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Weir, Peter (Strangford)
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Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Monday 8 February 2021

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

Members observed two minutes' silence.

Assembly Business

Mr Stalford: On a point of order, Mr Speaker. Standing Order 19 relates to questions. Section 5 of said Standing Order states:

"A question must be answered as clearly and as fully as possible."

As things stand, I would be happy with a question simply being answered. I have tabled several questions to the Minister of Health relating to the public health emergency that we are in, and I am still waiting for answers to them. Will you use your good office to impress upon not only the Health Minister but all Ministers the need to answer questions that Members have tabled promptly and without delay?

Mr Speaker: Thank you, Mr Stalford, for that point of order. I will make the brief point that the Member will be aware that I have engaged routinely with the Executive and Ministers on issues such as the one that he raised. However, we should also bear in mind that we are in a context where the Business Committee has tried to get restrictions on what may often be called non-essential business, and a voluntary arrangement on the number of questions to be submitted, particularly priority questions for written answer, has been sought. The Department to which you referred is not the only one that Members have raised the issue with. I continue to engage with the Executive and Ministers on that matter.

Before we move on to today's Order Paper, I want to return to some of last week's business. Since the Assembly returned in January 2020, it is fair to say that the standard of debate has generally been very good, but there were a few occasions last week when debates were not as constructive, to say the least, as they might have been. Consequently, I have written to a number of Members, and I do not intend to dwell on individual contributions now. However, I want to make some general points for the avoidance of doubt.

I have no doubt that there will always be issues that Members will feel strongly about. I have no problem whatsoever allowing those views to be expressed through robust debate. I often engaged in that myself. That can be done within our normal standards of good temper, moderation and respect, and the public expect no less from all of us in that regard. I also understand that it is possible to get carried away in the heat of debate, but I have some concerns about the nature and tone by which some Members have addressed each other in recent times.

I ask Members on every side of the House to reflect on that. There have been recent experiences across the Chamber of threats being received and constituency offices being vandalised. There is a duty on every one of us to exercise care in how we express our differences with other Members. I also point out to Members that one ill-tempered contribution risks creating a downward spiral for the rest of the debate, and we have seen that happen too often.

Secondly, a slight trend has developed during recent debates, particularly on legislation, of Members having, let me say, difficulty focusing on the detail of the business before them. The Deputy Speakers and I have had to intervene on a number of occasions to draw Members back to the subject of a debate. That problem was also raised with me last week by the Business Committee, which asked me to look at it and to refer it to other Members.

As Members, we have been given a privilege to decide legislation, and the scrutiny role of the Assembly is one that we should take very seriously. The length of a contribution or a debate does not guarantee the quality of it, and, as we say slightly tongue-in-cheek, I remind you that Standing Order 17(7) allows the Speaker to direct a Member to "discontinue his or her speech" if they:

"persist in irrelevance or tedious repetition".

I make that point in the context that, in the remainder of this mandate, I anticipate a significant amount of legislation coming forward from the Executive and from Members. I have no desire to curtail rigorous scrutiny, but Assembly time is likely to be under significant pressure, and every one of us will have a role to play in ensuring that our time in debating legislation is used well. I know that I speak for the Deputy Speakers when I say that we would much prefer that Members kept themselves constrained within the proper standards of debate, rather than our having to intervene from the Chair. I hope that Members will take heed of those points this morning. As I said earlier, the public expect no less from each and every one of us. Thank you.

Matter of the Day

PSNI Intrusion into Wreath-laying Ceremony by Family Members

Mr Speaker: Members will be aware of reports about an arrest having been made in relation to the subject of this Matter of the Day, which I will announce in a moment. Before we begin, I therefore advise Members of the need to take care in their contributions. The sub judice rules apply to active criminal proceedings in which there has been an arrest. Such proceedings cease to be active only if the person arrested is released otherwise than on bail without having been charged. I remind Members not to refer to criminal matters that are active within the meaning of the sub judice rules.

Mr Gerry Kelly has been given leave to make a statement, which fulfils the criteria set out in Standing Order 24, on PSNI intrusion into a wreath-laying ceremony. If other Members wish to be called, they should do so by continuing to rise in their place. All Members shall 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 is finished.

Mr G Kelly: I welcome the opportunity to speak on this matter. I think that it is fair to say that everybody in the House has seen the social media footage. I understand that we are dealing with social media, and we cannot make huge decisions on the basis of that. However, we also cannot ignore evidence that we see on it.

For a bit of background, last Friday was the twenty-ninth anniversary of the Sean Graham bookies massacre, which I remember, as I am sure many other Members do. Five people were shot dead, including a pensioner and a 15-year-old boy. The families have been waiting 29 years — I repeat, 29 years — for truth and justice. They had a much smaller commemoration than they would normally have, and, to my knowledge, they were socially distanced during that period, although I was not there. The police intervention was, from the social media footage that I have seen, done in a very aggressive manner. Not only was there an arrest, but there was an arrest of a victim, Mark Sykes, who was quite young at time of the shootings. He was shot seven times and was lucky to survive. So, we are not just talking about the arrest of somebody who happened to be there; we are talking about the arrest of a victim, which added to the distress.

I have to compare that to the east Belfast incident, which was also on social media, in which up to 50 masked UVF gangsters — this is the important part — were, it was known, going into that area to violently intimidate at least one family out of their home. I understand that the anger about that is shared across the community, especially by the Members who represent that area, because I heard that from them at a Policing Board meeting. There was no stopping, no arrests, no questions and no photographs taken. Nothing happened in that situation.

The distress and anger are palpable and widespread when you put those two things together, and confidence in policing has been massively damaged. People demand that the police are impartial, and there is a view that that is not being shown. I have other examples of funerals in Belfast where there have been similar interventions. I have been asked what questions need to be asked so I will ask the questions. What is the policy at the top? Who was in charge? What direction was given, and who is responsible for what we have seen? It has been said that advice was sought.

Mr Speaker: The Member's time is up.

Mr G Kelly: I would like some answers and to ensure that the families do not wait a long time for a report on what happened a few days ago.

Mr K Buchanan: This morning, we all have to remember that the police have a very difficult role in policing the COVID regulations. Questions need to be asked around why the police were on the Ormeau Road on that evening. Was it because there was a gathering of people who were in blatant breach of the COVID regulations? In situations like that, the police have a responsibility to intervene when someone is breaking the regulations. These people were well aware of the regulations. They would have known what the regulations were but were still in blatant breach of them. I understand that the restrictions allow for up to six people at such events. It has been well reported that there were in excess of 40 people at this event.

We have to remember that we are all equal to the law and are all equal subjects under the law. What we witnessed following that event raises a number of grave concerns. We saw the trial of two police officers by social media. That is no way to carry out law and order in Northern Ireland to have police officers being tried under social media. It is no way to operate, and questions have to be answered around why due

process was not followed. We have due process in this country to follow in a situation like this. If I recall correctly, it was the party opposite that called, on numerous occasions, for all these processes to be put in place. Let us follow the due process that is in place rather than having two young officers brought into a situation like this and now being made scapegoats by the Chief Constable.

That is not acceptable, and questions have to be answered. Did the Chief Constable come under pressure, perhaps from the party opposite, to take such swift action against these police officers without due process being followed? That is a concern. We do not know, but we will be following that up with the Chief Constable. Where is the protection for those officers? Where is the protection for police officers who go out to do a job that they have been trained to do and then, when they do it, are brought under scrutiny and subject to trial by social media? It is totally unacceptable and is something that we will follow up with the Chief Constable.

Mr O'Toole: Thank you, Mr Speaker, for granting this Matter of the Day. It is an extremely important subject. Context is everything in policing. This is a difficult society to police, and it is particularly difficult in the midst of COVID regulations, but context is important.

What was the context in which Friday's events took place?

The context was a ceremony to commemorate the massacre of five innocent men: Peter Magee; James Kennedy; Christy Doherty; William McManus; and Jack Duffin. Twenty-nine years ago, they were brutally murdered in Sean Graham bookmakers on the lower Ormeau Road, and, 29 years on, their families have not got justice. One of the survivors, Mark Sykes, a man shot multiple times, was one of those present on Friday. He was not only present but arrested and, thankfully, released a few hours later. That is the context in which we approach our judgement on what happened on Friday afternoon.

10.45 am

Policing in this society, and in the context of COVID, is difficult, but lots of people who saw footage — yes, on social media — will have reflected, carefully and painfully, that the response to Friday's events was disproportionate. The arrest of someone in that situation, when contrasted with other actions

during the week, has not assisted with confidence in policing. As we approach all these things, it is important that we understand and appreciate the context. As others, including my party leader, have said, it has not been a good week for the police. As I said, none of us should minimise the difficulty of policing in this society or in the context of COVID, but we have to be assured that the police understand the sensitivity and context of situations that they are approaching.

I welcome the fact that the Police Ombudsman is reviewing the circumstances around last Friday's event. The families involved will want to understand exactly how decisions were made that led up to Friday's events. I also welcome the fact that there is engagement, via the Policing Board, on the broader issues of context, confidence in policing and consistency around the application of COVID rules, because we all know that there is a broader challenge and questioning of some of the issues around COVID policing, as there was around the Black Lives Matter protests, last summer. Our entire community needs to have confidence in the consistency of policing and to be confident that decisions are made with not just due process but careful consideration of context and nuance. Again, let me stand in reflection and solidarity with the families who, 29 years on —

Mr Speaker: The Member's time is up.

Mr O'Toole: — still do not have justice, and reflect that we need a little more consistency and nuance. I hope to see more of that in the days ahead.

Mr Nesbitt: I declare an interest as a member of the Policing Board. I was a journalist at UTV on the day of the atrocity. UTV is only yards away from Sean Graham bookmakers, so I remember the utter brutality of that atrocity — that massacre. It follows, therefore, that I absolutely uphold and defend the right of survivors and relatives to go to the memorial at Sean Graham bookmakers on the day of an anniversary.

We all wish that neither the atrocity nor the incident on Friday happened. What arises from Friday is a set of questions for three groups of individuals. First, for the officers on the ground, did they follow the police policy of the four Es: engage; explain; encourage; and, only after that, enforce? That, to my mind, is a matter for the ombudsman, and I hope that her office will report speedily and in depth on that question. Secondly, for the Chief Constable and the senior leadership of the Police Service, did they

make sure that every officer on duty that day who was likely to be near Sean Graham bookmakers was aware that the day was the date of an anniversary? In other words, was there a lapse in corporate memory? If so, that is very serious, and it needs to be addressed, because, with regard to the Troubles, there are anniversaries on every day of every year. That is a matter for political parties to engage with the police on and for the Policing Board. Thirdly, there is a question for the organisers. Again, I say that I uphold the right of people to mark the anniversary. A couple of weeks ago, for example, we marked the anniversary of a double murder that is inscribed in stone outside these doors, in the Rotunda: the murder of Sir Norman Stronge and his son and the consequent burning of their home. We marked it by sending the party leader and our justice spokesman to record a video so that everybody did not have to be there and we were totally compliant with the regulations and guidelines regarding the COVID restrictions. There is, therefore, a question for the organisers of the event on Friday: did they also fully comply?

Yesterday, I heard the deputy First Minister tell the BBC that Friday was:

"the latest in a long line of incidents."

That is not helpful, and I wonder whether it is even true. I have sat on the Policing Board for the last number of months, and I have not heard the Sinn Féin representatives make that point or the point that there is a serious gap in confidence in the police in the nationalist community. Let us not use the incident for division and for going backwards. Let us use the incident to learn and to move forward together.

Ms Bradshaw: I thank Mr Kelly for bringing the Matter of the Day to the Chamber. Twenty-nine years ago, the lower Ormeau community was plunged into acute grief and dismay at the truly shocking attack on Sean Graham bookmakers. Five families lost loved ones, and the deep wounds and scars from the atrocity still endure. As such, it is important that we all recognise and respect this anniversary.

What happened last Friday was truly shocking, and I found it very saddening. The respectful service that was attended by the five families should not have been disrupted in such a fashion. It is my understanding that the Chief Constable made the decision to remove the officers from duty following a review of body-worn video footage as opposed to social media posts. It is now imperative that we ensure that the Policing Board holds the PSNI to account

and that the Police Ombudsman carries out her investigation with the utmost expediency. They are the correct channels for scrutiny and accountability.

The events of Friday remind us all of how our past continues to live with and through us. The PSNI has to police the COVID regulations proportionately and consistently. Leadership from the House is required so that communities, such as the lower Ormeau community, which suffered so grievously in the Troubles, can be supported respectfully, and we can get peace and reconciliation firmly back at the centre of our work in the Assembly.

Mr Allister: What happened at Sean Graham's 29 years ago was an utterly unjustified, savage and brutal terrorist attack. There can be no quibble about that. What happened on Friday draws a contrast with how other incidents of mass murder have been marked during this second phase of lockdown. We have had the anniversaries of Kingsmills and Teebane, and those grieving families did not think that they were above the law and not bound by COVID regulations. They observed the six-man rule. If there had been the same observance on the Ormeau Road, we would not need to have this discussion.

As for the Chief Constable, it is beyond deplorable that, in order to pander to certain interests, he has sacrificed one of his own officers and sacrificed due process. If there was a disorderly response to the police presence, that matter requires investigation and, if necessary, prosecution, but that should take proper account of the processes. For a Chief Constable to pre-empt all that, resulting, apparently, with the only person to be punished being a constable, is appalling from a Chief Constable in that position. Therefore, the PSNI, among the wider community, particularly the unionist community, has done itself no favours. Of course, the PSNI started from the low point of this being the Chief Constable who abdicated policing at the Storey funeral. We did not see a single policeman in or about the takeover of west Belfast by Sinn Féin and its superiors at the end of June. To see, now, a Chief Constable grovelling in this fashion is, to me, wholly distasteful. I have to say this to Sinn Féin: Mr Kelly asked a lot of questions; maybe he could have answered some. Who organised the breaches on Friday? He did not tell us. Of course, Sinn Féin is the very party that demanded a new police service. It is the party that helped to create the PSNI. Now, its leader tells us that it has gone back 20 years.

