate to where we were seeing the spread of COVID at any point in time. Will we have to look at the possibility of localised lockdowns should we not get this expansion in the number of cases under control? I think that the Executive will have to seriously consider that.

Issues have been raised about a council area being too large. I have asked the PHA and our statistics team to look at postcode areas as well in the event that we have to bring in more localised enforcement measures as a way to manage the outbreaks. We cannot remain on this trajectory. We are seeing, as the Member will see when the dashboard is published, an increasing number in Belfast and an increased number of cases in the Armagh City, Banbridge and Craigavon Borough Council area, where Craigavon Area Hospital is situated. However, that increase is connected to the contact tracing that kicks in when there is an outbreak. More testing means more positives, so that is to be expected. It is always about taking a managed approach. If we see that a localised outbreak is continuing and not being brought under control, I will recommend to the Executive that there is a need to look at more localised enforcement, guidance or protocols to make sure that we can support people in that area in breaking the chains of infection that we have seen in the past.

**Mr Buckley:** I would like to be associated with the remarks made thus far in sympathy with the grieving families. This is a day that we all prayed would not come again. We are looking at deaths within Craigavon Area Hospital, and there is concern for staff and patients there. However, I, too, have concerns, and the bereaved families are, first and foremost, entitled to answers through the investigation that the Minister has announced. I welcome that opportunity to find the root causes of what happened. I am firmly of the belief that the investigation should be independently led, not just independently chaired, and I ask the Minister to elaborate on the type of investigation that he has outlined. Does independently chaired mean independently led, to ensure the complete confidence of the families and to allow our health service to benefit from outside expert advice in its analysis of what happened and what went wrong at Craigavon Area Hospital?

**Mr Swann:** Again, I recognise no difference between an independently chaired or independently led inquiry. An independently chaired level 3 serious adverse incident inquiry can do exactly that. When the terms of reference are created and the chair is appointed, they will do their work to whatever level they need, with full and open access and the full support of my office, to allow them to get to the root cause of the outbreak and why those lives were lost in Craigavon. As the Member said, that will make sure that that is not repeated anywhere else across our health and social care system.

**Ms Dillon:** A domiciliary care worker in the community contacted me today. She asked why patients who leave hospitals and go into care home settings are being tested before they go into those settings, but patients who go back into the community, where care workers, district nurses and so on have to go in to treat them, are not being tested. She asked why that is not happening to protect those staff in the same way as staff in the care homes are being protected. I would also like to be associated with the comments about giving sympathy to the families concerned and in support of the staff in Craigavon Area Hospital.

**Mr Swann:** Our testing programme in hospitals is constantly under review. One concern that was raised very early on was about the transfer of patients between hospitals and care homes and an automatic testing programme or protocol was put in place there. There is no testing protocol in place for those who return to their homes because of the time that they would have to wait for results to come back. As I said to the Member, it is kept under constant review and I will ask that it is looked at for the Craigavon hospital to support the members of staff and families who are associated with the outbreak.

**Mr Catney:** Minister, thank you very much for your answers so far. I would also like to pass on my sympathies to those families who find themselves in the situation of having lost a loved one.

Minister, I cannot confirm if it is right, but I was told that the Chief Medical Officer and the Chief Constable of the PSNI were in Belfast on Saturday night and were going around public houses. What do you have to say about that? I do not want to make it political. I know that you would do everything in your power and I want to do everything to support you, but I do not think that that is the best use of our Chief Medical Officer when we were having an outbreak in Craigavon hospital. His time could have been better spent.

**Mr Swann:** Our challenging and combating of the virus is multi-faceted. The Chief Medical Officer took time out of his Saturday night to accompany the Chief Constable of the PSNI around a number of areas in Belfast and to highlight those public houses and drinking establishments that were in breach of COVID-19 regulations. Those are some of the locations where the younger population is gathering. If there are people there and facilities and locations are breaching COVID-19 regulations,

those places need to take on their full responsibilities.

As to whether that was the best use of the Chief Medical Officer's time, he is a man who has committed hours, days, weeks and months to combating the virus over the last six months. I have seen that and that goes far beyond what many others with similar roles across those islands have done. I do not agree with the Member's assertion that his time could have been better spent. The fact that he spent his Saturday night going around Belfast and challenging some of those who were breaching COVID-19 protocols shows his dedication and is a testimony to the man. He spent time doing that that he could have spent with his family.

**Ms S Bradley:** I too would like to add my name to the condolences to those families of loved ones who have died at Craigavon. Through communications with my office, I am all too aware of the anxiety and ongoing distress that exists among staff, patients and their families.

Minister, I welcome your reference to an investigation. In light of the circumstances, do you agree with me that now would be a good time to lift additional burdens from Craigavon Area Hospital? In that, I refer to the fact that Daisy Hill ED was closed at the outset of COVID and those who would have attended Daisy Hill are now extra traffic who are making their way to Craigavon.

It is anticipated that Daisy Hill ED will open at the end of this month. Given these circumstances, would it be prudent to step forward and make that happen immediately and safely?

**4.00 pm**

**Mr Swann:** I do not want to tie the two issues together in regards to opening provision and opening facilities, given the serious adverse incident that I have declared today and the fact that we have seen people lose their life.

The commitment from the trust is to open that facility safely. It will be managed safely to make sure that the provision and the facilities are in a safe working area and condition to allow us to support staff and patients as they use them. I do not think that this is a reason or a rationale to expedite the process and decision that have been made by the trust. I will support the trust to make sure that the facility is opened as quickly as possible, but, at this time, it has been decided to do so only when it is safe.



**Mr Speaker:** We are really out of time now. I call Mr Paul Givan.

**Mr Givan:** Can I too associate my name with the sentiments that are being expressed in sympathy with the families?

The Minister said that services in Craigavon Area Hospital will be adversely affected as a result of measures that have been taken to limit the spread of COVID-19. We have deaths directly attributed to COVID-19, but we also have deaths directly attributable to the consequences. We have an impact on patients as a consequence of the measures taken to contain COVID-19. When will we will have a system in place whereby all patients are having their needs met, which, because of COVID-19, is not currently the case? Is it sustainable for significant members of staff to be in self-isolation for the required period should that be replicated in other hospitals and considering the impact that it is going to have?

The health service is facing a difficult task in managing and taking proportionate measures. How is all that being dealt with through the managed risk assessment that the Minister mentioned regarding the services at Craigavon Area Hospital?

**Mr Swann:** The period of self-isolation for staff is crucial. It is crucial that staff follow that period of self-isolation to make sure that anyone who is carrying, or who has been infected by, the virus does not spread it to other patients. That is the last thing that any of us wants to see in a hospital setting. It is not just a matter of rushing staff back into a provision where they could be causing greater risk than they are trying to solve.

We have made the rebuilding programme very clear across the Department of Health and the trusts, and we have done that on a three-monthly programme. That has been published, and the next step — for October, November and December — is due to be published towards the end of this month. It is a gradual increase in provision. That is why we announced the regionalised approach to orthopaedics and elective-care surgeries to reinvigorate and get the health service back onto a footing where we are supporting all our patients equally.

The Member has to be aware of the risk that is associated with COVID. We have now seen the danger and, unfortunately, the high risk that it does present should it become embedded in a hospital facility. That is why we have always taken a cautious approach to make sure that

every step in everything that we do keeps COVID out and away from those patients who need the full support and rigour of the hospital service. Unfortunately, what we have seen in Craigavon and the loss of life that we have seen there is something that I, the trust and the staff deeply regret.

**Mr Speaker:** Members, that concludes this item of business.

Members should take their ease for a couple of minutes while we change the personnel at the Table.

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

## Private Members' Business

### Custodial Sentences for Attacks Against Emergency Workers

*Debate resumed on amendment to motion:*

*That this Assembly supports tougher custodial sentences for those convicted of attacks against emergency workers in Northern Ireland, including police officers, prison officers, firefighters, search and rescue workers and front-line healthcare staff; welcomes the campaign led by the courageous widow of PC Andrew Harper in favour of whole-life sentences, which reflects widespread public frustration with the current outcomes in such cases; acknowledges the recent UK Government commitment to increase penalties applicable under the Assaults on Emergency Workers (Offences) Act 2018; notes that, in the Republic of Ireland, there exists a set tariff of 40 years for the murder of a police officer, whilst, in Northern Ireland, the starting tariff in equivalent circumstances is between 15 and 16 years; and calls on the Minister of Justice to bring forward, as a matter of urgency, a revised sentencing framework that better reflects the seriousness of these crimes. — [Mr Givan.]*

*Which amendment was:*

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

*"recognises the seriousness of attacks against emergency workers in Northern Ireland, including police officers, prison officers, firefighters, search and rescue workers and front-line healthcare staff; further recognises the important contributions by victims, campaigners and respondents to the sentencing review consultation that closed in February of this year; and calls on the Minister of Justice to bring forward proposals for a revised sentencing framework after consideration both of the outcome of that important consultation and sentences available for equivalent offences in other jurisdictions in these islands." — [Mr Blair.]*

**Mr Deputy Speaker (Mr McGlone):** I call the Minister to respond to the debate. She will have 15 minutes.

**Mrs Long (The Minister of Justice):** I put on record my appreciation for, and our shared indebtedness to, all those front line and emergency workers who daily put themselves in harm's way to serve the common good. We all know the terrible price that some of those

valiant public servants pay as they selflessly discharge their duties. I am sure that I speak for all in the Chamber when I say that our thoughts and prayers go to all those families who have suffered loss due to criminal and reckless behaviour in our community.

As lawmakers, we have a duty to adequately protect those whose role it is to protect the weak and the vulnerable. I also appreciate that recent trials in London and Dublin have thrown into sharp relief the adequacy of our laws in addressing attacks on emergency workers. However, behind the rhetoric and the bold headlines, it is important that we bring calm heads to consider the differences in law between the different jurisdictions across these islands. In truth, they are not as great as has been reported. For example, all our respective jurisdictions provide a mandatory life sentence for murder.

Sentencing decisions are incredibly complex. Rightly, they are, in the main, left to our independent judiciary to determine. They not only have the experience and the expertise but the benefit of having access to all the pertinent information that is required when reaching a sentencing decision. It is easy, in many ways, for us to sit in this Chamber and express opinions about the robustness or leniency of any particular sentence, and we have all done that at different times. However, I am very conscious that sentencing on individual cases is a matter for the judiciary and that we ought not to, as legislators, second guess the factors that led to those sentences. Rather, we should focus on the framework within which those decisions are taken.

It is also unfortunate that sentencing is, because of its complexity, often poorly understood. Recent reports on life sentences have, for example, conflated the starting points provided for a judge commencing consideration of the appropriate tariff for murder with the actual tariff finally imposed and, more worryingly, conflated the tariff imposed with the sentence handed down. Further, few recognise that any tariff set is merely the first point at which someone can apply for parole. For example, with extended custodial sentencing, a full risk assessment is undertaken of the prisoner before a decision is reached.

Judges apply the law and guidance handed down by the courts or a relevant sentencing body in arriving at those decisions. In Northern Ireland, there are very specific guideline cases for the murder of police officers and other members of the security services. Current sentencing guidance for the murder of police or

prison officers was highlighted in the consultation document that my Department issued as part of the major sentencing review last year. For those of you who did not have an opportunity to engage in the exercise or read the document, the guideline cases relate to sentences of 25 to 30 years and may be higher in certain circumstances. When compared to the actual custodial sentencing for similar offences in other jurisdictions, they are not dissimilar. The sentence for murder in all cases is a mandatory life sentence, regardless of the jurisdiction.