Mr Speaker: The Member's time is up.

Mr Allister: It is the same unacceptability. The truth is that the party has always been insatiable.

Mr Carroll: What happened at the weekend on the Ormeau Road in south Belfast was shameful. Just days after escorting what appeared to be feuding loyalists around east Belfast, the PSNI met a small, dignified and carefully organised commemoration by families of the victims of the massacre at Sean Graham bookmakers with intimidation and heavy hands. In the middle of a pandemic, arresting victims for commemorating, in the exact spot where some of them were shot, on the very anniversary of the atrocity, and where there is a horrific history of state collusion with the murdering gang that was responsible, is utterly appalling.

I offer my solidarity and support to Mark Sykes, who was treated disgracefully and should be compensated. I call on the Police Ombudsman to release immediately the report on the massacre at Sean Graham bookmakers. Justice delayed is, obviously, justice denied. Every sensible person knows of the need to socially distance and respect guidelines in these difficult times, not least families who are remembering their loved ones and seeking truth and justice for their sectarian murders. How anyone could think that those events would ever represent anything less than counterproductive policing is way beyond me. We must extend our solidarity to all the families who were impacted on by that.

We must also say that there has been a pattern of behaviour all the way through the pandemic. It must be called out. On one hand, there has not been aggressive targeting of the employers who have put their staff at risk, or the owners of major care homes where COVID deaths have been astronomical, yet, on the other hand, groups of people who tried to demonstrate respectfully their opposition to state violence — those who commemorated the victims of the Sean Graham bookmakers massacre and those who were on the Black Lives Matter protests in 2020 — have been targeted and faced unnecessary, over-the-top, aggressive policing. It must be said that the PSNI has utterly disgraced itself during the pandemic, from its discrimination towards Black Lives Matter protesters to its raiding of funerals in my constituency only a few weeks ago, when families were trying to mourn.

All the while, those in Government who preside over the very policies that have led to untold deaths and sickness are walking around unchecked as though it were not primarily their

fault. Even when Ministers or MPs flagrantly break the rules, the PSNI does nothing. Today, in Belfast, a homeless person might well be charged for begging in the street, but, as sure as the sky is blue, no Minister will be charged for risking people's health or creating poverty, homelessness and destitution. The hypocrisy of the PSNI has been shameful. We should call it out here today.

Mr Stalford: Speaking as someone who comes from Ballynafeigh, was reared on the Ormeau Road and knows the area well, I know that the massacre at Sean Graham bookmakers cast a very long shadow, one that still exists, over the community there. Alongside you, Mr Speaker, I represented the area on the council. I know the pain and suffering that was inflicted upon innocent people on that occasion.

This incident demonstrates the danger of our making rules and then charging the police with enforcing them. I listened to some of the contributions from the other side of the House. Who could believe that some of those who spoke were the biggest advocates and cheerleaders for the draconian measures that we have imposed upon people? If we are going to pass those regulations and rules, it then falls to the police to enforce them. We need to be aware of that. I have listened to the contributions from some Members, and I think that we are going down a dangerous road with regard to undermining support for the police in the community. Therefore, it is important that, as we were told by the leader of the SDLP last week, we "dial down the rhetoric". He should take his own advice with regard to some of that which has been said about the police.

11.00 am

The Chief Constable has serious questions to answer about the processes that were used in this instance to deal with those two officers, who are just starting out in their career at the lowest level of employment in the police. We need to be very careful before we start talking about wrecking people's career or destroying people's life. When politicians rise up on their hind legs and start talking in the way that I have heard here, that is dangerous not just to individuals but to collective community confidence in the police.

I encourage the ombudsman to go about her work and get the report and the findings, but, as Mr Buchanan said, let us not have trial by social media, because that would be a very dangerous route to go down.

Ms S Bradley: It is with great disappointment that I rise to speak, but the events that happened over the weekend were highly problematic and insensitive to many. When we talk about passing rules on COVID, we all do so from a good place, and the Member is right: in some instances, it lands on the police to enforce those rules. However, with policing always comes the need for sensitivity and the need to recognise that other pillars and other routes must be used before we ever get to enforcement.

Grieving is always a difficult process for families, but when you add to that the untimely and brutal murder of a loved one, which is compounded by 29 years, as it is in this case, of seeking truth and justice, there is no doubt that a police officer or any other person will recognise the sensitivities of that situation.

In those circumstances, something should have been worked out ahead of and during those events, which were inevitably going to happen, and there was a window of opportunity where the police could have perhaps worked better with the community to prevent the situation ever arising. It is regrettable that something was not worked out.

Social media brings stories and news to us at lightning-fast speed, and, in that context, it can be deeply frustrating to watch people have to do full assessments and to follow the correct procedures when trying to make determinations, particularly in the circumstances that the families faced at the weekend.

I put on record that my first instinct was to engage with the police and the families at the time in order to determine what happened. I am glad that the Minister is here for this Matter of the Day, and I urge her to learn from this quickly. We do not have the privilege of time to be able to establish all the facts. We must ensure that, in all instances, every officer walking into a COVID situation is wearing and has activated a body cam, and where we anticipate meetings that could be justified, we must ensure that they are carried out in compliance with COVID regulations and that they keep all of us safe. We must remember that, in all these COVID regulations, we use the mantra, "We are all in this together", but that also means working together with people in order to establish how things can be better handled going forward.

Mr Beattie: What happened in 1992 at Sean Graham bookmakers was truly horrific. Five men, some young and some old, lost their life,

and many more people were affected by it. My thoughts are always with the victims and survivors of that terrible atrocity. It helped to sow division between communities, and that division has not gone, because I am witnessing it here in the House in our words and deeds, which is not helping the situation one bit.

I listened to all the contributions, and they were all fair, but only my colleague Mike Nesbitt put a clinical and analytical eye to the issues that are being faced. It is not just about what we saw on social media.

It is not just about the difficult position that our police officers are finding themselves in during the COVID pandemic, but it is about the fact that while we want to be respectful and allow people to remember their dead, we are in the middle of a pandemic and there are rules and regulations that we have to adhere to. I am sick of watching the PSNI being dragged around the place by the scruff of the neck and always having to meet somebody's narrative and agenda.

This is incredibly difficult for the police to police. Do we wish that they had not made an arrest? Of course. Do we wish that this had never been on social media? Of course we do. Do we wish to be here discussing it today? No, we do not. What happened with the UVF earlier in the week was awful and terrible, and I think that we are all agreed that that should not have happened either.

However, we — MLAs and Ministers — who set the rules and regulations should not be dumping blame on the police every time. Some of us cannot even adhere to them; some of us, for political expediency, will use those rules and regulations to force our own narrative. It is utterly disgraceful. We are utterly disgraceful in standing here and pointing a critical finger at our police force when we are the ones who govern this place. We need to roll back. We need to fix what was wrong, but we do not help anybody by saying, "You are to blame", when the reality is that we are to blame.

Mr Speaker: Thank you. That concludes this matter of business.

Assembly Business

Mr Speaker: I remind Members that, as this week's business has been amalgamated into a single sitting, three Ministers will respond to questions for oral answer this afternoon. Question Time will commence at 2.00 pm, as usual, with the First Minister responding on behalf of the Executive Office. That will be followed at 2.45 pm by the Minister of Justice and at 3.30 pm by the Minister of Agriculture, Environment and Rural Affairs. Question Time will continue until 4.15 pm. If any questions for urgent oral answer are accepted, they will be taken then.

Public Petition: Broadband in the Sperrins

Mr Speaker: Mr Declan McAleer has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr McAleer: Thank you for the opportunity to present this public petition with regard to broadband in rural areas, and specifically the Sperrins. The lack of broadband in many rural areas is a serious issue. Unfortunately, in most parts of the Sperrins, which I and others in the House represent, broadband is virtually non-existent.

At the outset, I take this opportunity to pay particular tribute to the pupils, parents and staff of St Brigid's Primary School in Cranagh as they have played a huge part in highlighting this issue and have been extremely effective in their lobbying. It was their efforts that motivated me to launch this online petition, which has been signed by hundreds of people affected by this issue. I thank the hundreds of people who took the time to sign it. In non-COVID circumstances we would also have had the petition physically signed by going door to door and to other public locations, but because of the public health restrictions in place, the format was completely online, which ironically does not facilitate people who do not have broadband. However, I hope that their voices are getting through. The message is here today.

With regard to access to services, the Sperrins and its hinterlands rate amongst the worst in the North. You do not have to take my word for it: according to the NI Statistics and Research Agency (NISRA), the Plumbridge super output area, which exists in areas such as Cranagh, is the number one most deprived area of the 890 super output areas in the North for access to

services. The neighbouring super output area of Owenkillew, which covers Gortin, Greencastle and Mountfield, is also in the top 10 worst in the North with regard to access to services. This lack of services also extends to little or no mobile coverage or public transport. That compounds the sense that they have been cut off and left behind.

The lack of broadband has a detrimental impact on people's health and well-being, especially during lockdown; it has increased isolation, negatively impacted on local businesses and on people's ability to work from home. That includes the many farmers in the region who interface with DAERA and other agencies online. As there is little or no broadband, children cannot benefit from home learning, which is required due to COVID restrictions, and that has a profound impact on them, their families and their teachers.

I have spoken to many anxious and frustrated parents and teachers on the issue.

For several years, my colleagues and I have worked closely with the Department for the Economy on Project Stratum to ensure that it targets isolated rural areas. Whilst Project Stratum will deliver superfast broadband to 76,000 premises in the North, in areas such as the Sperrins that will take nearly three years, and, even then, some homes will not be linked up. The petition calls on the Economy Minister and her Department to work with BT and the other broadband providers to enhance the current broadband provision and work with the Department for Digital, Culture, Media and Sport in Westminster to improve provision and develop a scheme to reach homes that are not currently included in the Project Stratum intervention area.

Broadband is no longer a luxury; it is an essential utility just like water and electricity. It is essential for our businesses, education and health and in reducing isolation in rural areas.

Mr Speaker: The Member's time is up.

Mr McAleer: It is essential that the Minister acts now to bridge the broadband divide and ensure that rural communities such as those in the Sperrins are not left behind.

Mr Speaker: In light of social distancing, I ask the Member to remain in his place. I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will forward the petition to the

Minister for the Economy and send a copy to the Committee.

Covid Support Payment for Students

Mr Speaker: Ms Sinead McLaughlin has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Ms McLaughlin: I introduce the petition to the Assembly on behalf of the SDLP but more importantly on behalf of the 7,175 citizens who signed it and joined our calls for students to be treated fairly and to receive financial support.

The SDLP opened a survey to hear directly from students about their experiences throughout the pandemic. In just two days, hundreds and hundreds of young people shared their stories with us. What harrowing stories they were: 76% of respondents told us that they were in financial distress as a result of COVID-19; 62% had lost part-time work and income; almost 50% were paying rents for places that they are legally not allowed to live in; 83% felt ignored by the Economy Minister; and, worryingly, 95% said that the pandemic had impacted negatively on their mental health and well-being.

When we heard those stories, we knew that we needed to act. We also knew that Minister Dodds was unlikely to act without public pressure. We knew that, given the level of need that existed across the student community, paltry top-ups to the student hardship fund were not enough. We knew that students in our further education colleges needed some financial support as much as anyone and that we could not let them be excluded. While it is welcome that the Economy Minister has agreed a student support scheme, adopting an SDLP proposal, unfortunately, the scheme is still deficient. The Minister's scheme makes no effort to support NI students studying in Scotland, England, Wales or, indeed, in the South of Ireland, yet students in Great Britain are suffering even higher tuition fees, rent costs and loss of income. They and the students in the South should not be excluded from any financial help.

I acknowledge all the student representative bodies that have worked so hard to ensure that the voices of students are heard. They have fought the good fight and used every platform at their disposal to get the student voice heard, and they have done so with courage, conviction and great dignity. It is incumbent on us, as public representatives, to do all that we can to

support our young people through one of the worst periods in their lives.

Whilst I acknowledge the really positive announcement last Thursday and agree that we have taken a huge step forward, the fight is not yet over. We will keep fighting for the voices of students to be heard and for their value in society to be recognised and their needs met. Mr Speaker, I place before you and the House the SDLP student support petition. Thank you.

Mr Speaker: Thank you. In light of social distancing, I ask the Member to remain in her place. I will make arrangements for her to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will forward the petition to the Minister for the Economy and send a copy to the Committee.

11.15 am

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion, and there will be no debate.

Resolved:

That Ms Pam Cameron replace Mr Gary Middleton as a member of the Business Committee; and that Mr Paul Givan replace Mr Gary Middleton as a member of the Committee for the Economy. — [Mr K Buchanan.]

Executive Committee Business

Protection from Stalking Bill: Second Stage

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

That the Second Stage of the Protection from Stalking Bill [NIA Bill 14/17-22] be agreed.

Mr Speaker: In accordance with convention, the Business Committee has not allocated any time limit to the debate.

Mrs Long: Since becoming Justice Minister, I have identified the progression of stalking legislation as a key priority for me and my Department; indeed, as a Member of Parliament, I was a co-signatory to the private Member's Bill that ultimately led to legislation in that regard in England and Wales. It is therefore important to me that victims here receive the same protections under the law. Today, with this Bill, I want to send the clear message that stalking in all its forms will not be tolerated. The Bill is a major step forward for victims of that insidious crime.

I have listened to the terrifying and debilitating experiences of victims and am taking action to strengthen the law to protect them. I pay tribute to every victim of stalking whom I have met and who bravely shared their story with me: you have helped us to shape the Bill and have given us the reason to bring it forward.

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

I fully appreciate the devastating effect that stalking can have on its victims and how manipulative and persistent stalkers can be. I am committed to ensuring that victims have the protection of the law that they need and deserve to feel safe. The Bill will create a specific offence of stalking that will address behaviour or acts associated with stalking, something that the current law does not do as effectively as we would wish. The new legislation will be better focused on stalking behaviour and will have greater and more appropriate penalties and protections than are available under current harassment legislation.

The protection of the victim is at the very heart of the Bill. The introduction of stalking protection orders (SPOs) will be a key tool for the police. The orders will enable them to

intervene prior to any conviction to address stalking behaviours before they become entrenched or escalate in severity and to protect victims quickly when there is an immediate risk of harm.

The Bill is the end result of an extensive review by departmental officials of the existing legislative framework, engagement with other jurisdictions on their stalking policies and practices and the development of policy proposals that drew on responses to a public consultation exercise. A stalking reference group of key stakeholders was established. It contributed to the review by considering the types of stalking behaviours being displayed and their impact on victims; highlighting the experience of victims under the current law, including how cases were handled by the criminal justice system, and suggesting where improvements could be made; identifying key aspects of the law that might need to be reviewed or changed; and ensuring that a broad spectrum of policy options were identified and considered.

Of those who responded to the Department's consultation exercise, 93% agreed that the current law — the Protection from Harassment (Northern Ireland) Order 1997 — was underused for the purpose for which it was intended and that it failed to sufficiently reflect the seriousness of stalking as a threat to the life and liberty of victims. Many respondents felt that there was a lack of understanding of the complexities of stalking in the criminal justice system that allowed the behaviour to escalate. Respondents agreed that creating a specific offence of stalking would be a positive step towards ensuring that stalking behaviours were not overlooked or treated less seriously than they ought to be. Respondents also considered that having a specific offence in place would send a clear message that stalking in all its forms will not be tolerated in our society.

I turn to the detail of the Bill. The Bill has 20 clauses and is divided into three parts. The first part creates a new specific offence of stalking. That will address behaviour or acts associated with stalking, something that the current harassment law does not do. While harassment often presents as a disagreement over a specific issue, stalking is fixated, obsessive, unwanted and repeated behaviour, as represented by the "FOUR" acronym.

The Bill also creates the offence of threatening and abusive behaviour, which can be triggered by a single incident.

The new offences will have stronger and more appropriate penalties and protections than are available under current harassment legislation. Members will note that the maximum penalty on summary conviction in the Magistrates' Court for the stalking offence is 12 months' imprisonment or a fine up to the statutory maximum, which is £5,000, or both. The maximum penalty on conviction on indictment — that is, in the Crown Court — is 10 years' imprisonment or a fine, or both. For the offence of threatening or abusive behaviour — that is, inappropriate behaviour that falls short of stalking — the maximum penalty on summary conviction is 12 months' imprisonment or a fine up to the statutory maximum, which is £5,000, or both. The maximum penalty on conviction on indictment is five years' imprisonment or a fine, or both.

Importantly, the new offence of stalking will ensure compliance with the Council of Europe convention on preventing and combating violence against women and domestic violence, which is known as the Istanbul convention. That requires extraterritorial jurisdiction to be extended to the stalking offence. Under the legislation, where inappropriate stalking conduct or behaviour occurs outside the UK, it can constitute a stalking offence as if it occurred in Northern Ireland. Provision for special measures covering all victims of stalking is also included in the legislation. That will ensure that all victims of this insidious crime have automatic eligibility for special measures assistance, such as the use of live links or screens in court when giving evidence in proceedings.

The second part of the Bill provides for the introduction of stalking protection orders. These orders will be a key tool for police, enabling them to intervene prior to any conviction. By using them, the police can disrupt stalking behaviours before they become entrenched or before they escalate in severity and, through them, protect victims when there is an immediate risk of harm. Police will apply for the orders, taking the onus of having to do so away from the victim. To make an application to the Magistrates' Court, a police officer must be satisfied that the defendant has carried out acts associated with stalking, that they pose a risk of stalking to another person and that the order is necessary to protect the other person from that risk. The orders will also be available for defendants under the age of 18. Such applications will be heard in a youth court.

The orders will, first, be able to prohibit the defendant from doing something, as far as is necessary to protect the other person from the

risk of being subjected to stalking behaviour. They could, for example, include prohibiting the defendant from entering certain locations or defined areas where the victim resides or frequently visits. An order could also prohibit contacting the victim by any means, including via telephone, post, email, text message, social media or physically approaching the victim at all or within a specified distance. In addition to prohibitions, an order can, secondly, require the defendant to do something, as far as is necessary to protect the other person from stalking. Positive requirements could include requiring the defendant to attend a perpetrator intervention programme or undergo a mental health assessment. If the defendant breaches the terms of the order, the maximum penalty on summary conviction is six months' imprisonment or a fine not exceeding the statutory maximum of £5,000, or both. The maximum penalty on conviction on indictment is five years' imprisonment or a fine, or both.

A defendant who is subject to an order will be required to comply with notification requirements and will need to provide personal details, including their full name and home address, to the police before the end of three days, beginning on the date when the order comes into force. The defendant must also provide any changes of address, also within three days, beginning on the date on which the change occurs. Failure to comply with the notification requirements without reasonable excuse or knowingly providing the police with false information will be an offence. Importantly, it will be for a court to decide what constitutes a reasonable excuse in any particular case. The maximum penalty on summary conviction for the offence relating to notification requirements is six months' imprisonment or a fine not exceeding the statutory maximum of £5,000, or both. The maximum penalty on conviction on indictment is five years' imprisonment or a fine, or both. My Department will issue and publish guidance for the Chief Constable on the exercise of police functions in relation to stalking protection orders. The statutory guidance will provide information about the procedure for applying for a stalking protection order as well as providing the police with a practical toolkit to use when making applications.

Part 3 deals with the interpretation, commencement and short title of the Bill. Like many of you, I am keen for change and want to see the Bill's timely passage through the Assembly, so I ask for your support in keeping the Bill focused on its current provisions.

Much hard work has gone into bringing us to this point, so I pay tribute to everyone who has helped us to reach this stage. Members of the stalking reference group, Women's Aid, Victim Support, the Suzy Lamplugh Trust, as well as representatives from the police, the Probation Board and the Public Prosecution Service, have been engaged. The Bill could not have been delivered without their input and assistance. This significant legislation will help thousands of people across Northern Ireland who are suffering daily from the torture of this insidious crime.

In conclusion, I ask for your support in taking the Bill through the House, and, importantly, doing so as speedily as possible, focused on providing thorough scrutiny of its current provisions and ensuring that victims of this crime are able to access its provisions at the earliest possible opportunity. I commend the Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): As Chair of the Committee, I am pleased to speak in this Second Stage debate on the Protection from Stalking Bill on behalf of the Committee for Justice. The Committee and I very much welcome the Bill, and we look forward to working with the key stakeholders and the Department in considering it.

The need to address the issue of stalking with robust legislation has been waiting in the wings of the Assembly since 2016, when debate was first instigated by way of a shared approach by the then Justice Committee and the then Justice Minister, Claire Sugden. The pressing need for stalking legislation was an issue that also came very much to the fore of deliberations during the Committee Stage of the Domestic Abuse and Family Proceedings Bill last year.

I would like to outline briefly the work on this issue by the Justice Committee when it was ably chaired by my colleague and good friend Paul Frew in the short period of the 2016-17 mandate, before moving to the present Committee's early deliberations on the legislation.

In September 2016, a private Member's motion was passed by the Assembly calling on the Minister of Justice to develop and table legislation to enable crimes of stalking to be prosecuted on the basis of stalkers' behaviour and the effects on the victims. Following the debate, the Committee for Justice was asked to consider the gaps in legislation in Northern Ireland in relation to stalking and to press the

then Minister and the Department to bring forward legislation in line with what was in place in the rest of the United Kingdom. Alongside that, the Committee had agreed its key strategic priorities for that mandate, which included domestic abuse, coercive behaviour and sexual crimes, and public protection arrangements. Issues with how the criminal justice system in Northern Ireland handled complaints of stalking behaviour and whether the legislation in place to deal with such behaviour was adequate and appropriate were relevant to both of those priorities.

The Committee subsequently agreed to undertake a review of whether specific stalking legislation was required for Northern Ireland and the potential benefits of having it. The then Minister was very supportive of the review and gave a commitment to work collaboratively with the Committee and to move towards swift implementation of any findings and recommendations, including bringing forward any necessary legislation.

As part of the review, the Committee requested written evidence from key stakeholders, and it commissioned research into the prevalence of stalking in Northern Ireland and the level of prosecutions and the legislative position in other jurisdictions, including the effectiveness of such an approach. In January 2017, the Committee hosted a seminar on stalking legislation in other jurisdictions, which all key justice agencies and representatives from relevant stakeholder organisations attended. The keynote speaker was Laura Richards, founder and director of Paladin, the world's first national stalking advocacy service. The Committee intended to visit the Hampshire Constabulary's stalking clinic, which is considered a model of best practice and provides a forum for the referral, consultation, case formation and risk assessment of stalking cases by a multi-agency panel.

11.30 am

While at that time the Committee wished to see speedy progress on the review and any subsequent legislation, the collapse of the Assembly did not allow that to happen. Considerable work has been done already by the Assembly and the Justice Committee. In that respect, this is not something new, but it is very much long overdue.

I turn to the work of the present Committee. The need for stalking legislation once again became a prominent issue during the Committee Stage of the Domestic Abuse and Civil Proceedings Bill, when many organisations indicated that

there was a clear legislative gap that needed to be addressed. As part of the deliberations on that Bill, the Committee considered whether amendments should be tabled to try to address that gap. It was noted that any amendments to the Domestic Abuse and Civil Proceedings Bill could cover stalking only in the context of domestic abuse. While appreciating that stalking in that context is prevalent and causes immense distress, the Committee noted that stalking behaviour also occurs in other contexts and was of the view that it would be preferable to cover all forms of stalking in the same legislation. The need to introduce the legislation as soon as possible was, however, clear, and, having been previously informed of the Department's plans to introduce the Bill, the Committee sought confirmation of the timescale. While urgent work on the coronavirus legislation and remote working impacted on the original timescale, the Minister has now introduced the Bill, and that provides the Assembly with the opportunity to scrutinise and pass legislation that will make a difference to people's lives in Northern Ireland.

The need for such robust legislation to provide the necessary tools for the criminal justice agencies to tackle stalking behaviour, take into account patterns of such behaviour over time and bring the perpetrators to justice is abundantly clear. Stalking is fixated, obsessive, unwanted and repeated behaviour that often escalates quickly. It is insidious and terrifying for victims, and there is no place for it in our society.

As the Minister has outlined, the Bill contains 20 clauses and is divided into three Parts, and its primary objective is to improve the operation of the justice system by creating a specific new offence of stalking that recognises the experience of victims and the behaviour associated with stalking. It would also create an offence of threatening and abusive behaviour that can be triggered by a single incident. Both offences have stronger and more appropriate penalties that will provide better protection than that provided under the current harassment legislation, reflecting the seriousness of the crimes. Importantly, provision for special measures for all victims of stalking when giving evidence is included together with stalking protection orders. The onus will be on the police rather than the victim to apply for those orders, and they will enable the police to proactively intervene, disrupt stalking behaviours before they escalate and protect victims when there is an immediate risk to them. The orders can place prohibitions on defendants and require them to undertake assessments or attend perpetrator programmes. Most importantly,

there is a stand-alone offence of breaching an order that can attract significant penalties. That is welcome and provides the tools for the courts to act seriously when orders are not adhered to.

At the Committee's meeting on 21 January, it received a briefing from departmental officials on the principles of the Protection from Stalking Bill. During the briefing, members explored a range of issues, including the reasons for specifying the types of behaviour in the Bill and whether that approach adequately covered all such behaviour; the reasonableness test for the conduct; the rationale for basing the new offence on two or more incidents; and the inclusion of a defence where it can be demonstrated that, in particular circumstances, the behaviour was deemed to be reasonable. The Committee also highlighted the need for training for the Police Service to ensure that officers understand and recognise the difference between harassment and stalking behaviours, given previous indications from victims that their complaints had not been taken seriously, and for an awareness campaign to ensure that the wider public understand the new offence and that the criminal justice system can now satisfactorily deal with such behaviour. The consideration that has been given to the establishment of a stalking register was also explored with officials.

I am sure that the Committee will want to explore all those issues and others further at Committee Stage, assuming that the Bill passes its Second Stage today. We will also want to take evidence from the key stakeholders and will be particularly keen to hear the views of victims of stalking to assist us in undertaking detailed scrutiny in order to ensure that the new offence is comprehensive and workable and that the legislative provisions are as effective as possible and fully address any gaps that exist.

While there is at present no accurate assessment of the number of stalking crimes committed in Northern Ireland, given the lack of a specific offence, the effect of such crimes is clear. Stalking can have a profound and lasting impact on victims and cannot be minimised in any way. That is why the legislation is needed. On behalf of the Committee for Justice, I support the principles of the Bill.