I will return to the consultation on sentencing shortly in my remarks as that is the appropriate mechanism through which to assess the issues that we are discussing today. However, I share the revulsion of other Members at the recent loss suffered by the Harper family, and I join with the expressions of sincere and deep sympathy by colleagues to the family on a loss that was the result of a terrible and wholly unnecessary act and a wanton disregard for life. I understand that an appeal has been lodged as well as a reference to the Court of Appeal for undue leniency and therefore Members will appreciate that I cannot make specific comments on that case or the sentencing decision.

Whilst the murder of public servants such as policemen, in the course of their duties is thankfully rare, that does not diminish the grief of the families or the impact on communities when such things happen. I also appreciate the fact that too many public-facing public servants continue to be assaulted in the course of their work, a matter highlighted by Paul Frew, Robbie Butler and others in the debate. Our current sentencing provision and guidance, whether in the Magistrates' Court or the Crown Court, specifically addresses the aggravating effect of attacks on public servants, where the victim is engaged in providing a service to the public, and sentences are expected to reflect that. Doug Beattie and, indeed, others mentioned other people who are also vulnerable, others who work in front-line services and others who may be vulnerable victims themselves. Again, the vulnerability of the victim is an aggravating factor, which judges can take into account as they set sentences.

**Ms Dillon:** I thank the Minister for taking an intervention. Earlier in the debate, it was outlined that, in the Domestic Abuse Bill, an aggravating factor is a child being in the vicinity of an attack. Does the Minister agree that, while it is OK to have what she just outlined of somebody's role being an aggravating factor,

that is very different to what the motion asks for?

**Mrs Long:** I think that it is in one sense, in that the aggravating factor is one of many factors that is taken into account when sentencing. The danger comes when a blanket approach is taken to particular circumstances. It removes judicial discretion, which is hugely important, in setting the correct sentence.

The approach of our judiciary to such mindless attacks is best reflected by the Recorder of Belfast warning earlier this year that those who engage in attacks on medics or other healthcare professionals in the line of duty can expect to be sent to prison.

Recognising the complexity of sentencing in this jurisdiction, I was grateful to my predecessor, Claire Sugden, for commissioning a major sentencing review, which I inherited with this ministerial post. I thank her for her contribution today. However, I take issue with her view that the Department has been in any way tardy over recent years in advancing that review. The review was much more wide-ranging than a simple public consultation. A number of factors, including COVID-19, recovery of the justice system and, indeed, development of policy ahead of the miscellaneous provisions Bill next year, have impacted on the small team that develops these measures. However, I am convinced, and my staff are convinced, that this is important work, and we will expedite it as soon as possible.

As part of the review, an important consultation document issued last autumn, and responses to that document will be published in the coming weeks. Some Members and political parties contributed to that process, and the conclusions and recommendations of the sentencing review will be helpful to me in considering what, if any, changes should be made to our current sentencing arrangements.

As Minister, however, I was disappointed to note, when preparing for today, that the party that tabled this motion, and whose members have spoken passionately in favour of reviewing sentencing, did not, in fact, make representations to the Department on the wide range of matters included in the sentencing review consultation, including a specific chapter on the consultation document reviewing current sentencing here and elsewhere for assaults on emergency workers.

Regardless, in responding to today's motion, I appreciate Members' genuine desire to protect our public servants and to deter attacks on

them. I share those concerns and will be looking carefully not only at the outcome of the sentencing review but at the evidence from other jurisdictions on their approach to addressing this issue of public concern.

As Members will appreciate, we already have legislative provision specifically for offences against the police, fire and rescue personnel and ambulance workers. I notice that the motion wishes to extend the range of public servants covered by protective legislation. I intend to give full and careful consideration to the findings of the sentencing review, which also considered the range of public service occupations that may require specific legislative provision.

In considering tougher sentences, I will give careful consideration to what has been said during the debate and in the evidence on the effectiveness of sentencing. I thank Jim Allister for his contribution to the debate on the issue of 50% remission and whether that is appropriate or whether, as is the case with extended custodial sentences, a review of public risk at the halfway point of a sentence may be a better approach.

I have been concerned, however, about suggestions over the past few days and today in the Chamber regarding fixing minimum sentences for some offences. We should approach with caution any move away from respecting judicial discretion by imposing fixed minimum tariffs or sentences. When we decide to do so, we must also consider the introduction of some judicial discretion to depart, in the interests of justice, from any such legislative provision made.

These are complex issues and are not amenable to off-the-cuff answers in the heat of debate. I have always had reservations regarding mandatory minimum sentences. I consider it important that we respect the faith and trust placed in our independent judiciary to determine sentences on the basis of the evidence provided in court.

#### 4.15 pm

I am equally aware, however, of the public demand that some paraphrase as "demanding tougher sentences" but, in truth, means longer custodial sentences. I, like other Members, recognise the need to be responsive to people's concerns, but we must also ask ourselves, "What is the purpose of sentencing?" and how we balance the need to deliver rehabilitation, which is a fundamental part of that purpose,

with ensuring that the punitive and public protection elements are adequately addressed. I am also clear that there will be exceptional cases from time to time where the near-equivalent of a whole-life sentence may be absolutely appropriate, and our current structures allow for that eventuality. However, thankfully, such cases remain rare. We must, however, guard against a populist approach, however superficially attractive, to sentencing that would lead to the situation prevalent in places such as the United States and Russia, where draconian sentencing has done little in practice to improve public safety. I acknowledge the comments that Gerry Carroll made in that regard. As elected representatives and legislators, we are, therefore, to be thoughtful and considered as we work to provide a balanced framework that results in sentences that are compliant with law, including international obligations, and proportionate to the crime committed and the culpability of the offender and, yes, that engender public confidence but are also — I would argue that this is more important — effective in delivering public safety.

Our Programme for Government includes, as an important goal, the creation of the safer community for all. In the criminal justice system, that has focused attention on measures that will reduce reoffending and promote the rehabilitation of offenders. It is right that we discuss these issues and consider together the role that sentencing plays in making our community a better and safer place. However, it is worth noting that a 2018 survey found that fewer than one in 10 people said that having more people in prison was the most effective way with to deal with crime. Early intervention, promotion of better parenting, discipline in schools and better rehabilitation were all rated as more effective responses.

The sentencing review currently under way is the most substantial review of sentencing in Northern Ireland in the last 15 years. I want to reflect not only on the views expressed in today's debate but on the views of those who took the time and made the effort to respond to the consultation phase. I wish to have time to reflect on the responses from the public. In particular, I need to consider the impact on other victims, if we were to create a differential between victims based on their perceived value or contribution to society. It is right that we acknowledge that some public servants, however, due to their occupation, place themselves at risk of harm in serving the wider community and require specific protection under law, as Paul Givan has stated.

**Mr Givan:** I thank the Minister for giving way, and I welcome the distinction that she makes about some specific public servants. Maybe the Minister is coming to this: other Members have indicated support for your party's amendment on the basis of that being the vehicle in which the issues can be teased out and the quickest way to do that. Can the Minister give me some assurance that that will be brought to the Justice Committee and on what will be the legislative vehicle, where legislation will be changed? That would allow us to get on board, to try to get consensus as a way that we will be able to address the issues in the future.

**Mrs Long:** As the Member knows, possibly better than most other people in the Chamber, we have a heavy legislative programme over the next while. The deadline for new things to be added to the Miscellaneous Provisions Bill has now passed. It would be difficult, given that I will not see the report and we will not be in a position to make recommendations, for us to legislate in this mandate. However, we can certainly prepare legislation in this mandate that would be oven-ready for someone who wished to take it forward at the beginning of the next. There are changes short of legislation in sentencing that could also be considered through the rest of this mandate. The important part of this is that we allow the Committee and the Assembly to have full scrutiny of what we intend to do. Once I have received the report on the consultation, I will bring recommendations to the Committee in order that we can have that informed discussion.

This is a sensitive issue, and we all recognise it. In my time as Minister, I have met families who have suffered the loss of a loved one through the violent act of another. Those families speak of the contribution made by their family member to their lives and the lives of those who knew them, not solely in terms of their employment. They may have been a teacher, solicitor, student, carer or volunteer. They may have worked in the public or private sector, been a homemaker, retired or unemployed. Such meetings are difficult for all concerned, but they drive home to me the fact that there is no hierarchy of loss. To the families, their loss is a terrible thing to bear and is no less so because of the occupation of their loved one. I am clear that, to provide good law, we have to approach sentencing holistically, rather than with a piecemeal or cherry-picking approach, and we need to look at a coherent sentencing framework in order to do that. The sentencing review has done that so far, and there is merit in maintaining that holistic approach as we come forward in introducing a coherent sentencing Bill, as soon as Assembly legislative

commitments permit. I want to bring proposals for legislative change to the Justice Committee for its consideration as part of the ministerial and Assembly decision-making process.

Finally, turning to the amendment, I welcome it as a measured and balanced approach. It reflects my own views —.

**Mr Deputy Speaker (Mr McGlone):** I advise the Minister to bring her remarks to a close, please.

**Mrs Long:** It reflects my own views and rightly recognises the balance between protecting our emergency workers and the need to have a holistic approach when it comes to sentencing, and I thank Members for their support in this matter.

**Mr Deputy Speaker (Mr McGlone):** Thank you, Minister. I call Mr Stewart Dickson to make a winding-up speech on the amendment. Mr Dickson, you have up to five minutes.

**Mr Dickson:** Thank you very much, Mr Deputy Speaker, and thank you to everyone who has participated in the debate.

I start by thanking the front-line workers who protect and provide vital services to our community. As we all know, they face considerable risks daily, and we, as legislators, must work to make their jobs as safe as possible. I also express my deep sympathy to PC Andrew Harper's widow and family. His death was an appalling act, and the lack of remorse was particularly upsetting for them, and I do understand the calls for a serious look at sentencing. Front-line staff across our society daily face threatening behaviour, and that is clearly unacceptable.

I thank those who have supported our amendment. It offers a sensible way forward, while recognising the crimes that have been committed. We are completely at one when it comes to the victims of attacks on front-line workers and, indeed, attacks on anyone. I welcome those who have contributed to the debate. There is a problem, however, with lists, because you risk leaving somebody off that list. I acknowledge those who supported the original motion, and I encourage them to support the amendment. People across a wide range of jobs have put their lives at risk in the public sector, and I do not believe that it is possible to enumerate all of them in legislation. It is important that we recognise what emergency workers do on a daily basis. I acknowledge the comments of Jim Allister and, indeed, of many

Members around the Chamber who have spoken and, in particular, what the Minister added to our discussion in her preceding comments. I welcome her clear setting out of the guidelines and the consultation that is under way. I also welcome Mr Givan's acknowledgment, as the proposer of the motion, of our amendment, and I hope that, with the Minister's assurances, he can now support the amendment before the Assembly today.

It would be extremely difficult to tell one grieving family that their loved one's death was considered to be lesser than another's, according to law. We must allow our judges to set the appropriate tariff in every circumstance. As the Minister acknowledged, in Northern Ireland we have mandatory life sentences for murder, and it is clearly for the judiciary, following victim impact statements and others, to set out the appropriate tariff in every circumstance and sentence.

I ask Members to support the amendment to call the Justice Minister to bring forward a revised sentencing framework, which is a balanced approach to the issue.