Ms Dillon: I thank the Minister for bringing the Bill to the House today. As has already been said, stalking is a deeply insidious crime. People often hear the word "insidious" but do not know what it means; I did not know what it meant when I first heard it. It means when something happens gradually and often subtly but with very harmful effects. It is important that

we understand that stalking is an invasive form of criminal abuse, with shocking side effects and consequences for the alleged victims.

Stalking can cause serious harm to an individual and their family. We know that, in some cases, behaviour that started off as stalking has, tragically, resulted in loss of life. That is, obviously, in the very worst cases, but we all know of those cases and where they have happened. Stalking probably became most famous when Jill Dando was the victim of her stalker. The Assembly must commit to doing everything that it can within the law to disrupt stalking behaviour at the earliest opportunity to protect victims and to intervene to deter alleged perpetrators before stalking behaviour becomes entrenched.

Currently, people who end up in court on charges for what would commonly be regarded as stalking behaviour can be charged only under existing harassment and intimidation legislation. We have fallen behind other countries in that regard. Stalking, as a crime, is separate from and can be more serious than harassment. Harassment laws do not accurately capture the heinous crime of stalking, nor do they accurately reflect the intense fear often felt by alleged victims — the fear that their stalker could be watching them or monitoring them at any minute of the day and that their every move is being watched and, sadly, the fear of the unknown and of what their stalker will do next.

In 2016 and 2017, as has already been outlined by the Chair of the Committee, the Justice Minister and the Committee made their own moves to explore the adequacy of existing offences. The Justice Minister commissioned a review of the law on stalking before the Justice Committee initiated its own review. There was then, as there is now, a common understanding that the current laws were inadequate and that the absence of a legal definition has meant that the agencies have been unable to protect and support victims. It is regrettable that we do not yet have a specific criminal offence of stalking, but it is welcome that that is now being addressed. The legislation is essential in order to protect future victims of stalking.

Our party responded to the consultation in 2018, and I am glad to say that a number of our recommendations are in the Bill, including the new offence of stalking and greater penalties than those in place for existing offences of harassment. Crucially, the Bill introduces stalking protection orders and notices and interim stalking protection orders and notices,

breaches of which will be made a criminal offence.

I want to highlight the challenges that the PSNI have with the current legislation in dealing with alleged perpetrators. The police are not able to deal with them quickly enough and do not have control of the issues or the power to do anything about them. They have to go to the courts and rely on judges. I can speak from experience, having dealt with a number of cases through my constituency office where alleged victims felt very aggrieved at the outcome when the cases went to court. Inevitably, the PSNI often ended up having to deal with further incidences down the road. There was constant toing and froing, with the PSNI being called out and feeling frustrated. I have no doubt that the PSNI will welcome the Bill, because it will, hopefully, make their job a lot easier in bringing perpetrators to the courts more quickly.

As we discussed on numerous occasions during the progress of the Domestic Abuse and Civil Proceedings Bill, non-molestation orders do not cut it. As I said, they are available only by application to the court, they are often exploited by the abusers, and they are expensive. We have had long discussions in the Chamber and in Committee of the challenges around that, access to legal aid and all of those other things. We cannot allow perpetrators to continue to abuse by misusing the legislation that is supposed to be in place to protect the victims. The stalking protection orders and notices are vital.

As I said, I have dealt with a number of cases. In recent weeks and months, I have dealt with cases through my office. Obviously, I would much prefer that the legislation were in place now to protect those people. It is not, but we are moving in the right direction. I would love to be in a position in the future where, when somebody comes into my office and says that they are being persistently stalked and that the behaviour is ongoing and unrelenting, the legislation is in place.

Stalking has an impact not only on individuals but on their families. Often, families can be stalked; it is not always just one individual. The impact on families is unbelievable. You could not describe the knock-on effect on both partners in a family where there are two people, the effect on their children and the effect on their mental health. Every element and aspect of their lives is affected, even to the point where they are fearful to be in their place of work. We cannot allow that to go on, so it is really important that we get the Bill through the House

as quickly as possible. We on the Committee will certainly do our work as speedily as we can to ensure that this comes through the House as speedily as possible. I urge everybody to support this today.

Ms S Bradley: As the SDLP spokesperson on justice, I, too, welcome the Second Stage of the Protection from Stalking Bill. As far back as 2016, the SDLP brought to the House the amended text, which has already been quoted:

"to develop and table new legislation to enable crimes of stalking to be prosecuted based on the stalker's behaviour and the effects on the victims."

I believe that today represents the second stage in that becoming a reality.

The Bill contains detailed provisions and clauses that I look forward to exploring in greater detail in Committee and with colleagues across the House. The Bill includes a statement that it is within the legislative competence of the House, and it is acknowledged that the introduction of the stalking protections may have financial effects in their application by police to the courts and other criminal justice partners. It is also stated that the Bill will have no direct costs to the private or voluntary sectors and may result in modest savings to employers and voluntary sectors. In exploring that, I will pose questions on the detail around the time that a stalking victim may require to engage with the police; for example, the police will have the power to make the application for a stalking order, but that, no doubt, will be based on the evidence that can be presented by the victim. There will be questions around, for example, whether an employer should be compelled to allow a stalking victim reasonable adjustments to their working patterns or time off to bring forward such evidence and to keep that reporting mechanism open.

There is a real need to differentiate stalking from harassment behaviours, and it is evident through many high-profile cases in the media in recent times that that clarity of understanding needs to be refined. There needs to be training to recognise that "nice gestures", as they have been framed, could form part of that infringement of a person's civil liberties. It has to be understood that those nice gestures should not be dismissed and should be seen in a larger frame.

The Committee had an opportunity to have some deliberations with Department of Justice officials, and, during that session, it was

confirmed to me that there needed to be no time between occurrences of stalking incidents.

The Department also confirmed that a conviction is possible on the basis of online stalking alone. Having reflected on that, I say now that we need to understand the scope of that. Somebody could be convicted having never met the perpetrator of the stalking, and it raises questions about jurisdiction, our powers and the growing number of fake social media accounts that can be used for stalking. It is a bit of a minefield, and we need to explore it fully and properly to do the Bill justice.

11.45 am

I noted that, under the consultation process, the Department engaged with the question of powers of entry to search premises. However, the Department has taken the position that there is no need to adapt any legislation in that regard, because existing laws, as far as it is concerned, satisfy the need to gain entry and make determinations.

As with the Domestic Abuse and Civil Proceedings Bill, the issue of stalking is complex and very nuanced. I look forward to working with the Minister, her officials, colleagues across the Justice Committee and the stakeholders who will feed into it to make sure that we bring the Bill forward in its best possible form. The Bill should not just offer immediate comfort to anybody who is the victim of stalking but take a longer-term view on how to break the habitual use of stalking, and that is where the conversation about the possibility of stalking registers may come into play. I look forward to that work and welcome the Bill's Second Stage.

Mr Beattie: I thank the Minister for bringing the Bill for its Second Reading. The Minister outlined the Bill very well. The Chair and Deputy Chair of the Committee outlined extremely well some of the areas that we need to look at. I will not go over that; I will address the Bill in general terms. When it goes to Committee Stage, we will see a forensic look being taken at how the Bill will work. We have seen that happen previously, and I am in no doubt that we will see it again.

The Chair was right when he said that the issue first came forward with Mr Frew in 2016. I was on that Committee when it came forward, and I know that he was trying to drive the issue forward in 2016. Shame on us, of course, the Assembly fell, we did not have a Government, and it just stopped dead. We let down victims,

when you think about it. We let down victims because we let it just drift on. However, it is fair to say that the Department of Justice carried on the work. It did a bit of stuff, not at the speed that we wanted, but it carried on looking at stalking and brought out the consultation that many people fed into. We need to recognise that.

We all think of it being high-end celebrities and sports stars who are stalked. However, anybody can be in that position and can find themselves being stalked. In fact, many in the Chamber may well find themselves being stalked online on Twitter. We call the anonymous, faceless individuals Twitter trolls. However, you will all know that at some stages on Twitter, when the same person comes up every time, it makes you question yourself, what you are saying, your movements —

Mrs Long: I am, honestly, not stalking you. *[Laughter.]*

Mr Beattie: I was not going to mention you. Sometimes, we pay lip service to that, but we do have issues with online trolling, which is, in many ways, a form of stalking.

The Bill identifies behaviour that:

"causes ... fear, alarm or substantial distress",

to the victim and the offence of threatening or abusive behaviour. The Bill is victim-centred, and it is always important that we remain victim-centred. We should never apologise for being victim-centred.

Stalking is complicated. The more you look into the issue, the more complicated it becomes and the more spin-off it has for the way in which our society works. There is the rejected stalker; the resentful stalker; the incompetent suitor; the intimacy-seeking stalker; and the predatory stalker. The strange thing is that many of those stalking behaviours come about because of mental health issues. It is sometimes very easy to use "mental health" as a catch-all phrase. However, it cannot be dismissed and must be looked at. Some of those who engage in stalking have mental health issues.

In 2015, the Office for National Statistics recorded that — I do not have up-to-date figures — 4.9% of women and 2.4% of men experienced stalking. In England and Wales, that accounted for around 1.5 million people.

I did not know that there was a national stalking helpline, but of course there is. If people are not inclined to use the helpline or if it is not promoted, people may not know about it, just like me. Approximately 45% of people who contacted the helpline were being stalked by people with whom they had been in a relationship, and a further one third had a prior acquaintance with the stalker. Predators show persistence, fixation and obsession. Victims feel pestered, scared, anxious and harassed, and nobody should feel like that.

PSNI figures show that incidents of harassment are on the increase, from approximately 3,100 in 2016-17 to 4,200 in 2017-18 — an increase of 35%. It is worth noting that victims suffer around 100 incidents of stalking behaviour before they realise that they are being stalked. While many of those cases do not reach crisis point, it is important to engage early to stop it from getting to that point. The Bill has important provisions for stalking protection orders, fines up to £10,000 and prison sentences, as outlined by the Justice Minister.

I was trying to think generally about stalking in our difficult society and the difficult place we are in, even now with the pandemic. Perhaps online or digital stalking, in their many forms, will be on the increase. Regardless of that, the legislation is extremely timely, and I hope that we can move it forward as quickly as possible. I look to those who raised the issue, and I will support the Minister, her Department and my fellow Committee members in making sure that we get a Bill that is fit for purpose and victim-centred.

There is a societal issue that we need to deal with. That issue may well start with social media and its footprint and presence, whereby we allow people to troll anonymously and make remarks that are not based on facts and can lead to bad situations. I hope that, at some stage, that can be addressed. I will do all that I can to support the Minister in progressing the Bill.

Ms Bradshaw: Naturally, I support the motion and the Bill, which is fundamentally about making people feel safe. We have heard about many high-profile cases in which fixated, obsessive, unwanted and repeated behaviour has not been tackled, at great cost to the victim, sometimes for decades.

I join other Members in paying tribute to the many victims who shared their stories. In doing so, they played a significant role in ensuring that no one will have to go through what they went through. The role of the Suzy Lamplugh Trust, alongside organisations such as

Women's Aid and Victim Support, in keeping the issue in the public mind has been vital in delivering legislation elsewhere in the UK, and it has been vital here.

It is essential that we reflect in today's debate, and in the public debate more generally, that legislation like this must, first and foremost, be about protecting the victim. That is no easy task in law. The challenge is not just to define stalking and apply penalties where it occurs, with the aim of stopping repetition, it is to stop it occurring in the first place. In other words, the objective is not to put lots of people in prison for stalking but to stop stalking.

At this stage, it is helpful to emphasise that the common idea of what a stalker is may be too narrow. A very helpful study, albeit from over 20 years ago, 'Study of Stalkers', referred to five motivation types: the rejected stalker, who is typically from a relationship; the intimacy stalker, who believes that a relationship is inevitable despite evidence to the contrary; the incompetent suitor, who usually seeks a sexual encounter; the resentful stalker, who generally sets out intentionally to cause distress; and the predatory stalker, who gets gratification from the act of stalking. In other words, the motivations can be wide-ranging. We also need to highlight the potential for stalking to be a hate crime if it is committed against someone because they are from a particular group in society.

I have listened carefully to the arguments for and against addressing stalking primarily with stalking protection orders and have become convinced of the case for them on the basis that their prime objective is the protection of victims. The Minister has set out the conditions that will apply to their implementation. We have heard stories of orders being breached already in England and Wales, where they have applied for a year, and we have also heard stories of stalking continuing from prison. As the Minister said, what will be needed when an order is applied and when a prosecution is secured is training and a commitment to swift action by the police and the courts when conditions are breached.

It is worth re-emphasising that the disruption of stalking behaviours before they become entrenched is a key objective. It is to be hoped that the presence of this Bill alone will make people think twice about whether the behaviour that they are engaging in is stalking: fixated, obsessive, unwanted or repeated. A further advantage of stalking protection orders is that they may require participation in an intervention

of some sort to disrupt the behaviour. That is fundamentally what this legislation is about.

Victims have waited too long for this legislation. That was the case when it was introduced in the rest of the UK 10 years ago, so victims here have waited for an eternity. It is essential that we recognise that we do not have further time to waste and that this vital legislation is put on the statute books as quickly as possible.

One advantage, probably the only one, of having waited for the rest of the UK to move first is that we have been able to see what works in practice and not just in theory. I can see why, in theory, it was felt that the best way to go was to tag the offence of stalking on to the offence of harassment, as was done in England and Wales. However, the figures show that the decision in Scotland to create a specific offence of stalking and another of threatening and abusive behaviour has resulted in better reporting, more convictions and, surely, a greater comparative sense of safety. That seems, therefore, to be the best way to go, and we should all welcome the fact that the Minister has chosen it. I commend the Bill.

Mr Frew: I thank the Minister for bringing the Bill's Second Stage to the House. I also thank the Chairperson and deputy Chairperson of the Committee and other members, including my colleague Doug Beattie, for highlighting the work of the previous Committee. I stress to Members that, whilst we can point to many great actions that our Committees take, I point to the relationship between the Justice Committee and the Justice Minister at that time and the way in which we were working in tandem and in partnership to produce good law. Unfortunately, as many Members mentioned, we were stopped from doing that work.

However, let me place on record my thanks to the members of that Committee and the Minister of Justice at that time, Claire Sugden, who worked with us in conducting a review of what would be good stalking legislation in this country. The Minister was then taking forward the domestic violence and abuse legislation. At that time, I saw real potential for a working partnership between scrutiny Committees and the Ministers that they support and advise. The Minister gave me guarantees that she would pick up the work of the Committee and run with it to produce the Protection from Stalking Bill. I thank the present Minister for tabling the Bill for Second Reading.

12.00 noon

In one of the final acts of this place in 2006, we brought over Laura Richards — the Chairperson alluded to this — for a seminar at which all the players and organisations that feature in the matter were present. I look forward to meeting them all again in the Committee so that we can bring forward what I believe will be a very good and welcome piece of legislation.

I think that it was David Cameron who many years ago first announced that stalking was to be made a specific criminal offence. It is right and proper that we acknowledge that we have failed victims in that we were unable to meet. The legislation comes three years too late. It is very similar to the domestic abuse legislation, and we will strive to work through it and to produce a good piece of legislation.

The move to bring stalking into a specific criminal offence aims to not only stop stalking, differentiate it from general harassment or prevent the fear of stalking and its impact, but to prevent people being murdered. When we talk about stalking, we really need to talk about it using this definition: it is murder in slow motion.

In most cases, thankfully, the perpetrator does not get to that point. However, let us look at who we are dealing with. Perpetrators of the crime of stalking are fixated. They are obsessive. Stalking is an insidious crime. I have absolutely no doubt that the perpetrators need help. If they are allowed to conduct unchecked the actions that they have set for themselves, it will, in many cases, inevitably lead to murder.

That is how we should look at stalking. Stalking is not harassment. Harassment is not stalking. Harassment can mean many things. I believe that "harassment" is an umbrella term for the way that people can feel harassed. Harassment can take place between two neighbours who fell out 15 years ago over a hedge or a shared boundary. That initial complaint and the actions that proceed from it can be harassment. It is not stalking, which is something completely different. Stalking is insidious, and the perpetrators of it are fixated, obsessed and need to be checked.

One good thing that will come from the Bill is management. The Committee should look at the afterwork, or aftercare, not only for the victims — that is critical — but for the perpetrators, who have to be managed and cared for. Not only that, but perpetrators should be managed and assessed for risk going forward. That is why it is vital that there are

criminal offences in the Bill, and I will talk about those in a minute.

There is a reason why we have to talk about stalking as murder in slow motion. This has happened today, but we are all to blame, because we are used to that in our everyday language. For many people, stalking can be the butt of jokes, and that is very hurtful to the victims. It is human nature that we all slip up in our language, and it is human nature that we make mistakes. It was in our everyday language, but we need to stop that, because we are hurting the victims.

The impact of stalking is mighty. I dealt with a case for a constituent who came to me many years ago about a stalking issue with an ex-boyfriend. The young lass — a highly professional, well-kept, well-dressed and confident person — came to my office about a stalking issue. When I see that lady today, many years later, it is to help her to fill in PIP forms, because of the impact of stalking. The young lass was destroyed by an ex-partner, to the point where she cannot hold down a job, cannot look after herself and cannot even get out of bed in the morning because of her fear, nervousness, depression and anxiety. Stalking has destroyed that young girl, and it breaks my heart that I have to help her to fill in PIP forms and go with her to an appeal for PIP. That young girl was on top of the world before that happened to her. Make no mistake: stalking should not be on anyone's lips as the butt of a joke, and it should not be in anybody's everyday language. It is so severe that it could lead to murder or destroy a life. That is what we are dealing with today. We are dealing with stalking: murder in slow motion. Please let no one forget that today or as we move forward.

This crime can close in on you. You could be confident and go to work, but your work could become a prison where everywhere you move, even where you sit, becomes your prison. It could impact your street: your street could become your prison. It could impact your family; your family could be lodged with you in prison. Every time you look to your phone or to your computer, whether at work or at home, you see a window of despair with no way out. That is the impact of stalking. It does not just happen when you see or sense the perpetrator or see a text that he or she has just sent you. It is there every living second. It is there every conscious second that you are awake, to the point where it affects your sleep and your life. It will destroy you if you are not given help and support, and I hope that the Bill goes some way to providing that.

The Bill creates three offences. I have looked at and assessed those offences. Some of them are undeniable, such as the offence of stalking. I welcome the fact that we now have a descriptor and a description of stalking. It is vital that we have that specified and nailed down in the Bill. Interestingly, it also creates the offence of threatening or abusive behaviour and the offence of breaching an order, which is very important, because there are so many weaknesses with regard to protection orders. We have to nail those down, and I hope that the offence will go some way towards doing that. One of the interesting points that I picked up is that the tariff for the offence of stalking, on conviction on indictment, is:

"imprisonment for a term not exceeding 10 years or a fine (or both)".

Interestingly, for domestic violence, it is 14 years. I want to pursue that and try to tease out why that differential exists. I am not saying that they are the same offence or the same nature of offence, but we have to look at where the bar is being set. That is critical.

One of the most important lines in this Bill, as it stands, is in clause 1, "Offence of stalking", subsection 4, paragraph (b) with regard to:

"conduct' means—

(b) contacting, or attempting to contact, B or any other person by any means".

There is another definition at 4(d) which is:

"monitoring the use by B or by any other person of the internet, email or any other form of electronic communication,"

That is a very important line, and it speaks to the future, but we will need more than that. We will need to delve into that line and see what it means, because it is no mean feat to tackle that and to nail it down in legislation. That is a massive issue on its own. The use of electronic devices to hurt people, impact their lives, change the course of their life and even blackmail people is real, and it is mighty. It has led to deaths; it has led to suicides. We need to look at that and see how we can strengthen it and make it fit for purpose going forward. We need to delve into that. Whilst I am thankful that it is in the Bill in clause 1, which defines the offence of stalking, and it is a very important line, we may have to look into that and see whether we can add to it because it will be important going forward.

This is a good day for victims — albeit, three years too late. I look forward to the Bill getting to Committee Stage, where we can delve in and do a piece of work on it, as the Committee should do. I have faith in the Justice Committee to do the work on this and, if amendments are forthcoming, they will be in the best interest of the Bill and the victims whom it is meant to protect. I welcome it, and I will leave it there.

Ms Dolan: Social media and smartphone technology, which allows for easy tracking of people's movements, has fuelled the dramatic rise in the offence of harassment and stalking. There were 234 cases of harassment in 1998-99. However, there were 2,449 cases in 2016-17, a rise of 947%. That equates to almost seven incidents a day in the North of Ireland. One in five women and one in 10 men are likely to be victims of stalking at some stage in their lives. People who end up in court on charges commonly regarded as stalking behaviour can only be charged under existing harassment or intimidation legislation, such as the Protection from Harassment Order 1997. In cases where stalking is prosecuted under harassment law, the penalty may be lenient and not in keeping with the intense fear that the victim has experienced for a prolonged period. Victims of stalking may have to turn to several different legal instruments to seek a remedy, depending on how they are victimised.

The legal framework may complicate criminal prosecutions. Stalking can engage a number of rights under the European Convention on Human Rights and international standards, including the right to life; the prohibition of torture and cruel, inhumane and degrading treatment; and the right to a private and family life, which includes a person's physical and psychological integrity. All of these articles place positive obligations on the state to protect victims of crime. Additionally, the rights to an effective remedy and no punishment without law may be engaged. It is apparent that there is a gap in the law that has not yet been filled.

We are falling behind other countries in this area. In England and Wales, because the Protection from Harassment Act 1997 did not deal effectively with stalking, it was amended, and two stalking offences were introduced in 2012. More significantly, since 2010, Scottish law has made stalking a specific criminal offence.

Scottish law has made stalking a priority crime, and we should follow its lead. In the Twenty-six Counties, there is no specific law pertaining to stalking, but stalking laws are contained in the

Non-Fatal Offences Against the Person Act 1997.

12.15 pm

Last year, I read Allison Morris's courageous and open account of her experience of stalking in her article in 'The Irish News'. I will read from it to put stalking into a real-life context. She said:

"At that stage, back in September 2016, I was well used to daily abuse, text messages, emails, Facebook messages, ranting, threatening phone calls. This man was violent, obsessive and controlling, I'd removed that control and he was reacting badly. He arrived outside my office, ranting and screaming, foaming at the mouth with rage, demanding I speak to him. I tried to calm him down, to reason with an unreasonable person ... He had a sandwich in his hand ... and he squashed it into my hair and clothes as cars slowed down to watch ... I went to the bathroom in work, tried to brush the pieces of food from my hair and rang the police."

The Allison Morris case and the cases of stalking of many other victims that have been referred to by Members across the Chamber sum up how necessary the legislation is, and I am pleased to see it progress in what I see as another step forward to protecting victims of potentially harmful crimes. I support the overall purpose of the Bill.

Mr Dunne: I, too, welcome the opportunity to speak on the Second Stage of the Protection from Stalking Bill. The moving of this Bill to the Second Stage in its legislative journey is timely and complements the recently completed passage of the domestic abuse Bill. The stalking Bill builds on strengthening our laws to deal with the evil crimes that continue in all areas across Northern Ireland. I commend the departmental officials and Committee officials for their work to date on the Bill and the victims and victims' groups who have helped to shape the Bill so far. I know that there is considerable work still to be done.

The need for action and a strengthening of the law was very much the theme of the responses to the consultation that was launched in November 2018 and closed for responses two years ago, in February 2019. I know from engaging with the PSNI in my North Down constituency that they very much share the view that additional measures and resources are needed to tackle the problem across our

local communities. It is widely recognised that our laws in this area need to be strengthened. The Bill gives the opportunity to build on the current Protection from Harassment (Northern Ireland) Order 1997 and bring us into line with the rest of the UK.

As with any legislation, it is important to hear from victims and to listen to and engage with those who work on the front line in supporting those who have suffered and continue to suffer from stalking. The best way to deal with the issue is by making stalking a specific offence. Part 1 of the Bill rightly prioritises that to improve the operation of the justice system and, ultimately, to better support victims. It is important to ensure that stalking conduct does not fall between the cracks because of poorly drafted legislation or a lack of awareness by those responsible for its implementation. Stalking was made a specific criminal offence in England and Wales in 2012, and, in January 2020, police in England and Wales were able to apply to the Magistrates' Court for stalking protection orders, which usually remain in place for up to two years. I very much welcome the second part of the Bill, which will introduce SPOs here. That will support the PSNI and increase the tools available to it and will enable early police intervention, pre-conviction, to address stalking behaviours to protect victims from more serious harm. That intervention will equally be able to be made post-conviction to prevent further stalking. I also welcome the commitment in clause 11 that courts will have the power to impose interim SPOs to provide immediate protection for victims while the main application is being determined. That will reduce any immediate risk of harm. There is also a need to ensure that information is recorded and shared between the PSNI, courts, justice agencies and various jurisdictions, particularly in instances in which stalkers move between areas to carry out their crime.

As has been acknowledged, stalking is a unique crime, and perpetrators often have obsessive behaviours that can develop over time and be difficult to deal with properly. They are often evolving behaviour traits that start at an early stage and can turn out to be very sinister over time.

We live in a digital age, as has been mentioned throughout the debate, and, unfortunately, that often presents many opportunities through the use of technology for stalkers to target and harass victims through new forms of communication and cybercrime, all of which increases the stress and impact on victims. During lockdown and the restrictions that we have gone through, people are spending more

time online and increasing the risk. Unfortunately, that has led to an increase in cybercrime, which can be a form of stalking. That needs to be recognised and captured in the legislation.

I very much welcome the progress to date on such an important issue and look forward to further progress on the Bill in the months ahead and through the work of the Justice Committee.

Mr Blair: I thank the Justice Minister for bringing the Protection from Stalking Bill to the Assembly. Throughout the Minister's tenure, she has paid particular attention to the issue of coercive control. She should be commended for following through on her pledge to endeavour to tackle all forms of harassment. I commend her for her determination to address stalking and to protect victims of persistent, unwanted harassment; indeed, the Minister has been helpful in her responses to my questions on the distressing experiences of one of my constituents and her family. She met those victims and has taken time to meet other victims.

As has been said, stalking is a unique crime driven by the fixation and obsession of the stalker, and each stalking incident is different. It is a long-term pattern of behaviour that can last for weeks, months or even years. Although there have been high-profile examples of stalking and, indeed, judicial outcomes, it has also been a hidden crime for many victims who are afraid to speak out or reach out. It is vital to safeguard and protect victims and survivors of stalking. We must ensure that they have the protection of the law that they need and deserve to feel safe.

Today is important in progressing and evolving the way in which stalking is handled in Northern Ireland and an acknowledgment of the suffering that victims of stalking can face. The Bill is a major step forward for victims of that insidious crime. Victims have had terrifying and debilitating experiences at the hands of their stalker. The Assembly must take action to strengthen the law to protect them by passing the Bill. The Bill also addresses the fact that legislation exists in other parts of the UK, but it does much more than that for the victims of whom I speak.