**Mr Deputy Speaker (Mr McGlone):** Thank you, Stewart. It is great to see you back, and I wish you all the very best for the future.

I call Mervyn Storey to conclude and make a winding-up speech on the motion. Mr Storey, you have up to 10 minutes.

**Mr Storey:** We would all do well to pause in the Chamber today and reflect on the many families across a long time, over many years, who have lost loved ones at the hands of those who perpetrated evil against them. Our thoughts are with those families today, and we assure them that we will make every effort to ensure that their loved one's memory is not forgotten or somehow tarnished by our actions. We think in particular and in recent times, of course, of the family of Adrian Donohoe and of Andrew Harper.

As mentioned in the debate, we are never surprised by the actions and words of the party opposite. Never do they come into the Chamber but they take the opportunity to visit and revisit their view of those who have protected us through the years. I refer to the comments made by Linda Dillon in yet again seeking to sully the memory of members of the Royal Ulster Constabulary and the Police Service of Northern Ireland. That is a reflection of that party's view of law and order, and, of course, we have seen many examples over the last few weeks of their partial approach to even being

able to stay within the confines of the COVID regulations: "It is good enough for others, but it is not good enough for us". Yet again, not surprisingly, the party opposite displays duplicity, hypocrisy and double standards.

I welcome the fact that I have to follow the Minister. There is some glimmer of hope that the Minister is prepared to bring the information to the Committee that would see a possible change in the sentencing framework. We welcome that that is a fact. While the amendment is not what we would have sought and, obviously, we would prefer to get our motion through the House, we welcome what others have said in the spirit and consideration of it, and we are happy for the Minister to bring that information to the Committee. However, it is disappointing that the Minister has not been able to give a definitive or conclusive time frame for this. I accept what she said about the legislative pressure on her Department and accept that that is the case, but she, as the Minister, has the power to prioritise. In correspondence with me recently, she was able to tell me that additional police officers were not a priority for her, even though that is in 'New Decade, New Approach'. The Minister said that it is not a priority for her. Clearly, she has some degree of flexibility. I ask her to revisit that point as well.

This afternoon we have had various comments. Normally, when you come to this part of the debate, you find that it is a rehearsal of all that everybody else has said. I will not go down that laborious route, because everyone has had the opportunity to say what they had to say. However, I will comment on a few points that were made this afternoon.

I welcome the comments of the former Minister of Justice, Claire Sugden. While what she said was batted out of court by the Minister, the Member was on the money. Here is where we, as politicians, sometimes run the risk of somehow being seen as ungrateful for the service of our public servants. That is not the case. However, it is not good enough that, with all the seriousness of the issue that we are debating, in 2020, having had a consultation launched in 2016, we have not seen progress.

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

**Mr Storey:** Yes, I will give way to the Minister.

**4.30 pm**

**Mrs Long:** I have to correct the Member. The consultation was not launched, as he

suggested. The actual review was launched in 2016. The consultation was only launched in 2018. It is a much more complex piece of work than simply putting it out to public consultation.

**Mr Storey:** Again, the Minister is defensive of the system, and, probably, to a lesser or greater degree, when I was a Minister, I was defensive of my civil servants in the two Departments that I was in. However, at least I was prepared to come to this Chamber and tell it, when it was not good enough, whatever it was that had been done.

You would also think from listening to the Minister that there was not a problem, that somehow there was a bit of politicking going on and a few noises being raised. There is a problem. There is a problem in society today where it seems as though you can break the law, you can riot, you can protest and you can attack front-line workers, police officers and members of the Ambulance Service. I came from a meeting today with the Northern Ireland Ambulance Service, and we have seen the disgraceful attacks on members of the Ambulance Service. You can go down through the list of public servants.

Somehow, we have to get to the root cause. We have to understand why someone has decided to inflict their form of justice on public servants. It is not good enough as a society, and we have a society today that seems to have more emphasis on human rights than human wrongs. That is an industry that needs to be radically changed, but, of course, when we say that, we are accused of being extremists. We are away out, far right. That is an awful place to be. Tell the victims, who are those who have to suffer as a result of these actions, and I think that they are more prepared to accept that, when you stand before the court, you will get a sentence that is fit for purpose and reflects the crime that was committed.

Let us look at another recent case, that of Christine Connor. It took seven years to bring that person to justice, and, thankfully, she is now behind bars. The Minister has to take responsibility for ensuring that the processes are in place to quickly and appropriately deal with those who would inflict awful pain and suffering in our community.

The Minister made reference to being populist. Dear me, that would be an awful thing. Has the Alliance Party never been populist? There has been a debate, and I welcome many of the comments that have been made. However, the seriousness of this cannot be underestimated, if we believe that victims need to be listened to.

Of course, we know the attitude of the party opposite to victims. The IRA were victim makers for far too long in Northern Ireland. We saw how the party opposite had to be trailed to address the issue of victims in the courts just a few weeks ago. We welcome that.

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

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

**Ms Dillon:** I think that you will acknowledge that your own First Minister was taken to court to deal with the victims issue as well over what happened in Loughgall and the fact that she would not allow that to come to the Executive table.

**Mr Storey:** I think that the Member is seeking, as always, to create a diversion: "It wasn't us". I am glad to be able to stand in this House today and say that I have never been supportive of a private army that has been responsible for the murder of innocent victims in Northern Ireland and then tried to justify it as though it was some campaign for human rights or some ills that had been heaped on society.

In conclusion, Mr Deputy Speaker —.

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to draw his remarks to a close, please.

**Mr Storey:** Although the motion and the amendment are not the perfect place that we would want to be in, if the guarantees that have been given in this House today are delivered on, I think that we can begin to try address this issue. I urge the Minister —

**Mr Deputy Speaker (Mr McGlone):** The Member's time is up.

**Mr Storey:** — to hasten and prioritise the issue. That would be very welcome.

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

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

*Resolved:*

*That this Assembly recognises the seriousness of attacks against emergency workers in Northern Ireland, including police officers, prison officers, firefighters, search and rescue workers and frontline health care staff; further recognises the important contributions by*

*victims, campaigners and respondents to the Sentencing Review Consultation which closed in February of this year; and calls on the Minister of Justice to bring forward proposals for a revised sentencing framework after consideration both of the outcome of that important consultation and sentences available for equivalent offences in other jurisdictions in these islands.*

**Mr Deputy Speaker (Mr McGlone):** Members may take their ease for a few minutes until we move to the next item of business.

## **COVID-19: Future Support for Businesses and Workers**

**Mr Deputy Speaker (Mr McGlone):** I ask Members to resume their seats. I thank you for your forbearance.

**Ms Mallon:** I beg to move

*That this Assembly recognises the significant impact that the COVID-19 crisis has had on the public; notes that Department for the Economy projections show more than 100,000 people could be unemployed by the end of 2020; acknowledges that COVID-19 has continued to spread and may result in further restrictions on workers and businesses; expresses deep concern at the political decision to end the furlough scheme in October; and calls on the British Government to extend the furlough scheme to provide future support to businesses and workers during the course of the COVID-19 pandemic as a critical lever to economic recovery.*

**Mr Deputy Speaker (Mr McGlone):** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. Go raibh maith agat, Nichola; tá fáilte romhat.

**Ms Mallon:** Thank you, Mr Deputy Speaker. It is hard to think of a more fitting message for the Assembly to unite behind on our first day back after recess than that outlined in the motion. It is right that the Executive have agreed to write to the UK Chancellor stating our belief that the furlough scheme should be extended beyond October. I believe that the more loudly we make our voices heard on this issue, the more political weight our message will have.

I speak today as the SDLP Assembly group leader and as an MLA for North Belfast, a community where COVID-19 is compounding disadvantage and deprivation. Families in my part of the world, and, indeed, across Northern Ireland, face a severe cliff edge. The facts are clear and stark: more than 330,000 people in Northern Ireland are receiving support from the Government through the furlough scheme and the self-employed support scheme. That is 330,000 families reliant on those schemes for the most basic of life's necessities.

Last week, the most senior civil servant in the Department for the Economy was candid enough to say that, by the end of this year, the unemployed claimant count here could reach 100,000 people, and that is a conservative estimate. Take the employees whose jobs are in the sectors that have not yet been allowed to reopen under the current guidelines. So-called wet pubs have caught the headlines in recent weeks, but look beyond that. For example, the arts and culture sector is nowhere near its pre-COVID-19 level. Our theatres, large and small, remain closed, and festivals that, in normal times, run all year round in our cities, towns and rural locations are on hold. Airlines and airports are practically dormant. That means that tens of thousands of people have no work to go to. Are they to be punished financially for adhering to the prevailing Government health advice? How can a pilot go to work if the planes are grounded? Where can an actor, a lighting technician or a sound engineer earn their living if the Government have closed the theatres?

If the number of COVID-19 cases was falling week on week, and more sectors of the economy were opening, we would be in a much different place. However, we must be honest with one another: the level of infection is rising, with 118 new cases reported in the last 24-hour period. We are not yet emerging from the coronavirus crisis, and that means that we cannot simply shake off the measures that the Government have put in place to deal with this emergency.

Social distancing, a necessary measure that we all should follow at all times, will prevent any form of a smooth path back to full economic activity. That is not the fault of business, and it is certainly not the responsibility of people who could face redundancy in a few short weeks. We must intervene to protect jobs and promote financial stability. That means all of us in the Assembly, in the Executive, and, yes, Boris Johnson, you too.

If the Government deliver on their intention to end the furlough scheme by October, the UK



will stand alone in Europe again. However, should we be surprised if they do? Over the past 24 hours, reports claim that the British Government are planning to end the legal force that would avoid a hard border on the island of Ireland. Let me be clear: Brexit is an act of economic self-harm. It will plunge our economy from the COVID-19 crisis into further crisis.

The Ireland Protocol was designed and agreed to protect our island and our economy. Any attempt to rip it up is a further act by Boris Johnson and his Tory Government to undermine the wishes of citizens here who voted to remain in the European Union.

**4.45 pm**

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

**Ms Mallon:** Of course.

**Mr Stalford:** Will the Member acknowledge that Northern Ireland's biggest market is actually the GB domestic market? Putting anything in the path of businesses trading freely east-west would actually be more devastating to local businesses than anything that could happen North/South.

**Ms Mallon:** The Member will be aware that, of course, everyone is supportive of unfettered access, yet we have still to see that materialise in anything coming forward from the British Government. However, we have a protocol, which is an international agreement, and the British Government must implement the protocol.

The reason I am saying this is because we need to be aware of the context in which we are operating. Our economy and communities are living through a crisis and facing into the further crisis of Brexit: the British Government need to understand that. We need to act now to protect our economy, our workers and our businesses from COVID and to prepare for the challenges of Brexit. Furlough is an absolutely necessary part of that plan. It is a safety net for the short term that cannot be removed. That has been recognised and acted on across Europe. In France, a version of the scheme, flexible and targeted, will run for a full two years initially. In Germany, their short-time working scheme has been extended to 21 months due to the impact of COVID impact. The Spanish Government has committed to delivering its support scheme until the end of this year and, if necessary, into 2021. The Italian Government is actively considering a similar extension.

A lot has happened since March this year. We will never forget this year, and we all fervently hope that we never have to experience anything similar in the future. This was the year when everyone made enormous sacrifices to help each other out. I know that none of that was easy.