As a member of the Northern Ireland Policing Board, I will comment that the Bill will make it easier for the police to assist victims of stalking with the real and reassuring prospect of a judicial outcome. It makes it easier for advice and outreach agencies to encourage victims to come forward and seek help and advice. It

makes it easier to pursue the perpetrator and assists public safety in doing so.

I fully appreciate that stalking can have a devastating effect on victims and how manipulative and persistent a stalker can be. My colleagues and I are committed to ensuring that victims have the protection of the law that they need and deserve to feel safe. With Alliance colleagues, I support the Bill.

Miss Woods: I welcome the opportunity to speak at the Second Stage of the Protection from Stalking Bill. I sincerely hope that it proceeds efficiently through the Chamber and the Committee towards becoming law.

Victims and survivors of this crime have waited for far too long. Despite the work started previously by the Committee, we remain the only part of the UK without adequate and specific legislation to deal with such a serious and complex problem. That is shameful. Scotland created a stalking offence in 2010, and changes to English and Welsh law were brought in in 2012. The current legislative framework is primarily focused on the Protection from Harassment Act 1997 and is not fit for purpose, so I welcome the fact and am glad that the Minister has introduced the Bill.

Victims often endure years of abuse before a crime is taken seriously. We know that, too often, many existing responses are ineffective in stopping perpetrators and protecting victims. There is much more that we can do to increase the understanding and awareness of stalking throughout society. I want to draw attention to a few matters that are worth exploring in the Committee for Justice and the Chamber in order to raise a few points about where the Bill can be strengthened.

In clause 1(5), the reasonableness defence is clearly copied from the Scottish legislation, Part 2 of the Criminal Justice and Licensing (Scotland) Act 2010. I am interested to hear from the Minister about her Department's engagement with its counterpart in Scotland and its assessment of how effective the Scottish law has been. Have there been any issues with prosecutions as a result of the defence provisions that have been to the detriment of victims? Can any lessons be learned from Scotland? Those valid questions could lead to ideas for strengthening the Bill and its effectiveness, given, as I say, the complexity of what we are dealing with and the issue of reasonableness and the "reasonable person" test, which is difficult.

It is clear that, in order to make the law work, guidance and training will be crucial. I point specifically to that not only because it was important in our deliberations on the Domestic Abuse and Civil Proceedings Bill but because of the lack of understanding and awareness of stalking and harassing behaviour that came through overwhelmingly in the responses to the Department's consultation prior to the Bill being drawn up. Respondents stated that they were not taken seriously by police and that targeted training should be provided; indeed, a 'Review of the Need for Stalking Legislation in Northern Ireland', conducted by Queen's University Belfast, concluded:

"there is a need for training to be provided to police and other criminal justice professionals in order to ensure that they are able to correctly identify and respond to the crime of stalking."

Too often, we have heard from victims that they were told that nothing could be done. I urge the Minister to table amendments to the Bill similar to those on the mandatory training for criminal justice agencies with regard to domestic abuse offences and, insofar as is possible, to encourage training to be provided and sustained for the judiciary, too.

I also note that there is no age limit in the Bill. Unlike the domestic abuse legislation that we have just passed, there are no distinctions in when the offence would apply in the case of children. Again, that highlights how horrendously low the age of criminal responsibility is here. It means that the offence can apply to anyone over 10 years old. We need to look at that. We also need to look at whether additional safeguards can be put in place to ensure that children who are at risk of harm are properly protected and that children who display harmful behaviour related to the new stalking offence receive appropriate and effective interventions. What about the children and young people who are stalked?

Ms Dillon: I thank the Member for giving way. On her last point about the age of criminal responsibility, I call on the Minister to review that and start a piece of work and discussions with the Committee on the issue.

Miss Woods: I thank the Member for her intervention. I have engaged with the Justice Minister on that. I note that she had brought that discussion to the Executive. I encourage all Ministers who did not respond to the Justice Minister on that matter to do so, and then we can have the debate in the Chamber. I also ask

the Minister and the House this question: how many more criminal offences will we introduce before we deal with the issue of the age of criminal responsibility? That needs to be addressed urgently in legislation.

Another area in the Bill is the introduction and operation of stalking protection orders, covered in clauses 6 to 17. Those are welcome. However, I note that we have interim protection orders as well as full stalking protection orders, so what is the rationale for having both? Is the interim order a more immediate way to get protection in place for someone who requires it before a full SPO is in place? Is it because there is no requirement for conviction in order to get one of the orders, or could there be any undue delay? I am also concerned that, under "Power to make orders", clause 8(4) refers to specific circumstances in which an order, under its:

"Prohibitions or requirements must, so far as practicable, be such as to avoid—

(a) conflict with D's religious beliefs, and

(b) interference with any times at which D normally works or attends an educational establishment."

There is clearly a balancing act here with regard to human rights. However, can the Minister tell me whether her Department looked at any other ways to mitigate that problem, possibly through placing a duty on employers or, say, religious organisations to ensure that protection orders do what they are intended to do? What about A's access to religious beliefs, their workplace or education?

In 2018, the House of Commons Select Committee recommended that a national register of serial stalkers and perpetrators of domestic violence be introduced as a matter of urgency and that individuals placed on that register should, like sex offenders, be managed through multi-agency public protection arrangements.

The report also suggested that a more integrated strategy to end violence against women and girls would support a better statutory response to stalking and a more joined-up approach to supporting victims and managing the behaviour of perpetrators. What discussions has the Department had in conjunction with Westminster about such a register and its merits, and what consideration has been given to it?

12.30 pm

How can we fully protect victims against behaviour listed under clause 1(4), for example, with regard to:

"publishing any statement or other material"

or:

"monitoring the use by B or by any other person of the internet, email or any other form of electronic communication"

without engaging the powers that are reserved to Westminster or, indeed, engaging and getting full agreement with online social media operators, for example?

I am aware that we cannot introduce legislation that is under the remit of Westminster, and Ms Bradley and Mr Beattie mentioned reserved powers, but I wonder if the Minister, in her summing up, would outline what engagement the Department has had on that, considering the recommendations of the recently published hate crime review by Judge Marrinan. Could all online stalking behaviours be captured in this offence?

At Committee, we heard that a conviction could be sought under the Bill if all the behaviour were online. That may be the case with purely online harassment and persistent trolling if they are considered to be forms of stalking. We know that stalking behaviour is far more prevalent than what is reported to the police or dealt with in the criminal justice system. In Scotland, before its new legislation was enacted, researchers found that less than half of the 700 respondents had reported their experience to the police. That was despite the fact that more than 25% of the stalking that they experienced involved violence. We face a similar situation with domestic abuse. What is reported is the tip of the iceberg.

Another avenue that I will be keen to explore, hopefully, with the Committee and the Department is reporting and data collection. Much like a number of behaviours that have previously not been legislated for as being criminal, we do not have an accurate picture of the level of stalking in Northern Ireland. Quite frankly, the level of data and information that we collect is appalling.

Harassment data is collected by some criminal justice agencies differently, and it does not specify stalking as a new offence. Much like the arguments that I made during the passage of

the Domestic Abuse Bill, we need to know what we are dealing with not just in incidents and offences that are reported to the PSNI but in how data travels the whole way through the criminal justice system. In order to ensure that we know if there are any gaps and if the new offence is or is not working, we should try to capture as much data as possible. We know that data not only drives policy decisions but, in turn, contributes to resource allocations. Again, without going into it too much here, adequate resources must be allocated to the new legislation.

As I have said before on training, agencies must be allocated resources in order to investigate new offences. That was evident in the responses to the consultation calling for specialist police units to be set up, complaints to be investigated fully, provision for victims' services, perpetrator programmes and problem-solving justice options and so on.

I note the budget issues that the Committee was briefed on last week and the financial implications of the Bill. Like others, I am concerned that the more we legislate with no resource or budget attached, the more we risk legislation not working for victims effectively. It shows that we have much to do.

Why is behaviour going unreported? What can we do to encourage people to report? How can we better support them through this? How can we educate on what stalking is, especially as we legislate for it as a specific offence? I hope that the Minister and Department can address some of those needs as we go forward and dovetail with the creation of any new offence.

There will be a need for public awareness, but there will also be a need to educate people of all ages on harassment and stalking. We need education in schools, and we need workplace policies. We also need to ensure that employers and trade unions have guidance and policy on it. We all know of horrific incidents where women have been stalked and then murdered outside their workplace.

Lastly, and crucially, for those listening who have been affected by stalking or wish to get some advice and assistance, please reach out. It may be very scary to do so, and you may be fearful of doing so, but there are people and organisations out there that can help.

Stalking can be a life-or-death situation, and the Bill has the potential to save lives. Giving victims and survivors the protection that they need is long overdue. We must now ensure that

it is fit for purpose, in law as quickly as possible and properly implemented.

Mr Allister: As some have said, stalking, by its very nature, can be an insidious offence; it can also be a cowardly offence where someone lurks for the purposes of stalking. Therefore, it is right that it is adequately legislated against in our criminal law.

In coming to the Bill, I wish to address some of the general principles in it and to seek clarification on some specifics. Straight away, that takes me to clause 1(1)(b):

"A's course of conduct ... causes another person to suffer fear, alarm or substantial distress".

In some legislation, such as the Public Order (Northern Ireland) Order 1987, there is a definition of fear. What does fear mean in this Bill? What if, for example, an investigative journalist was to follow someone for the purposes of challenging them or to watch their movements? Is the fear of being exposed by a journalist enough? That journalist might ultimately have a defence under clause 1(5). However, as the Bill is drafted, something like that could be stalking. Therefore, should it not say, as the GB legislation says, "Fear of violence"? Section 4(a) of the Protection of Harassment Act 1997 also talks about fear, but it expressly says, "Fear of violence". Surely that is the fear that the stalked person will see invoked within themselves. Therefore, I think that there is a need to be more specific when we talk about "fear".

In the following subsection, we come to something that I have talked about before in the House, to no effect, which is the imposition of the reasonable man test. That is where there is no fear, but where someone, in their wisdom, thinks that there should have been fear, and therefore a box is ticked. I think that the House knows my views about the Department's, and, indeed, the House's, propensity to rewrite the very essence of criminal offences in that regard. Indeed, clause 2, which is an alternative offence, approaches this in a much more sensible way. Clause 2(1)(b) it says that:

"The behaviour would be likely to cause a reasonable person to suffer fear".

That is highly preferable to the convoluted notion that, where there is no fear, someone else can superimpose their own view that there should have been fear.

In looking at the contrast between clauses 1 and 2, we see that "reckless" is a component in clause 2(1)(c) but not clause 1. Why not? Should there not be a parallel reference in clause 1(2) to A's recklessness? I think that there ought to be.

I come to clause 1(5), which is where the person who has been charged can:

"Show that the course of conduct ... was authorised ... was engaged in for the purpose of preventing or detecting crime, or ... was reasonable in the particular circumstances."

That might be your journalist. However, when it says to "show", to what standard is that? Has the defendant to show that beyond all reasonable doubt, or do they show it to the civil standard of the balance of probabilities? I suspect that it is the latter, but there is nothing to say that it could not be the former. That could usefully have some light shone upon it. We are dealing with a serious criminal offence for which you can collect a tariff of 10 years, so I think that these things need to be clear.

I note that clause 2 is an alternative in the sense that though charged under clause 1 you could be convicted under clause 2. I have to say, though, that clause 2, in a sense, is a different genre of offence. It could involve threatening or abusive conduct, which is not required in clause 1. I suppose that there is no reason why it could not be an alternative, but it seems to me to be very much a freestanding offence on its own.

What I really want to deal with this in this contribution is the stalking protection order. As I read the Bill, a person could be successively subjected to a stalking protection order but never prosecuted or convicted of any offence. If I am wrong about that, I would like the Minister to point out where I have fallen into error. It seems to me that clauses 6 and thereafter embrace stalking protection orders but do not make them conditional upon criminal proceedings being under way in respect of a stalking prosecution or a conviction already attained. They seem to have a life and existence all of their own. They have the dangerous potential that someone could be subjected to successive stalking protection orders, running for years, without the state ever having to trouble to prosecute them. That is not something that I would be comfortable with, all the more so since I believe, in reading the Bill, that a stalking protection order is a civil-type remedy, in that you would only have to prove the grounds on the balance of probabilities. I say that because of clause 12(2), which says:

"Any application under section 7, 10 or 11 to a court of summary jurisdiction is to be made by complaint under Part 8 of the Magistrates' Courts (Northern Ireland) Order".

Part VIII is the civil proceedings Part of the Magistrates' Courts Order. It seems to me — again, the Minister can tell us if I am wrong — that a stalking protection order can be obtained on evidence not to the criminal standard but merely to the civil standard and that they can be attained successively for years on end without that person ever being prosecuted in the courts for the actual offence of stalking. Is that not verging on an abuse? I would have thought that it is.

I would like one further clarification from the Minister. Clause 7 talks about applications for these stalking protection orders. Is that an ex parte application? Do the police simply come along and ex parte make the application, or is the person against whom they are making it also entitled to be present and to be heard, or is it a two-stage process? What is it?

We need some clarity as to how those stalking protection orders will be sought.

12.45 pm

We also need clarity on whether there is a definitive right of appeal against a stalking protection order. Clause 10 states:

"The Chief Constable or the person against whom a stalking protection order is made may apply to a court of summary jurisdiction for an order varying, renewing or discharging the stalking protection order."

It is not set out in the legislation, as it is in the GB legislation, that there is a definitive right of appeal. Section 7 of the Stalking Protection Act 2019 — I invite the Committee to look at that in due course — expressly states:

*"A defendant may appeal to the Crown Court against—
(a) the making of a stalking protection order,
(b) the making of an interim stalking protection order,
(c) the making of an order under section 4 on an application by a chief officer".*

Why are we being diffident in this legislation about spelling out the fact that there is, and must be, a process and right of appeal? To whom is the appeal made? In GB, you have a

right of appeal to the Crown Court. Here, under this Bill, there is a request to discharge such right of appeal as you have to the Magistrates' Court, which is the very court that made it. There seems to be no anticipation that you can appeal to a higher body. That is something that seriously needs to be looked at in respect of the drafting of the legislation.

I make the point again that those orders can be for successive periods of up to two years. It would be very bad law to allow that to stand with no reference to the fact that, during that process, the person would need to be taken for prosecution. Therefore, either you make it conditional or time-limited to a criminal prosecution or, I fear, it is open to the abuse of repeated use, and all that to the lesser civil standard.

Then, of course, it becomes a criminal offence if you breach the preventive order. Then you can go to prison for five years. You can have an order put on you preventing you from stalking. You do not need to be prosecuted for stalking. You do not have the right of a trial before your peers to determine whether you were stalking. However, if you breach the preventive order, which seems to be put on you only to the civil standard being met, you can then be prosecuted for breaching that order. There is something there that does not add up. That needs to be addressed.

In GB legislation — I believe that it is section 6 of the 2019 Act — the duration of the preventive order can be specified. Here, according to clause 9(1)(b), it can be "until further order". Clause 9(1)(a) states that it can be:

"for a fixed period ... of at least 2 years".

That seems to be highly punitive without any of the protections that come with the requirement to move, at some point, to a prosecution.

Something is slipped in at clause 14(2)(c) that is not in the GB legislation. This is about the notification requirements. It says that a person who is subject to a stalking protection order, or an interim one:

"must, within the period of 3 days ... notify to the police the information set out in subsection (2)."

What is that information? It is the person's name and home address, and then we propose to add something that is not in the GB legislation, which is:

"any other information prescribed by regulations made by the Department."

What could that be? Why would we need that if the sole purpose of the provision is simply to assist in the identification of the person? That is why you need and must have their name and address. Yes, any such regulations could be subject to affirmative resolution in the House. I think that, if I recall correctly, that is covered. Yes, it is in clause 14(9), which states:

"Regulations are not to be made under subsection (2)(c) unless a draft of them has been laid before, and approved by a resolution of, the Assembly."

That is a protection, but my question is a more fundamental one: why are we looking for that in the first place? It does not seem to have been thought necessary by Westminster in its legislation, so why are we seeking to put it in? It holds out the possibility of a creeping infringement of people's rights, and these are people who, I remind you again, have not been convicted. These are people who are subject to preventative orders without a conviction. The House should tread carefully in that regard.

In the same vein, we come to clause 15. Clause 15(3) tells us:

"When a person gives notification under section 14(1), (3) or (4), the person must, if requested to do so by the police ... allow that officer"

to take their fingerprints. This is someone who has not been convicted of anything and has not even been charged with a criminal offence, yet we say that a police officer can take their fingerprints, photograph them or do both. It goes on to say:

"The power in subsection (3) is exercisable for the purpose of verifying the identity".

If someone fails to give their fingerprints, they can be jailed for five years. I would dearly like the House to insert a very important word into clause 15(4). We should say that the power in subsection (3) is exercisable "only" for the purpose of verifying the identity of the person. It is a step much too far to give a right to take and retain fingerprints and photographs of someone who is subject to a civil remedy, which is a prevention order, rather than someone who is subject to a criminal prosecution. That is just going too far. If you fail to do that, you have committed another criminal offence.

I say to the House that there is much tidying-up to be done in the Bill to make it the sort of legislation that is respectful of fundamental freedoms and liberties, and there are matters, particularly pertaining to protection orders, that the Committee should address with some vigour.

Mr Carroll: I welcome the opportunity to speak on the need for new stalking legislation and the Bill presented by the Minister. I begin by thanking the victims of stalking and their families who have spoken up publicly about what happened to them and how the current law has failed them. Without their voices and stories being shared, the true scale and nature of the issue, as well as the failure of institutions to take it seriously, may never have been recognised. As is often the case, women in particular are forced to speak up, even when that may feel traumatic and intrusive, before the issues that impact on them disproportionately are addressed, whether that is domestic abuse, the disgraceful and inexcusable lack of abortion services, which is maintained by the Executive, or the issue in front of us.

As I said when the Minister introduced the Final Stage of the Domestic Abuse and Family Proceedings Bill, I have little faith that the change needed to tackle the wider issues of misogyny and inequality for women, which give rise to many of these crimes and experiences, will come from within these four walls. However, we can be certain that such change is hindered by the way the Assembly and Executive have perpetuated such inequalities by denying women bodily autonomy, stripping them of financial autonomy through universal credit measures and so on.

We need a holistic approach to how the lives and experiences of women in our communities can be improved so that they can be enabled to feel safe and live freely. Therefore, I am sure that the Minister will agree that there is an onus on the House to ensure that this new legislation does not allow women to fall through the cracks or have their experiences devalued, and that goes beyond just this legislation. There is a job to do in tackling the issues of misogyny and inequality.

Clauses 6 to 17 enable the issuing of protection orders, as has been mentioned, and interim stalking protection orders, which, it seems, would be important to ensure that victims feel safe and that perpetrators are deterred while a full order is being considered.

One issue that many victims of stalking raise is the lack of understanding by the police of the

dangers and nature of stalking. That was acknowledged in the consultation responses to the Bill. That not only allows behaviour to escalate, putting victims at further risk, but leads to an understandable lack of belief in a system that fails victims. I hope that the Minister can, in her closing remarks, set out what measures can be taken to ensure that, when victims come forward to the police, they are not left feeling that their experience is not being taken seriously.

Clearly, the issue of stalking relates not only to an unfit law but to a culture within the PSNI and society generally of minimising the risks of stalking. Therefore, action on both is needed to address that situation. I would like to hear what measures the Minister proposes to take to address those fundamental issues.

Clause 5 amends the Magistrates' Courts (Northern Ireland) Order 1981 so that perpetrators of stalking or abusive behaviour lose the right to a jury trial. I wonder whether the Minister could explain the rationale for that and whether it is restricted to so-called minor incidents or incidents viewed as minor, and how that would be adjudicated. Generally, we would have issues with non-jury trials. Without further explanation in the explanatory and financial memorandum, that needs some clarity.

Clause 1(5) states that an adequate of stalking or harassment would be that the perpetrator:

"(a) was authorised by virtue of any statutory provision or rule of law [or],

(b) was engaged in for the purpose of preventing or detecting crime".

I am sure that the Minister is aware of the recent "spy cops" Bill, which generated a furore among victims of the police officers responsible for infiltrating not only groups on the left but paramilitary groups locally, engaging in unacceptable behaviour ranging from abuse to more serious offences. In many cases, women were victimised by some of those officers, whose actions were deemed to be within the rule of law and for the purpose of preventing crime. In what circumstances does the Minister believe that an officer preventing a crime could use that as a potential defence for stalking or harassing behaviour as outlined in this Bill? Under which law or statutory provision does she foresee the potential to use that defence?

Finally, I would like to ask the Minister whether the consultation responses to this Bill and those to the Domestic Abuse and Family Proceedings Bill have changed her mind on the need for a

commissioner and a targeted strategy for women and girls. It is my understanding that that role could be accommodated within this legislation but is not.

I appreciate the inclusion of a clause stating that guidance will be issued to the Chief Constable on exercising the functions of the Bill. Given the failure to understand these issues or take them seriously currently, and the impact that that has had on victims, I stress that regular scrutiny of and subsequent reports on how this law is being implemented are imperative. Someone tasked with doing that and other issues would help that cause. We cannot find ourselves 10 years down the line, if the legislation is not doing what it says on the tin, debating how well intentioned, thoroughly researched and consulted upon it was.

1.00 pm

Mrs Long: As I mentioned at the beginning of the debate, progressing the legislation is a key priority for the Department, for me and for the Committee, which, I know, has taken an active interest in the matter historically and will again as the Bill passes to it for scrutiny, hopefully today.

I thank all Members for their constructive and positive engagement. As the Bill moves through its stages, I hope that we can continue in that spirit to ensure that this important legislation reaches the statute book as soon as possible and starts to deliver for the people across Northern Ireland who suffer from what is a debilitating and insidious crime. Stalking can be psychologically and physically damaging to victims, with delusional and obsessive offenders often going to extreme lengths to contact, follow and monitor their victims.

I want to turn, if I may, to some of the comments that were made during the debate. It is important that we try to address some of them, although many of them will obviously be addressed more fully and in slower time as the Committee takes on its work. I thank the Chair, Paul Givan, for setting out the historical work of the Committee. It is good to know that that work will provide a good foundation for scrutiny of the Bill. He was, of course, correct to identify delay since 2016, and I am committed to working with him and the Committee to ensure that the Bill moves forward swiftly. We may not have been able to influence the outcome for three years, but we can now take things forward with speed.

The examples provided in the Bill, to which Mr Givan referred, were missing from the harassment legislation, making it harder to

utilise in cases such as this. The range of behaviours can be considered illustrative of stalking but is neither exhaustive nor prescriptive, to avoid any gaps or any defences that are based on them; in fact, the format is similar to the approach that we took in the Domestic Abuse and Civil Proceedings Bill. We also have a catch-all of behaviours at clause 1(4), and I think that there is something there to pick up on later with the Committee.

The Chair and other Members also raised the issue of having a stalking register. At this point, I do not have plans to introduce a register for stalking perpetrators, but I am keeping that position under careful review and will be keen to hear how the views of the Committee pan out as it scrutinises the Bill and takes evidence on it. I want to set out, if I may, my thinking on that. I am aware that our counterparts in England and Wales and Scotland, who have had stalking legislation in place for some years, have no current plans to introduce such a register. My focus is on ensuring that we make better use of our existing systems. The police already maintain databases that hold details of those convicted of harassment and fear-of-violence offences, and they will record the stalking offence once it comes into force. That will enable the police to manage risk and share their details across criminal justice and other relevant agencies. The Bill will also introduce stalking protection orders that will place notification requirements on perpetrators, and that provision will also enable the police to manage any risk. I hope that that answers the concerns that Mr Gordon Dunne raised and some of those that Miss Rachel Woods raised.

I thank the Deputy Chair for her comments and her commitment to moving the legislation through its stages as swiftly as practicable. I share her concerns about the impact of stalking on victims and their lives. It can be incredibly debilitating and can make life intolerable, making the victim a captive of the stalker and of fear. By providing people with the confidence to come forward and through stalking protection orders, we can offer immediate and swift intervention in a way that has not previously been possible.

Ms Dillon and Paul Frew rightly raised how stalking was different from harassment and how that would be defined. That is critical to people understanding the difference between the two. While harassment is primarily seen as a dispute over an issue, stalking is different and is more focused on an individual. In stalking cases, there is a pattern of unwanted, fixated and obsessive behaviour that is intrusive. An acronym has been devised by the College of

Policing and is used in guidance for police in order to recognise the traits of stalking whilst investigating an offence. That acronym is "FOUR" — fixated, obsessive, unwanted and repeated. It is important that people are aware that those elements are in place as they try to take those issues forward in the justice system.

Sinéad Bradley asked a number of questions, along with others, including one about additional cost to the criminal justice system as a consequence of the Bill. It is considered that a significant proportion of the costs associated with the current related offences of harassment and fear of violence will simply transfer to the remit of a new stalking offence once it is in place, as, often, the harassment offence is the only opportunity that people have to pursue a case in court. The introduction of stalking protection orders will have some financial effects for their application by police to the courts, and my officials are working closely with criminal justice partners in the assessment of a full financial business case in that regard.

Sinéad Bradley and Rachel Woods raised the issue of training, which is incredibly important. Any change in the law will not simply be a solution to this horrendous crime. Training for all criminal justice partners will be an integral and essential part of successfully implementing the new legislation. Following the outcome of the stalking consultation and in preparation for the new legislation, my Department hosted a successful event for operational partners and voluntary organisations in order to keep awareness of stalking high on the agenda. Keynote speakers from the College of Policing, the Crown Prosecution Service and a stalking advocacy shared their knowledge, training and expertise, which led to the event receiving very positive feedback from our partners. My officials will continue to build on that with our operational partners and plan to hold a similar event — a virtual one this time — before the legislation comes into force.

Members rightly raised concerns about time frames and delays. I assure them that, whilst the Assembly was not working for three years, the Department was. That is reflected in the fact that this is the third piece of legislation from the Department that has progressed to its Second Reading in the House. We will continue to press ahead with legislation where that is required. When it comes to the timescale for the implementation of the legislation, we anticipate that the offences will come into force upon Royal Assent. Stalking protection orders will require some lead-in time for training, which may be three to six months after Royal Assent. To be clear on Rachel Woods's point, we have

no powers to direct the judiciary with respect to training. That is something that has to be taken up by the judiciary itself, because it is entirely independent of us and would not welcome our interference.

Sinéad also asked about powers of entry in respect of stalking offences and whether we believed that those powers were already in place. We believe that powers of entry and search are in place for the stalking offence and the offence of threatening and abusive behaviour, which are indictable offences. Those powers are contained in Part III of the Police and Criminal Evidence (Northern Ireland) Order 1989, which deals with powers of entry, search and seizure. The consultation document set out a comparison of the powers used in other jurisdictions and asked for views on whether we needed a power of search. The consultation also highlighted that, were we to create a summary-only offence such as they have in England and Wales, our legislation would have to specifically provide that power to enable the police to apply for a warrant to enter and search premises. In Scotland, both offences were indictable, and, therefore, provision for entry and search was automatically provided. That is the case with our offence.