Our business community in the North is resilient. It does have underlying strength, and I am confident that, in time, our economy will recover. There is a time ahead of us when our streets will be busy, our pubs open and full, our entrepreneurs will be exporting goods and services and our theatres and cinemas will operate normally. That time will come, but we are not there yet. We need to plan to deal with the situation we face in the immediate future.

Let our Assembly add its voice to that of Nicola Sturgeon and Scotland. Let us join those businesses and political leaders in Wales who have made the same call. Extend the furlough. Do not abandon entire sectors and the hundreds of thousands who work in them. In announcing the scheme back in March, Boris Johnson was explicit, he said:

*"we in government say: We will stand by you ... we are going to help workers of all kinds to get through this crisis ... Supporting you directly in a way that Government has never been done before".*

The Chancellor told the House of Commons:

*"I want every person in this House and in the country to know that I will never accept unemployment as an unavoidable outcome."*

So what has changed, Chancellor? Will you stand by those words? Right now, in the absence of a Government support scheme, unemployment is not unavoidable, it is inevitable. You do have the power and the resources to make it avoidable, but not by sitting back and doing nothing.

We know that Boris Johnson has already ruled out an extension of the furlough scheme. However, this is a Prime Minister who is well used to U-turns. So I am not resigned to the end of the furlough scheme becoming a reality in October. In fact, as an Assembly, we should be determined to avoid this disaster by making our position very clear. Let us speak with one united voice and send a message, loud and clear: extend the furlough scheme.

**Dr Archibald:** I beg to move the following amendment:

*Leave out all after the second "workers" and insert:*

*", and to amend the scheme deadlines to allow for new entries to the scheme, including where businesses are forced to close as a result of clusters or further lockdowns."*

There is likely to be consensus across the Chamber and, more broadly, across society that the coronavirus job retention scheme, or the furlough scheme as it is better known, has been a lifeline for many businesses and prevented hundreds and thousands of redundancies. However, the job retention scheme introduced by the British Chancellor has, to an extent, been rigid since its inception with cut-off dates for employees to be on the payroll, the ruling out of newly-recruited employees and a further cut-off date for businesses being able to enter the scheme.

The most recent figures, published on 21 August, stated that 249,600 employments had been furloughed over the course of the scheme in the North. The crisis caused by the pandemic has undoubtedly impacted on some sectors and workers more than others, with greater numbers of workers furloughed in certain sectors. The accommodation and food sector has seen business down over 93% in quarter 2 this year, while manufacturing is down 20% and construction is down 36.5%; 71% of all eligible employments in construction here have been furloughed. Young people are the most likely to be furloughed, with over 60% of 17-year-olds and 45% of 20-year-olds furloughed. Some businesses, like those in hospitality and tourism, have not yet been able to reopen. In a number of sectors — manufacturing, for example — while operations have restarted, orders have slowed and there is little sign that business activity will pick up any time soon; certainly not before the end of October, when the scheme is due to end.

The changes that have been made to the scheme already have placed a burden on employers in terms of their paying national insurance and pension contributions from the beginning of August and at least 10% of employee wages since the beginning of September. As a result, we have seen a number of redundancies over recent weeks and there are likely to be more in coming weeks. To try to avoid mass redundancies and to take account of the much slower return to business than was perhaps originally anticipated, we have been advocating for the scheme to be extended and for flexibility to be built in to support those sectors most impacted. I

welcome that the Finance Minister is writing to the British Chancellor on behalf of the Executive to call for the scheme to be extended.

When we are talking about the impact on businesses and workers, it would be remiss of us not to also mention those who have missed out on any support. The British Chancellor needs to look at reforming other supports, including the self-employed income support scheme, to ensure that those who have been unfairly excluded due to whatever bureaucratic process — in some cases, they have not even been able to access universal credit — and who may still not be able to go back to work can also access support.

As I said at the beginning, the scheme has been broadly welcomed. However, that does not mean that there is not room for improvement or learning from other countries that have put in place similar schemes. Across the EU, including in Germany, France and the South, job-retention scheme equivalents have been more flexible since the get-go and allowed for part-time working, for example. Here in the North and across Britain, part-time working through reduction in hours has only been allowed since August. Some of the schemes also allow for claims for loss of business to be made retrospectively. This means that businesses that have recently faced losses or where business has been up and down, which is likely to be a trend for some time, can enter the schemes. That is not possible with the British version. For instance, in the event of any future lockdown including localised lockdowns, currently, even if there was an extension to the overall scheme, any business that is not already in the scheme would be unable to receive help. It is important that a degree of flexibility is added and that deadlines around entry are reformed to allow employers that may need support in future to be able to get it.

The coronavirus job-retention scheme has been an important response but it also needs to form part of the recovery. In some other countries, the scheme has been extended until as far as December 2021. That is a smart move because any economic recovery strategy has to be about helping businesses to respond to changing circumstances. That will not happen overnight or in the short term, so businesses will require flexible supports over the next number of months. This is vital to avoid mass redundancies, which would be devastating for workers and their families.

**Mr Stewart:** I thank the Member for giving way. While I acknowledge, as I am sure you do, the

intervention from the British Government and how important it is that they play that role in continuing this furlough scheme and supporting workers, do you agree with me that it is essential that the Executive in this place does so much more to support businesses that have already missed out? We know that £56 million was returned from grant funding that has not been reallocated, and that there are thousands of businesses in Northern Ireland that still have not been able to avail themselves of any support. Do you think that it is important that, as part of that joint strategy, we play our role, via the Executive, to support our local businesses?

**Dr Archibald:** Thank you for the intervention. I do agree. I hope to see the Economy Minister bringing forward, in the next number of weeks, further interventions to support those who have been excluded. Without the support of the furlough scheme, businesses which have been able to hit pause will be forced to hit stop, as bills pile up and business remains either impossible or much reduced.

My final point is particularly topical. It is impossible to talk about the short- and medium-term outlook for businesses without also looking at the impact of Brexit. Given the speculation since last night, which seems to be firming up, the likelihood of a decent free-trade agreement seems to be slim. Therefore, businesses are likely to face worsening trade circumstances. For those businesses in the North that trade North/South and east-west, the lack of clarity about how they will be doing business come January is a worry that they do not need whilst trying to recover from the worst economic crisis in living memory. The British Government need to live up to their commitments to implement the protocol and, through the joint committee, put in place the best possible trading conditions. The EU needs to ensure that the protocol's safeguards are fully implemented.

**Mr Dunne:** It is good to see you back in your place at the top Table, Mr Deputy Speaker.

I welcome the opportunity to speak on this very important issue. We all recognise the significant challenges that COVID-19 has brought upon us, not least the severe impact that it has had and continues to have on our local economy. It is a global pandemic, and the challenges that we face are not exclusive to Northern Ireland.

There has been a very significant amount of support delivered by the Executive to date, particularly through the Department for the Economy over the past six months, when we began to face COVID-19 head-on and deliver direct financial support where needed. We must

put on record our thanks to the Economy Minister, Diane Dodds, for her efforts in supporting our local economy as we look to rebuild, regenerate and, most importantly, give confidence for the future.

The Finance Minister recently confirmed that £2.2 billion of additional funding has been provided to Northern Ireland to respond to COVID-19. That figure alone certainly reinforces the value of being part of our great United Kingdom, through which we have benefited from one of the best economic rescue packages in the world during these unprecedented days. The furlough scheme, the self-employment income support scheme, the various local support schemes, including the £10,000 and £25,000 grants, the microbusiness hardship fund, as well as schemes such as the bounce back loan scheme from the banks and various relief measures have all been introduced for businesses.

As a local MLA, I have been pleased to assist many local business owners who have benefited from those measures, which they recognise were a real lifeline for them and their families in these difficult times. I fully recognise that there is need for additional support to sustain jobs in our existing businesses, and there is a real need for Invest NI to look at alternative support for businesses and to support upskilling, training, innovation and research and development. Invest NI needs to be more proactive, rather than reacting to each job crisis when it arises. Encouraging people back into the workplace, including the public sector, and back into our town and city centres must continue to be a priority. The public sector must be encouraged back to work in a safe, COVID-19-compliant manner.

The Eat Out to Help Out scheme saw 2.7 million meals being served. I am not sure how positive that has been for the health service, but it was a real success as a confidence-boosting measure. The scheme was a great example of the hospitality sector having the general public eat out in a safe and controlled way whilst protecting valuable jobs and encouraging people to enjoy the very best of Northern Ireland.

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

**Mr Dunne:** I will do.

**Mr Dickson:** Although I acknowledge that the Eat Out to Help Out scheme was inevitably of value to businesses and to those who are able to afford to eat out to help out, I also

acknowledge and ask the Member to acknowledge that there are many of my constituents, as, I am quite sure, there are many of his, who simply could not afford to eat out to help out and that the Chancellor might have done more for food banks and others.

**Mr Deputy Speaker (Mr McGlone):** Thank you for that. The Minister — sorry, the Member — has an extra minute. Wishful thinking for you, Gordon. *[Laughter.]*

**Mr Dunne:** Go easy.

**Mr Deputy Speaker (Mr McGlone):** The Member has an extra minute if he so wishes.

**Mr Dunne:** As elected representatives, we all recognise that there is great need out there. We are all aware of the need for food banks. We are also very much aware of and recognise the success of the Eat Out scheme. There are variations, and, again, we must all do what we can to help those right across the various sectors.

The business revitalisation scheme was rolled out recently, supported by DAERA and the Department for Communities, in conjunction with our local councils, to support our town centres, city centres and villages and to help them adjust to the new challenges facing their businesses.

The apprenticeship recovery scheme, which was announced last week by the Minister, will see employers receive up to £3,700 for every apprentice that is brought into the workplace and retained, and £3,000 for new apprentices. That is exactly the sort of positive financial support scheme that we need as we focus on our recovery, growth and the skills for our future.

## 5.00 pm

Challenges will undoubtedly remain with us for some time. Every sector has been impacted by COVID-19, but certain sectors, including tourism, hospitality and aerospace, will require tailored support going forward, and we must all continue to work together. The continued support of business through the continuation of the furlough scheme, even in a phased way, is vital as we seek to build further confidence in our economy and to continue to make Northern Ireland a great place in which to live, work and invest.

**Mr Dickson:** I support the motion and the proposed amendment, and more particularly the workers and businesses of Northern Ireland who have faced extremely challenging circumstances over the past few months as a result of the COVID-19 pandemic.

Unemployment has historically been a serious and persistent problem in Northern Ireland, but, in recent times, it seemed that we were improving on this. It is therefore extremely concerning and disappointing that we could see more than 100,000 people out of work by the end of this year. The coronavirus job retention scheme has been a lifeline to businesses and workers alike. While not perfect — many have been excluded, and I use that term carefully because there is a group that is called "excluded", and there are those who genuinely feel that they have been excluded from all the schemes. Nevertheless, given the exceptional circumstances and the speed at which the scheme was implemented, it has provided support and stability for millions of workers across the United Kingdom, and continued that connection between employers and workers that would otherwise have been broken and seen a massive spike in unemployment this spring. To end it completely by the end of October would be a major, expensive and unnecessary self-inflicted wound. It is perhaps penny wise and pound foolish: this will cost us more in the future. Many businesses and workers face an uncertain and difficult winter. These otherwise viable businesses in the absence of a pandemic would be employing people, paying taxes and contributing to our economy. These range from travel agents, hotels, soft-play facilities, after-school time and the aircraft industry. These are employers that we need. We need to support these businesses and we need to be able to say that we will support you, your employees and your businesses until we can return safely to relative normality.

In a similar vein, I welcome the proposed amendment, which calls for businesses to be able to furlough staff again if restrictions or closures are required again. I really hope that that will not be the case, but we must continue to support workers and employers as we try to control the virus and be fully aware of the difficulties that these restrictions place on society.

The UK-wide furlough scheme, even with its inadequacies and even with those who have been excluded, has been helpful and it should perhaps continue in a more targeted form. However, there is much more that can be done to support people. In fact, money is still waiting

to be spent, and it needs to be decided quickly how to be spent. There will be extreme anger should any Minister in the Assembly and the Executive in Northern Ireland end up returning money to the Treasury. I think that most would be aghast at the underspend on the micro-business hardship fund, not least because so many small businesses and sole traders have been excluded again and again. I look forward to meeting the Minister later this week, with such a group of people, to discuss this.

It is also crystal clear that we need an economic recovery strategy to focus on creating jobs and on our future economic development, with clear actions and measures, led by the Department for the Economy. Thus far we have yet to see anything concrete. Perhaps the Minister for the Economy can — indeed, sadly, she is not here — advise us on what progress is being made. The challenge to the Minister is to produce that plan. We must not allow people to fall back into long-term unemployment, so, when jobs cannot be saved, people must be offered the opportunity for supported options to help them back into work. Skills and retraining are vitally important for our economic recovery. We need to seize those opportunities now.

I welcome the announcements on funding for recruitment and retention of apprenticeships, but, again, with many in furlough, I have concerns that there quite simply will be a cliff edge for apprentices. We must also note the particular socio-economic harm that the recession is doing to our young people. It affects their earnings, their careers and their futures. Therefore, I call on the Communities Minister to get moving with schemes such as Kickstart and equivalent schemes for young people who are unemployed.

It is clear that the UK-wide job retention scheme should continue.

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to bring his remarks to a close, please.

**Mr Dickson:** Indeed, it should be widened, even in the case of further restrictions. I encourage the Assembly to support the amendment and the motion.

**Mr Middleton:** There is no doubt that the COVID-19 pandemic has had a significant impact on our population. First and foremost, we must continue to recognise the health impact, the hundreds of families who have lost loved ones due to the virus and the many who

continue to suffer with the effects after contracting COVID.

We, of course, recognise the serious economic impact that COVID-19 has had, and continues to have, on the livelihoods of so many of our constituents. We do not have to travel too far in our constituencies to see the devastating impact of COVID on many businesses and workplaces. Without the significant financial packages and measures put in place by the UK Government, our own Economy Minister and, indeed, the wider Executive, the impact would no doubt have been greater in a shorter space of time. The UK Government have provided more than £2 billion in funding to respond to the pandemic, and that does not include the value of the furlough scheme.

There is no doubt that the job retention scheme has prevented many businesses from closing their doors and has kept many people in employment. The figures show that roughly 240,000 people were furloughed by mid-July. That is a significant number given the size of our population. In addition, the self-employed income scheme has had over 76,000 claims made in Northern Ireland, so, based on those figures, that means that around 316,000 jobs and self-employed received support through retention schemes. That is 36% of those in employment. It has been estimated that, in the medium term, many of those who are furloughed are at risk of redundancy, particularly in our SMEs. That presents a significant problem as the job retention scheme comes to an end.

As efforts have been made to kick-start our economy, it is evident that, for some industries, it will take much longer than hoped for to recover. This is through no fault of those involved in those sectors but is simply dictated by the nature of their business and by the restrictions that continue to be in place for the safety of the public. In a few short weeks, many thousands will face the prospect of unemployment and their livelihoods being thrown into chaos. It is vital that the UK Government address the furlough issue and the scheme. That could be done in a targeted way, encouraging businesses back to work whilst providing a lifeline for some of the industries that are facing particular challenges, such as our aviation industry, our travel industry, our entertainment venues and our tourism and hospitality sectors.

**Mr Buckley:** I thank the Member for giving way. Will he agree with me that it has been crucial that our businesses and communities have been able to access one of the most

unprecedented financial packages from the British Government in our lifetime, certainly in this pandemic? Equally, will he agree that as innovative an approach as possible will be required going forward to ensure that industry can continue to cohabit with situations such as the already alarming outbreak of COVID in Craigavon Area Hospital, for example?

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

**Mr Middleton:** Absolutely. I completely concur. We need to be innovative and we need to look at a targeted approach. The Executive have written to the Chancellor and it is important that he takes on board those views, particularly views from industry leaders as well.

Our town and city centres are far from what they were seven months ago. There are many more shutters down and empty units. Once busy streets are now empty. When I speak to businesses in my constituency directly, particularly those in the city centre, they stress the importance of getting public-sector staff back into their offices. That must only be done in a safe and practical way. Coffee shops, restaurants and sandwich bars may have reopened, but they are struggling due to the lack of footfall as many office workers are working from home. We need to bring life back into our town and city centres. There is an opportunity for Departments to take a lead on this.

**Mr Stalford:** I am grateful to the Member for giving way on this point. Does he agree that, whilst the £2 billion from Treasury that he referred to represents a significant subvention from Westminster to help our economy, ultimately that money is going to have to be paid back, and that the best way to safeguard and progress economic recovery is to start moving, in as safe a way as possible, to get much of our economy functioning again?

**Mr Middleton:** Absolutely. I agree with that point, and it leads me to my next point, in that we need to get life back into our city centres and we need to get businesses opened up in as safe a way as possible. To that end, it is important that we recognise the work of the Economy Minister to try to rebuild our economy in this unprecedented environment. We must also grasp the opportunities in the emerging sectors — fintech, for example — to drive job creation. We must continue to explore how Departments can help firms to improve their supply chains or apply dynamic new ideas or technologies. There is a small window of

opportunity to ensure that jobs are protected and the economic impact is not worsened.

The Executive have provided effective short-term measures to support businesses. However, long-term strategic plans must now be put into effect. We need to get on with the investment in our city deals. This will give a strong positive signal to businesses that there is a long-term plan to support and rebuild the affected sectors in the coming months. We must get on, too, with delivering on infrastructure investment to stimulate connectivity in Northern Ireland through digital, education and transport projects. We need to get on with promoting Northern Ireland as a great place to live and work in and to travel to.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close.

**Mr Middleton:** This investment is now more important than ever. I support the motion and the amendment.

**Mr McHugh:** I, too, welcome the opportunity to speak on this motion. Since the inception of COVID and its like, we have all become familiar with a new vocabulary in many respects, and we are starting to come to terms with the meaning as well. When we talked about suppressing the curve and furloughing and so on, many people did not really understand what the concepts were. This is not to say for one minute that it is completely and absolutely new. Furloughing is an instrument that has been tried and tested for over 100 years. Just as we talked about suppressing the curve in order for the health system to be in a position to cope with what we knew was coming down the line in the amount of people who would require hospitalisation, it is also the case with furloughing. In fact, if anything, it is there initially to help the system to cope with unemployment. We have, in a sense, suppressed that to date. Now, with the suggestion that, in October, it is going to be removed, we can expect that same surge in unemployment within this economy.

In itself, our economy has much fewer businesses per head of the population than Scotland, Wales or England. All the more reason why we should be there ensuring that we protect those jobs in every respect — and not just the jobs per se, but the skills. The skills that have been acquired over a long period of time in the whole area of manufacturing and the like. Mid Ulster, an area very near to my own constituency, is now, if anything, the manufacturing base here in the North of Ireland. We do not want to see those skills lost, and that

is what furloughing provides for. It ensures that you still hold onto and secure those skills.

As I said, this is a system that was tested and tried a long time ago, initially in Germany in the 1920s, a time of hyperinflation, and more lately, in 2008, at the time of the world recession. Once again, the Germans were the people who came to the fore and provided the world with a system that ensured that they could at least absorb gently, if anything, the more negative aspects of that recession at that time. It is not by accident that they are the same people who now wish to extend their scheme by another two years, because they know exactly the impact that that sudden rise in unemployment will have on their economy.

### 5.15 pm

Let us not forget one other element of this when we talk about workers who have not been laid off but have been furloughed and are receiving the greater part of their income. They are the same people who, if anything, sustain and maintain our domestic economy. It is in that other area of the demand for goods and services domestically that they still have the resources in order to be able to sustain and maintain that.

When we look at the furlough scheme as an instrument that can influence many elements of our economy and our industries, that is all the more reason to ensure that we give total and absolute support to the Executive, the Economy Minister and the Finance Minister in making their appeals to the British authorities to continue to support the furlough scheme and extend it well beyond the month of October and, if anything, for the next two years.

Another critical and essential point, which has been mentioned by a number of Members, is that there are people who are only now coming to the point where they will require the same type of support but have been excluded by a time frame. That, in itself, is despicable but it is all the more reason why the situation has to be looked at very carefully in order to ensure that we get the best possible results for all of our people and for all elements of industry.

**Mr Stalford:** Thank you and welcome back, Mr Deputy Speaker. It is good to see you back in your place, not least because it eases the burden on Roy Beggs and me and we now get to participate in some of these debates.

I am happy to support the motion and the amendment. I do not wish to be cruel to the

Member who spoke previously, but I am not entirely certain that late 1920s Germany is really an economic model that we want to be following. The Member will know that that model was funded through a series of complicated loans which were, then, called in and — well, read the history books and see how that ended up.

I want to make just a few comments about a couple of key sectors of the economy, the first of which is in relation to aerospace. My colleague from Foyle, Mr Middleton, mentioned the aerospace sector, which employs 10,000 people in Northern Ireland. The contribution that the aerospace industry makes to our economy runs into the hundreds of millions, if not billions, of pounds. Yet, it is one of the sectors that, because of the unique circumstances that we have been facing, has been absolutely devastated by COVID-19. There are lots of people in my constituency, in East Belfast, East Antrim and North Down who are employed in the aerospace industry, so it is really important that measures and steps are taken in order to protect them.

Anyone who has engaged in — rightly so, I hope, we all have — trying to support the local tourism and hospitality sectors around Northern Ireland will have seen so many of our towns — places where we would traditionally go, certainly if you are from Belfast, during the summer, such as Portrush or Newcastle — completely deserted. We can all see the impact that COVID has had, particularly since there was an outbreak in Newcastle and County Down. That is why initiatives such as the Eat Out to Help Out scheme — taking on board what the Member for East Antrim Mr Dickson said — were positive and welcome.

The massive scale of the impact that COVID has had is measurable. Two billion pounds of additional expenditure has come from the Treasury to this part of the UK to try to shore up our economy and to ensure that once those vast swathes of the economy that have been put into deep storage are brought out of it again, there will be something left. It is testimony to the benefits of being a part of the United Kingdom that our Government were in a position to provide that subvention. However — and we need to be realistic about this — it is money that our children will be paying back. Future generations, perhaps even their children as well, will be paying it back. Although I sing the praise of the Eat Out to Help Out scheme, I am mindful of the fact that there is no such thing as a free lunch; the borrowing that has taken place in order —

**Mr Catney:** Thanks very much to the Member for giving way. I hope that you agree that the Eat Out to Help Out scheme at least got people used to going back to public houses and restaurants again and gave hope for the future.

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

**Mr Stalford:** Thank you.

I absolutely agree. I underscore and underline that I do not want us to do anything outwith the best scientific medical advice, but, in a sense, we have almost been victims of our own success in terms of putting the frighteners on people and encouraging them to stay in a form of lockdown. If we can encourage people, in a safe and managed way, out of self-imposed lockdown and into businesses such as those that you mentioned, we should do so. That is absolutely right.

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

**Mr Stalford:** Yes — very briefly.

**Mr Buckley:** Does the Member draw a slight contradiction from the Eat Out to Help Out scheme? Although it was a good scheme, some people from the public sector perhaps availed themselves of it but argued that they could not go out in public and return to their workplace.

**Mr Stalford:** It is important that we try to take as broad a view as possible. I am certainly not going to criticise people if they have legitimate fears and concerns. Our job, as a Government, is to demonstrate the progress that has been made in addressing those concerns and make people feel that it is safe to go out, spend money and help to generate economic recovery.

Unfortunately, the person who proposed the motion, Ms Mallon, is not here. She said in her introductory remarks that we should follow the lead and example given by Nicola Sturgeon, the First Minister of Scotland, who proved her economic prowess in 2014 by telling us all that a barrel of oil would be \$110 today. When I checked on 'Business Insider', it was \$41.98. I do not think that we will take be taking our economic predictions or hypotheses from the SNP-led Administration in Scotland.

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to bring his remarks to a close.

**Mr Stalford:** I have made the point that I wanted to make. Thank you.

**Mr Catney:** This is an incredibly important motion. Although more and more of our businesses are able to come back in some way or form, there are still many out there that are not allowed to open. Obviously, I declare an interest as a former publican. Pubs are an integral part of our hospitality trade and sector. Across the world, the Ulster/Irish pub is famous. They are part of our history. Relationships have sparked, revolutions have been plotted and all the world's ills have been put right in our pubs. They closed in line with Government guidance, and they remain closed.

Some have been with us for hundreds of years. My friend Brian has a bar in Holywood called the Maypole. It has been a licensed business since 1857. I know the owner, Brian, well. He is a hard-working and hands-on publican whose family have provided a centre point for the community for decades. I also speak of another little bar called Laverys on Chapel Hill. One hundred years ago two weeks ago, it was burned in the infamous burnings in Lisburn over the shooting of Swanzy, who murdered the Lord Mayor, who was then one of three lord mayors in Ireland, in County Cork, Tomás MacCurtain. There is a history attached to those businesses. That is my reason for talking about them here today. Places like that could be gone forever without support.

All of those businesses are happy to comply with public-health guidance, but you cannot escape from the hypocrisy of some of the guidance, with pubs being blamed for outbreaks when a third of them cannot even open. Even pubs that can open and are doing everything that they can to stick to the guidelines have had to live in fear of visits from the large number of PSNI officers with the power to shut them down for the smallest infractions. Instead of making pubs seem as though they are the troublemakers, with visits from the Chief Constable and teams of officers, we need to stop ignoring them, listen to them and work with them.

Pubs that have remained closed have lost business to the pub down the street. I know of pubs that are traditional wet bars, which, by selling a bowl of soup, have been able to open. That is very unfair to public houses that are following the law, because, once that business goes, believe me, we are creatures of habit, and it is very difficult to get that revenue back into your public house.



**Miss Woods:** I thank the Member for giving way. Does he agree that social and sports clubs that cannot open under the regulations also require additional support, otherwise they might never reopen, and we would lose vital community hubs in our towns and villages?

**Mr Deputy Speaker (Mr McGlone):** The Member has an additional minute.

**Mr Catney:** Absolutely. The Member is 100% right on that. Sporting clubs, whether rugby, GAA, handball, soccer or whatever, are the backbone of local communities, and the clubhouse is a source of revenue, so I agree with you on that.

Pubs that remain closed have lost their business, as I said, and that will not come back, so it is a double hit. Closed bars make no money but it still costs a lot to try to maintain them. We need to find a safe way for small, family businesses to open and give them the financial support that they have lacked throughout the pandemic. Many owners still live above those pubs, and although this might sound strange to you, the public house is, in a way, an extension of their living room. They are very responsible people, settled strongly in the community and often the pubs have been passed down from generation to generation.

It cannot be just my office that has been overwhelmed by the number of calls and emails coming in from people who could, potentially, lose their job. They come from across our society. They are our shopkeepers, our tradespeople and members of all our families. To just end the support for the furlough scheme in October is just not acceptable. I do not deny that it took a big step to propose the furlough scheme. Surely the steps that are needed to continue it are much smaller and not beyond the possibility of political thought and ability.

Of course, I must also mention all those who have not been able to avail themselves of any of the support mechanisms that have been put in place because of COVID. For months now, I have been asking questions of Ministers, who have assured me that there will be more support coming, but we still have 10,000 small businesses and sole traders who have received nothing. The support mechanisms were blunt tools. They had to be set up quickly to help people as quickly as possible, but, now that we have had time to reflect, to look at the impact of the schemes and to figure out what has been missed, we need to look at the underspend in the schemes and budgets. We cannot go through another Budget process without putting something in place for those who were left

behind. We must use all the pressures that we can to support those working to get through this terrible time. I urge everyone to support the motion and the amendment. On top of that —

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to draw his remarks to a close, please.

**Mr Catney:** Thank you. I was just going to say that. OK, thank you.

**Mr Stewart:** Mr Deputy Speaker, it is good to see you back in the Chair and also my party colleague — sorry, that was presumptuous — my colleague from East Antrim Mr Dixon. It is good to see him back. This is the first time that we have both sat in this Chamber since I was elected, so it is good to see you back, Stewart.

On behalf of the Ulster Unionist Party, I support the motion and the amendment, although I would probably have liked the motion to go further. As has been discussed today, we recognise the importance of the job retention scheme, but it is only one pillar of several that are integral to supporting our local economy. We talked about the grant assistance and an economic recovery strategy, as well as schemes that have not, to date, helped those who have been excluded from support measures. I think it would be so much more important had we been discussing that as well. It is critical that we all agree that the Executive find the money to support businesses here but also are directed to create schemes whereby that money can be spent effectively and efficiently, especially to help those who have missed out to date.

The introduction of the coronavirus furlough scheme by the Chancellor was big and bold and was a huge move at the time.

There is no doubting the unprecedented nature of that, with 80% of wages up to £2,500 a month being paid to employees. It was something more akin to what we would see from a social democratic Scandinavian country than to what we would be used to from a Conservative Government. It has also been an undoubted success. It has kept unemployment down to a very low level. It has directly protected 9.5 million jobs across the UK and up to 300,000 here and been a lifeline to employees who, otherwise, would not have had an income and would be continuing to worry about their future. It has not been cheap — upwards of £40 billion, which, as the Member for South Belfast said, will have to be paid back — and that amount of government intervention

continues to grow by the day, especially with the other schemes. It has been essential to prop up the economy thus far, which makes it so frustrating that the Chancellor plans to end it in October, long before people who are affected by the pandemic are able to get back to work effectively.

### 5.30 pm

Some businesses are returning — we know that — and many who have been furloughed are starting to drift back to work, and that is also vital for the economy, especially, as Mr Middleton said, in getting people back into our town centres and city centres. Getting people back into workplaces safely is so vital for the local economy. Other sectors cannot get back. We have mentioned today the wet pubs, the creative industry, the events sector and so many others who, through no fault of their own, are either banned from reopening or simply cannot. It is essential that a scheme continues to be present to give them the support that they need.

Rishi Sunak, the Chancellor, said that the furlough scheme, when he launched it back in March, would be a bridge through the pandemic. I believe that, by withdrawing the furlough scheme prematurely, he risks building a bridge that does not reach the other side. It is integral that he finishes the job. Even to next June, the spend — potentially £10 billion — would be significantly less than what has been spent so far. The cost of not doing it could be even more. The impact on our economy — in Northern Ireland, potentially, upwards of 100,000 jobs could be lost and maybe upwards of 1 million across the UK — would be disastrous. We have heard today that Germany, Belgium, Australia, France and significant other countries have already pledged to extend their schemes, albeit in different guises. That would, probably, be what is integral. We know that businesses want flexibility, and those of us who speak to them want to know if they can get people back into work for a period of time or part-time or that, if they get people back and things get difficult again, they will be able to slot back in. That is integral as well.

Hopefully, we can all send a joint and strong message to the Chancellor and to Boris Johnson. He is getting that from all sides and his own Back-Benchers. Over the weekend, Julian Knight, the Conservative chair of the Digital, Culture, Media and Sport Select Committee said that there was growing momentum for that from all industries, especially those that simply cannot get back or seek to exist under social distancing. He said

that the British Government would look ridiculous and set the economy back a generation if our world-leading creative sectors went belly-up for the sake of a few billion. I know that we are talking about billions here and billions there, but, given the gravity of the scheme and the fact that the British Government are spending money at a rate not seen since wartime efforts, for the sake of a few more billion, it would be almost ridiculous if we did not support those. The protection of key skills should be a strategic priority and will be the building block of getting the economy back up and running post COVID. It is integral that that scheme is there to support those who are unable to get back. Those key skills need to keep existing.

It is important that we recognise how important the scheme is but also that it is only one pillar of so much more and the Executive need to play their role. It is imperative that we see more of the money that was released or returned from the grants and budgets made available for those who have been excluded.

**Mr Muir:** Thank you, Mr Deputy Speaker. It is good to see you in your place, alongside my colleague, Stewart Dickson. We have had many Zoom calls over the months but never actually met in person until today.

The launch of the furlough scheme in March was an unprecedented but much-needed decision by the UK Government. Few would dispute that, had it not been brought in, the situation today would have been infinitely worse. I will for ever remember the moment that furlough was announced on 20 March, after standing in a local business on St Patrick's Day with the staff, owners and me in tears facing the prospect of closure and redundancies. Furlough saved that business and the jobs of the employees, but many others still need furlough to survive. A failure by the UK Government to reverse the decision to end the scheme next month would have catastrophic consequences for working people and their families across Northern Ireland. The Alliance Party supports an extension because the furlough scheme is necessary, given the restrictions on our lives imposed as a result of COVID-19. Most importantly, we must acknowledge that the vast majority of people who are furloughed desperately want to get back to work and are really worried about the grim alternative if the scheme is ended, namely prolonged unemployment without the means to sufficiently support themselves and their families. I know these people. They are friends. They are worried about what will happen in October, and

they are desperately keen to ensure that furlough is extended.

We have a furlough scheme because necessary COVID-19 restrictions have made thousands of jobs temporarily unviable. People did not see this coming. Thankfully, some of those restrictions have been eased, and large numbers have gone back to work, yet important restrictions remain, derailing previously viable jobs. We must continue to support those jobs or risk losing them for ever. While the Executive have been able to loosen restrictions, we are well aware that some of those may need to be reimposed, as, indeed, some already have been. Local lockdowns, as we have heard today, are also a real possibility. For businesses that have run out of any reserves following six of the toughest months on record the furlough scheme remains vital to ensuring that they can afford to keep hold of their staff. The requirement for an individual establishment such as a restaurant to close for weeks at a time because of a case or cluster of COVID-19 could be fatal to the business if the furlough scheme is not there to support staff costs. I was speaking to a local businessman a fortnight ago whose business had emerged from the lockdown with his reserves eliminated and £26,000 of debt, but he is determined to make a go of it. Forcing his and other businesses to close once again without any assistance, such as the ability to furlough and freeze, would, I fear, be the last straw and result in closure of that business.

If we are to end the furlough scheme, we will be asking furloughed workers to either find new jobs or rely on support from existing and very limited safety nets. We cannot expect those furloughed in Northern Ireland to find new jobs that simply do not exist. The furlough scheme is expensive — estimated at over £35 billion at the end of August — but we have seen other similarly placed countries such as Germany, Ireland and others mentioned here today recently extend their furlough schemes well into 2021. If those countries can stand by their workers for the duration of the pandemic, there is no reason why the UK Government cannot do the same. Furthermore, there is strong evidence that ending the furloughing scheme in October would cost more money in the long term than keeping it open. Analysis from the National Institute of Economic and Social Research has shown how, through curtailing unemployment benefit claims this year and several years into the future, continuing the furlough scheme into the middle of 2021 is the least expensive option.

As other Members have outlined, Northern Ireland has its own economic powers. A lot of money that has been allocated through the Barnett consequential still sits unallocated. It is essential that it is allocated, and, frankly, it would be unforgivable if Departments were surrendering money at the end of the financial year without rolling out support packages as soon as possible.

We still need the furlough scheme, and closing it in October, as planned, would be a big mistake. Furlough is not a luxury but an unprecedented scheme for unprecedented times. It is absolutely necessary to support a large number of workers in Northern Ireland. I support the motion and the amendment.

**Miss Woods:** I would like to say, "Hello" to Mr Dickson, whom I have not yet met.

I welcome the motion and the amendment. Extending the furlough scheme would, of course, go some way to provide a safety net for many workers who have been affected by the pandemic. It is inconceivable to expect businesses that have been unable to reopen or those who are not able to open fully to survive without any further support when they have had little, if any, income since March. Grants only cover so much, and loans just kick the financial problems down the line. Many trade unions have rightly been calling for the extension of the furlough scheme for months to protect jobs, livelihoods and families across Northern Ireland. It is a no-brainer. We know that the magic money tree can be shaken when it suits, but it is not a long-term solution; what we need is imagination. We need to think differently, and we need a bespoke economic plan for the people whom we represent.

The motion's call to action is clear and something that I support, but what difference will it really make in light of the British Government already refusing to extend the scheme? The key question for the Assembly is this: what are the Executive's plans to create new employment opportunities for the estimated 100,000 people who will be unemployed by the end of the year? What about those not included in that figure who are already struggling, those who have had their hours cut and are in precarious and unstable working conditions, those relying already on our social security system, those who are having to give up work or are unable to return because of childcare decisions, those who are self-employed and those who did not qualify for the grants and assistance offered by Westminster or by the Executive here? They have been left

behind and excluded, and extending the furlough scheme does nothing to help them.

Let us take, for example, a constituent of mine who has been left behind. I am glad that she has given permission for me to mention her today. Mrs Judith Cree set up her own business in Holywood in April 2018 but did not meet the criteria for the schemes set up by Westminster or any implemented by the Executive here. Alongside others, including Excluded NI, she has lobbied for assistance in line with Scotland from the Department for the Economy and the Executive, and they have been turned down repeatedly. She has also lobbied for the scope of the criteria to be changed but has been turned down on that too. She was informed that she was not able to avail herself of as much support as others and that it was impossible to provide funding for every scenario that has presented itself during the pandemic by the Minister.

Why are the Executive not listening and acting to help those who need it? What are the plans to protect jobs under threat? Where are the plans to create new jobs? How are the Executive using available funds and investment to drive forward economic recovery? Where is the imagination? What about the underspend? There are new ideas and new ways of dealing with economic recession and increased unemployment here. We do not need to look too far for opportunities presenting themselves. Issues that, we know, we need to deal with will necessitate job creation: for example, dealing with fuel poverty and the poor condition of housing here. The mass retrofitting of houses that is required is a perfect example of what the Executive should be doing and investing their energy in, not focusing on business as usual. We need green jobs and a green stimulus package from the Executive. We need a just transition to protect workers and create jobs, and that will require investment in people, education and apprenticeships. We need widespread and far-reaching structural change, including cooperatives and community-based models of business, to implement a fair and just transition to a low-carbon economy backed by green investment.

The Assembly has already backed a green new deal, and it was agreed with New Decade, New Approach. Where are the green jobs? Where is our economic plan and a just transition within it? Whilst we welcome the call to extend the furlough scheme, it is time for the Executive to pull the finger out, present the Assembly with a comprehensive economic plan and deliver green jobs for the future.

**Mr Allister:** It would be hard to dispute some of the recitals in the motion — recognising the significant impact that the COVID-19 crisis has had on the public and noting the projections that more than 100,000 people could be unemployed by the end of the year — but there is something churlish about it. There is no acknowledgement of the very substantial assistance that has kept our economy afloat. Of course, as taxpayers, we are entitled to benefit from our membership of the UK — that, of course, is the big advantage of being in the UK — but I do not think that it would have really done those who tabled the motion any harm to acknowledge the sheer scale of assistance that has been provided. I have always thought that one of the self-inflicted dangers for devolution — not just here but elsewhere — is the risk of it simply becoming a grievance machine. You cannot blame Westminster for everything. My goodness, in respect of expenditure here, the Executive have not been able to spend, to date, all the money that they have received in respect of COVID from Westminster. Mr Dickson rightly told us — I am sure that each one of us could add to it — about the small traders who have fallen through the net with no help. We have a haulage sector with next to no help, yet money in the coffers not provided.

Before we take the mote out of the eye of Westminster, maybe we should have a look at the Executive.

**5.45 pm**

There are some, of course, whose *raison d'être* is to blame the Brits.

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

**Mr Allister:** In a moment. We had Mr O'Dowd's infamous shire of bs comment; we had the illiteracy of our Finance Minister saying that the lockdown could be blamed on austerity. There comes a time when the Assembly has to grow up and recognise its responsibilities in the here and now — responsibilities that are here, not elsewhere.

**Mr Catney:** I thank the Member for giving way. I do not deny that huge effort and a huge amount of money went towards the furlough scheme, but this would be a smaller step to try to retain it, and not be beyond our political thought and wishes to try to maintain our economy, battered and bruised as it is.

**Mr Allister:** I am not saying that the furlough scheme should not be extended, but it cannot be extended forever. Sadly, there are

businesses that will never reopen. At some point, realities have to be faced. You cannot keep putting your hand into the pocket of the Treasury if there is no realistic prospect of that spend turning good. As hard as it is for politicians in a devolved arrangement to face such realities, there comes a point when those realities will have to be faced, because, as Mr Stafford said, some day, someone — possibly down to our grandchildren — is going to have to pay for this. Do we want to create such a mountain of debt on future generations for the ease of being able to say, "We found money off the money tree in 2020"? There comes a point when reality has to settle in. Yes, without the furlough scheme, we would be in a very dire situation, but you cannot realistically expect that things will go on indefinitely. It comes to personal and collective community responsibility, and I am sure that, as we go forward, there will be other needs to be met in different ways, perhaps.

**Miss Woods:** I thank the Member for giving way. Although I appreciate what the Member is saying, does he agree that, given that we bailed out the banks in 2008, we can do a wee bit more and bail out our people?

**Mr Allister:** I am not going to defend the bailout of the banks. They were treated with considerable generosity.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close.

**Mr Allister:** So, too, has the community been, in general. Two wrongs do not ever make a right. I am making the point that, at some point, people have to get real about the economic future.

**Mr Deputy Speaker (Mr McGlone):** Agus anois iarraimse ar Gerry Carroll ach, sula mbogaimse chuig an phointe sin, caithfidh mé rud éigin a dhéanamh anseo. Before I move to Gerry Carroll, I inform the House that as the Order Paper is not expected to be disposed of by 6.00 pm, in accordance with Standing Order 10(3), I will allow business to continue until 7.00 pm or until the business is completed.

**Mr Carroll:** The COVID crisis has vividly illustrated across the world that workers not only make society function, they — not the billionaires, stockbrokers, bankers or venture capitalists — create the wealth in society. It is worth observing that fundamental reality because, for too long, political representatives in the Chamber and in the Westminster Parliament across the water have propagated

policies that attack working-class people. For too long, our economic system has existed based on exploiting the labour power of workers, and concentrating wealth in the hands of the few.

Our hospitality and retail workers, cleaners, porters, office and construction workers, public-sector and health workers and everyone else create the wealth and prosperity in our society. To paraphrase the radical thinker Karl Marx, even a child knows that a society that stops working is a society that struggles to survive.

The cost of this crisis is now being unfairly forced onto working people. Whilst people in the hospitality sector lost their jobs, the wealthy continued to do well during this crisis. People such as Richard Branson, a billionaire, who sits on his private island championing his own bailout, whilst aviation workers are unsure about how long their jobs may exist. Then there are the Debenhams workers who were laid off, undermined and disrespected whilst the company remains profitable and wealthy.

Not to mention, of course, the completely disproportionate experience between those who have worked extremely hard, putting themselves at risk at meat plants and other food production outlets, and the likes of Larry Goodman and others, the beef barons, who have been left untouched by this crisis. Bosses who have private wealth of hundreds of millions of pounds and assets totalling hundreds of billions sit on fortunes while food production workers have been placed at risk throughout this whole crisis, underpaid and disrespected, and too many, tragically, have paid with their life.

COVID-19 remains a dangerous reality in our communities — we heard about that today — in workplaces and schools. We have witnessed a rapid increase in cases in the past few weeks, and, tragically, deaths. Any idea that we have bypassed the pandemic or come through it is not only inaccurate but dangerous thinking. The Executive should bear that in mind, especially as they move to lift more restrictions.

The furlough scheme should absolutely be extended. As we heard, if the German Government can extend a furlough until the end of 2021, and the French Government until 2022, why can workers here not have similar protection? It is likely that there will be no vaccine until next year at the earliest. Workers firmly need security and protection, and must not be forced to choose between risking their health or risking their jobs — and, by extension, their futures.

The furlough scheme was not implemented out of the goodness of the Tories' hearts. I believe that the Tories do not have good hearts. They implemented the scheme because they knew that they needed the state to step in, in order for the system to survive, otherwise they risked great instability. Short-term protection for some workers for the long-term protection of profits was the real reason for their actions.

In any debate about the economy in this Chamber, we always have pleas against whipping the begging bowl to London. We have to reject that caricature of reality. It is not London's money; it is taxpayers' money created by the labour of workers here, and we need more of it, not less. The reality, as Oxfam said in 2014, is that £4 billion worth of cuts have been delivered in the North, and that figure is likely to be higher now. That is the highest since World War II. There is a fundamental, historical problem of underinvestment by British Governments in public spend and public services here but also in working-class communities in Wales, England and Scotland.

Always when there is a discussion about lack of funding, the need for investment and the need to protect people, I am struck by how we often refer to what I would call unfair and outdated proposals, normally water charges, prescription charges and higher fees. We need to have a different focus, which is the need to maintain public services and make those who have more wealth pay for them and not put extra burdens on the working-class and poor communities. We need to see a corporate wealth tax to ensure that those with the most —

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to draw his remarks to a close, please.

**Mr Carroll:** — are forced to pay. There is plenty of money in Britain and Ireland to make that happen.

**Mr Deputy Speaker (Mr McGlone):** Agus anois iarraimse ar John O'Dowd críoch a chur ar an leasú. Tá cúig nóiméad agat. I call John O'Dowd to wind on the amendment. You have five minutes.

**Mr O'Dowd:** Go raibh maith agat, a Leas-Cheann Comhairle, agus tá fáilte romhat ar ais. Also to Mr Dickson, who is back among us.

It has been an interesting debate. I think that we have managed to unite the House in its call for the furlough scheme to be continued. We

have socialists, Tories, liberals, right-wingers and left-wingers all coming together to support this economic proposal, and it comes about because we are facing — this is an overused phrase, but it is true — unprecedented times. At the start of the pandemic, during an Economy Committee debate, I said to officials that we needed to rip up the economic rule book, and, largely, that is what has happened over the last six months.

The reasons why the Tories introduced a furlough scheme were to secure jobs and to try to stabilise the economy. However, it was also to allow that fundamental market principle — consumption — to continue. It was so that consumers would go out and spend. I suspect that none of the money given to those who benefited from the scheme has been hoarded away in savings accounts or under the mattress. It has been used to consume, which keeps the market ticking over.

Who benefits most from that is arguable. Certainly, the families saved by the furlough scheme very much welcomed it. I think that they will be concerned by Mr Allister's comment that two wrongs do not make a right, when comparing the furlough scheme with bailing out the banks. They are not comparable. They are not comparable at all. One was right; the other was wrong. I am sure that the families saved by the scheme have been very welcoming of it and will want it to continue.

I am concerned when I hear people say that it will not continue, and I have seen in the media that Boris Johnson has made that decision. Boris Johnson never made a decision in his life. Boris Johnson takes a decision on the basis of whatever suits at a particular moment in time. Surely, we have all learnt that from experience. It is only right and proper that the Assembly debate this — the Welsh Parliament and the Scottish Parliament have also debated it — and that we call on the British Government to continue the furlough scheme. It is not because I blame the Brits for everything — I blame them for a lot of things, but I do not blame them for everything. The COVID pandemic is not the fault of any one nation. Certainly, I have concerns about how certain Governments managed the healthcare etc, and Mr Allister referred to them.

There had to be an imaginative response to the pandemic, and there has been an imaginative response. It would be foolhardy, even from a Tory point of view, to end the furlough scheme now, because the support that it gives to the economy would be lost. Some Members referred to what the cost of unemployment

benefit and the cost of lost opportunities, lost skill sets and lost industries would be. That cost to the economy would be totally detrimental and have a major impact for generations to come. Mr Stalford referred to our children paying for this in the future, as did other Members. Yes, they may well do, if an economic strategy is put in place that workers pay for this, but why should workers pay for it? It has been a cost to the economy, to the Treasury, but the money that ended up in the Treasury came about as a result of workers. They created the wealth. They paid the taxes that went to the Treasury. They now have some of that payment back. We should not accept the idea that our children's children will pay for this. The way in which the economy operates is that the books have to balance. Somebody will pay for it, but let us introduce a fair and equitable taxation system. I do not wish to pick on Mr Allister, although he and I have a habit of doing that to each other, but he referred to politics here having to mature. Here is a challenge for us all. Let us establish a commission on fiscal powers for the Assembly. Let the Assembly start talking about and making decisions on tax-varying powers and raising taxation. It is not necessarily about raising a set piece of taxation, but tax has to be paid. Tax has to be paid to pay for public services. The question that we have to debate and answer is this: who pays the tax? That would be a sign of the maturity of this establishment and of the Executive.

**Mr Deputy Speaker (Mr McGlone):** I advise the Member to draw his remarks to a close.

**Mr O'Dowd:** In conclusion, I call on Members to support the amendment and the motion. The maturity of the Assembly will be based on what we do next on fiscal powers.

**Mr Deputy Speaker (Mr McGlone):** Go raibh maith agat, agus anois iarraimse ar Matthew O'Toole conclúid a chur leis an díospóireacht ar an mholadh. I call Matthew O'Toole to conclude the debate and wind on the motion.

**Mr O'Toole:** Mr Deputy Speaker, it is good to see you back in the Chair. I think that it is the first time since we have reassembled that you have been in the Chair when I have spoken.

## 6.00 pm

I am pleased to make the winding-up speech on the SDLP motion and support the amendment that was tabled by Sinn Féin. The debate has been very useful. We are often divided in the Assembly, but there is broad support for the principle of extending the furlough scheme to

protect Northern Ireland workers, businesses and families. I will make some general remarks, but I will also try to reflect on the debate more broadly, which, as I said, has been useful and broad. There were a few interesting comments that I will pick up on, some of which I do not agree with and possibly some of the same ones that Mr O'Dowd picked up on, but possibly not for the same reasons.

To start, I welcome Mr O'Dowd's commitment to and interest in new fiscal powers for this place and in establishing a fiscal council and/or commission. I look forward to working with him and his colleague the Finance Minister on that. It will be good if we can get credible proposals.

This has been the most challenging and frightening summer in memory for many workers, in a public health sense and economically. Mr Deputy Speaker, in just over an hour, some of my and your staff will be participating in online training on the provision of universal credit. The reason that that is essential is that we know that, in the months to come, whatever happens with the furlough scheme, we will see a significant increase in people coming to our constituency offices who will have to be supplied with universal credit. That is a very difficult reality that we will have to face, but it does not have to be as bad in the short term as it might be. That is what the motion and debate are about.

As we heard, over 330,000 people in Northern Ireland are either receiving support through the furlough scheme or the self-employed support scheme. About a quarter of a million of those have been on furlough. Just under one in eight UK workers are still on furlough, with the majority having their wages topped up by an employer. The total withdrawal of the furlough scheme in October — the taper has already begun — will be a drastic cliff edge for workers, their families and, indeed, their employers.

As mentioned by several contributors to the debate, it is highly possible that a large volume of microbusinesses in Northern Ireland will not reopen their doors. Once the furlough scheme ends, they will have no revenue to pay their staff's wages. Those staff may have been with them for a long time, but there will be no plausible way for them to continue to pay them. My colleague Pat Catney raised the particular cause of small pubs in Northern Ireland in a very heartfelt and passionate way. Several others, including, I think, Andrew Muir and Christopher Stalford, talked about the stresses that the hospitality sector faces.

All Assembly colleagues — it is universal across the House — are concerned about the volume of correspondence that we are receiving from constituents who are fearful for their jobs and, frankly, are worried about their families' futures. More than 40% of companies have said that they have already cut jobs and a further third have said that they are likely to make workers redundant in the next six months.

This month, BDO, the auditors and accountants, found that more than half of medium-sized businesses in Northern Ireland were planning to cut jobs once the furlough scheme ends. In the accommodation and food services sector, more than four fifths of workers in Northern Ireland have been relying on the furlough to keep their jobs. Northern Ireland's 81% take-up for that sector is the highest in the UK and, again, Pat Catney talked very clearly and resolutely about that sector. Other Members talked about the sector, too.

Caoimhe Archibald specifically talked about the need to increase flexibility. The amendment that was tabled by Sinn Féin refers to greater flexibility around entry requirements in addition to an extension of the furlough scheme, and we welcome and support that.

In manufacturing, a higher proportion of workers in Northern Ireland are benefiting from the furlough scheme than those in England, Scotland or Wales. Several Members referred to aviation manufacturing and Christopher Stalford drew particular attention to the impact on that sector, particularly in constituencies such as East Belfast and, indeed, East Antrim, which is John Stewart and Stewart Dickson's constituency.

Last week, Mike Brennan, the Permanent Secretary at the Department for the Economy, warned that the full impact of the crisis has not yet begun. A conservative estimate is for 100,000 unemployment claimants in Northern Ireland before the end of the year. That is an extraordinary number. We are a small, tiny jurisdiction of less than 2 million people. We are also a small community. The impact of 100,000 job losses will be extreme for families and communities across Northern Ireland. For those who say that this is not mature politics for the Assembly to use its voice — and let us not forget that for three years we did not have a voice — with respect, Mr Allister, for those to say that it is not mature for us to call for an extension to the furlough scheme —. Yes, I am happy to give way.

**Mr Allister:** In fact I said no such thing. I said that I supported the extension of the scheme

but that we had to recognise, and this is where the maturity comes in, that you cannot go on forever pouring money into the scheme. There have to be other ways to create and to keep employment, because if there are companies which are never coming back you cannot keep pouring money into them. It is pretty simple.

**Mr O'Toole:** With respect to the honourable Member and to take the point more broadly, he said that we have to face reality sooner or later. He made a broader point that we needed to be slightly more supplicant in our gratitude to HM Treasury. I used to work in HM Treasury and I am under no illusions about the nature of that Department and the work that its officials have done and the necessity of this scheme. Nor do I "blame the Brits for everything", to use a phrase that people have used. I used to work in that Department. It is not the case that we are in a situation where we are in normal social or economic times. The whole point is that our economy cannot operate at full capacity for the foreseeable future. We all hope that it will be sooner rather than later. It would be great that if by the end of this year, our pubs, hospitality and retail sector were able to have a normal Christmas, but I am afraid that that is unlikely. The point is that the extenuating circumstances that prompted the Treasury to make this intervention in March have not yet ended.

Therefore, it is completely correct to extend the furlough scheme. As John Stewart was saying, it is not just people in the devolved Assemblies and it is not just left-wingers calling for an extension to the furlough scheme. He mentioned Julian Knight, a Conservative Back-Bencher, who is calling for an extension of the furlough scheme. With respect, Mr Allister, we are not just talking about who you might see as the usual suspects.

We could face a claimant count of 100,000 by the end of this year. The gravity of that number is enormous. I have spoken about communities in Northern Ireland, but that number is nearly double what we faced in 2012-13. As we have heard, governments across Europe are working to implement variants and extensions to their own support schemes. Germany, France and Spain have already indicated that they are going to extend those schemes. My colleague, Nichola Mallon, spoke about that and I think others have too. I know that there are some in this Chamber who are not particularly keen in looking to Europe as an example, but I am afraid in this instance that it is important that we do.

It is important that we echo the appeals of political leaders in Scotland and Wales to the



British Government to not leave UK workers. Christopher Stalford, my constituency colleague, has left the Chamber. He was keen to have a little pop at Nicola Sturgeon and that is entirely his right. I would say to my South Belfast colleague, as someone who was an enthusiastic supporter of the Vote Leave campaign, that if we are talking about political leaders who have made false and disproven promises, then I am afraid that the Vote Leave campaign will beat every political campaign in history, not just on these islands but probably anywhere in the world.

If we abandon entire sectors and hundreds and thousands of workers in a few weeks' time, we will regret it. It will not just be us that will regret it — our economy and our communities will suffer. The instinct of the British Government might be to move to austerity to counterbalance the wage subsidy schemes that have kept people in work. We know from the last decade that that does not work.

I am running out of time, so I will not talk in great detail about why it is wrong to think of a state's public debt liability as the same as a household balance sheet, but I will leave it as this: it just is not; they are completely different things.

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

**Mr O'Toole:** It is clear from Boris Johnson's recent actions on Brexit that he is entirely reckless about the future of people in Northern Ireland. But, it is important that we, in the Assembly, send a clear message today that we want to support workers, families and businesses and that we want to extend the furlough scheme. I am grateful for the support and commend the motion to the House.

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

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

*Resolved:*

*That this Assembly recognises the significant impact that the COVID-19 crisis has had on the public; notes that Department for the Economy projections show more than 100,000 people could be unemployed by the end of 2020; acknowledges that COVID-19 has continued to spread and may result in further restrictions on workers and businesses; expresses deep concern at the political decision to end the furlough scheme in October; and calls on the*

*British Government to extend the furlough scheme to provide future support to businesses and workers, and to amend the scheme deadlines to allow for new entries to the scheme, including where businesses are forced to close as a result of clusters or further lockdowns.*

*Adjourned at 6.10 pm.*

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