Doug Beattie and Paula Bradshaw rightly highlighted the motivations that can drive people and their stalking behaviour and the impact that it has on those who are victimised. Mr Beattie also mentioned some of the key statistics, and it is important to take a moment to reflect on them. The police's most recent recorded crime by offence statistics from November 2020 show that, in 2019-2020, there were 10,062 reported harassment incidents in Northern Ireland. Harassment incidents include malicious communications. The overall figure for 2019-2020 was broken down as harassment accounting for 4,668 incidents; malicious communications accounting for 4,790 incidents; with intimidation accounting for the remaining 604 incidents. That represents a 90.8% increase on 2018-19 and is one of the highest levels on record since reporting began in 1998-99. To give more weight to those figures, in 2015, under the Protection from Harassment Order, 126 people were convicted of harassment, whilst, in 2019, 141 were convicted. In 2015, 31 people were convicted for a breach of a restraining order, and that rose to 85 in 2019. In 2015, there were 17 convictions resulting in a custodial sentence for harassment offences, rising to 30 in 2019.

Mr Beattie also raised the question of whether new legislation would make internet trolling an offence. Current legislation in Northern Ireland

allows for prosecutions in relation to protecting people from harassment or bullying, whether directly or in the form of cyberbullying or trolling. The new stalking legislation will define conduct that includes monitoring the use of the internet, email or other forms of electronic communication. Harassment and bullying are already criminal offences in Northern Ireland, whether perpetrated directly in person or in the form of cyberbullying. The maximum penalty for harassment is two years' imprisonment, which may be increased to seven years where there is a threat of violence or 10 years where a person threatens to kill another person. As previously outlined, the new stalking offence will carry a maximum penalty of 10 years.

Specifically in relation to trolling, article 3 of the Malicious Communications (Northern Ireland) Order 1988 makes it an offence to send indecent, offensive, threatening or false letters or articles with intent to cause distress or anxiety, and that attracts a penalty of a fine of up to £2,500. Section 127 of the Communications Act 2003 makes it an offence to use public electronic communications networks to send a message or any other matter that is grossly offensive or menacing and provides for a penalty of a maximum of six months' imprisonment and/or a fine of £5,000.

While I am satisfied that there are a range of offences that can be used to tackle and prosecute offensive online behaviour in Northern Ireland, I am always open to suggestions for how the laws in that area can be strengthened. I am, however, mindful that internet misuse generally and social media abuse specifically are not areas that are unique to Northern Ireland; indeed, in some places, they are not devolved to Northern Ireland where it is a communications-related issue. I am working hard with the Home Office and with the Department for Digital, Culture, Media and Sport. As you know, that Department has a White Paper on online harms, and I am keen that we grasp those issues collectively. I also think that there is a certain weight to be gathered from working cooperatively with other jurisdictions, as much of what is required to protect people, particularly from online trolls who have unverified accounts, really comes as a result of how the platforms manage their business. It requires a cooperative approach; indeed, I know that, in the EU, considerable work is going on about unverified accounts, and there is a lesson for us all in being able to work with them.

I am slightly disappointed that, without scrutiny or evidence, Mr Frew indicated that the online elements of the Bill needed to be made fit for

purpose. I hope that he will approach the Bill with an open mind, as considerable work, including work with victims and stakeholders, has gone into shaping the Bill, and I would not want that to be disregarded. However, he also asked a pertinent question with respect to how the new penalties in the Bill compared with those in the Protection from Harassment Order. The Bill will introduce greater penalties for the new offences than those currently provided for in harassment legislation. The current penalties for the offences of harassment and fear of violence include, first, the article 3 offence of harassment:

"on conviction on indictment" —

that is trial by a jury in a Crown Court —

"to imprisonment for a term not exceeding two years, or a fine, or both; or

(b) on summary conviction," —

heard in a Magistrates' Court with no jury —

" to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum"—

of £5,000 —

"or both."

Secondly, there is the article 6 offence of putting people at fear of violence:

"on conviction on indictment, to imprisonment for a term not exceeding [seven years], or a fine, or both; or

(b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum",

which is £5,000.

In comparison, you will note that the penalties in the Bill go further than the harassment offences. The new offence of stalking, which is comparable to the offence of putting people in fear of violence, will increase the sentence to a maximum of 10 years, compared with seven years on conviction on indictment.

On summary conviction, the sentence increases to 12 months, compared with six months. I hope that that is helpful.

1.15 pm

I turn to the new offence of threatening and abusive behaviour, and, again, it is comparable to the harassment offence. We will see the sentence increase from five years, compared with two years, on conviction on indictment. On summary conviction, the sentence, again, increases to 12 months, compared with six months.

A number of other Members, including Rachel Woods and Gerry Carroll, raised the issue of a women and girls' strategy. I remind people that is not only women who can be stalked. Whilst there is a perception that that is the case, we need to be cautious, as an Assembly, to remember that other people can be stalked and that women and girls can be perpetrators of stalking. We need to be careful about conflating the two. However, setting that aside, the issue of a women and girls' strategy is not strictly a matter for the Department of Justice. It is a matter for the Executive, as a whole, to take forward, and it is not simply about justice strategy. As Members will be aware, I take the issue of women and girls in the justice system very seriously. I hope that they will respond to the consultation on a strategy for women and girls in custody that is out at the moment. It is important that we recognise the different motivations and rehabilitation methods that are necessary for dealing with women and girls in the justice system. The lead on the wider issue of how we deal with women and girls falls to other Departments.

The issue of the minimum age of criminal responsibility was also raised. On many occasions, I have made my position on that clear in the House. We have one of the lowest ages of criminal responsibility in the Western world, and I believe that it is too low. I think that we need to look at raising it to a more reasonable figure. My predecessor, David Ford, tried to do that during the passage of his Bill. The initial intent was to raise it to 12 years of age, which is still incredibly low, and for it to rise to 14 years of age, and that was rejected. As Members have noted, I have written to Executive colleagues again to engage them on the issue, and I still await those responses. I encourage Members who feel strongly about the issue to write to members of the Executive and to encourage them to take the matter seriously and to respond appropriately. I believe that, at 10 years old, a person does not have sufficient understanding to know the consequences of their actions in the same way. Whilst, in many cases, the justice system will allow for that, I believe that 10 years old is incredibly young. When we look at those who offend at that very young end of the scale, we often find that those young people are actually

victims, and we need to deal with them in a very different way from adult offenders.

The issue of collecting data on offences was also raised. I hope that I have addressed how we will go forward with that. It is not possible for the Department of Justice to collate data on offences that do not currently exist. It would be for other agencies and research projects to do that. However, for example, the Department monitors harassment, and I have given the figures today for how the harassment situation breaks down, in order that we get some feel for where stalking may lie within that.

Again, other Members raised the issue of education and how we educate our young people on healthy relationships and attitudes to women and girls, in particular. I do not disagree with anything that has been said about that. It needs to happen. It is the primary responsibility of the Department of Education to reform relationships and sex education (RSE) and to make sure that people have more constructive attitudes to women and girls.

Ms Dillon: I thank the Minister for taking an intervention. Does the Minister agree that we need a uniform approach right across our education system? Currently, we do not have that. Schools get to decide what a healthy relationship looks like, and that is not healthy.

Mrs Long: I completely agree. We need uniform and non-judgemental RSE education, so that young people have the opportunity to explore, with their teachers and peers, what healthy relationships and healthy attitudes towards different genders and sexualities look like. It is really important that that happens as part of the structure of education in an age-appropriate way.

The Gillen review of the law and practice in serious sexual offences highlighted that there was an issue with societal attitudes that needed to be tackled using a cross-Executive approach and an educational process. My Department continues to work with the Department of Education to ensure that we can deliver on those elements. It is hugely important that we learn from the reviews that we have taken forward as to how we can have better educated young people who are equipped for their future and able to spot the warning signs when it comes to abusive, coercive or stalking behaviour.

Rachel Woods mentioned the Scottish experience. Officials have engaged throughout with the Home Office and the Scottish Government about offences in their

jurisdictions. Our offence is shaped by the experience gained during operationalisation of the offence and its implementation. Scotland has seen a year-on-year increase in stalking offences since the introduction of the legislation. We have learned from that experience in shaping the legislation before us.

I now turn to Jim Allister's queries about the Bill, particularly on stalking protection orders. These orders are designed for the police to use to disrupt stalking behaviours before they become entrenched or escalate in severity and to protect victims when there is an immediate risk of harm. They are intended as a disruptor and would normally follow on from a complaint from a victim. However, the police would apply for the orders, taking the onus off the victim. It would require the victim to have engaged in that complaint but not necessarily to have consented to such an order being sought. In order to make an application to the Magistrates' Court, however, a police officer must be satisfied that the defendant has carried out acts associated with stalking, that they pose a risk of stalking to another person, and that the order is necessary to protect the other person from that risk.

An interim order can be in advance of prosecution or of a fixed duration. Appeals are to the County Court, and clause 10 allows for any defendant to seek a variation to or discharge of an order. I am happy to meet the Member to address those specific concerns in more detail if it would be helpful, because I realise that he has a particular interest in that regard.

Mr Allister: Will the Minister give way?

Mrs Long: Yes.

Mr Allister: I would be happy to take up that invitation. To clarify, am I correct in saying that a stalking protection order can be made on a single act without a course of conduct, such as would be required for the criminal offence? The course of conduct is not required. Am I correct in saying that an order could be made without the accused, or the subject of the order, ever having the opportunity to be heard and that that order could last, by repetition, indefinitely?

Mrs Long: I think that the Member has taken the case in extremis and assumed that it would apply all at one time. For example, if someone had committed only one act, it is unlikely that, in extremis, they would have an ongoing order applied against them if there were to be no

repetition of that behaviour and no breach of the order.

It is worth considering the fact that clause 10 allows for the defendant to seek a variation to or a discharge of the order. When an order is made as an emergency provision in order to protect an individual from threat of harm and risk from stalking, that is subject to the individual being able to appeal against it to the courts. I am happy to meet the Member and go through those concerns in more detail to provide him with the required reassurance.

I am aware of the impact on victims, many of whom have very bravely come forward and shared their personal accounts with me. They are the driving force behind the Bill. I know that many Members will feel the same because they have engaged with their constituents. John Blair mentioned the experiences of his constituent, whom I have met. I spoke to her in detail, and I cannot be anything other than moved and, frankly, depressed by the treatment of those who have been subjected to stalking over a protracted period and felt that the law was not there to protect them.

Jemma Dolan spoke about the high-profile case of Allison Morris, whom I also met. We discussed her experiences at the hands of a stalker. Having met those victims, I am acutely aware of the devastating consequences of stalking on people's lives. They are living in fear daily. That happens not only when the stalker is present but when they walk out of their door and out of their workplace, when they go out with friends and scan the room to see whether the stalker is there or whether the stalker might arrive. They are constantly on their guard, constantly fearful for their safety and constantly worried about their reputation, which, often, is also a line of attack from those who stalk. That affects not only the individual; but often abuse is hurled at their family to try to control their behaviour or get their attention. It is important to recognise that the legislation also covers stalking by proxy, where someone opts to harass family members to have an impact on an individual.

People are living in fear daily. Stalking has serious, long-lasting and devastating impacts on the individuals whose confidence is shaken and whose lives are turned upside down. Put simply, stalking destroys lives. This is our chance to intervene to help victims.

I want to leave you with a quote from a victim:

"I was terribly afraid, maybe because I was unable to predict how far things would go

before someone could stop him. He acted like a person who had lost his mind, and I didn't know when or where the next attack would happen. I didn't feel protected enough."

This is our opportunity to ensure that no other victim ever feels that they are not protected enough.

Question put and agreed to.

Resolved:

That the Second Stage of the Protection from Stalking Bill [NIA Bill 14/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Protection from Stalking Bill. The Bill stands referred to the Committee for Justice. I ask Members to take their ease for a few moments before the next item of business.

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

1.30 pm

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021

Mr Swann (The Minister of Health): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on this debate. Before I invite the Minister to commence the debate, I remind Members that there has been an arrest related to a gathering over the weekend. I do not want to inhibit discussion on the motion, which asks the Assembly to approve legislation, but, in accordance with my responsibilities under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contribution to the debate that may prejudice the outcome of any criminal proceedings. Members who deliberately flout the sub judice rule will be asked to resume their seat.

Mr Swann: Today I am bringing forward for debate the first amendment to the Health

Protection (Coronavirus, Restrictions) (No. 2) Regulations 2021, SR 2021/3.

With your permission, Mr Principal Deputy Speaker, I will set the context and briefly summarise the statutory rule. The current set of restrictions was introduced on 26 December in order to address the escalation in COVID-positive cases and hospitalisations that had been predicted in the modelling just before Christmas.

There were also enhanced restrictions between 8.00 pm and 6.00 am from 26 December until 2 January, with an accompanying power for the PSNI to direct persons home where they were engaged in prohibited activity or were intending to be so engaged. Those amendments were previously debated in the Chamber, and I am grateful to the junior Ministers for leading on those debates.

At the time that the amendments to the regulations were made that brought into effect the current restrictions, it was the intention of the Executive to maintain those restrictions for at least six weeks, that is, until 5 February 2021. At an Executive meeting on 5 January, I gave an update on the state of the epidemic at that point. That demonstrated that the case numbers had risen significantly over the Christmas period and that the reproductive rate of the virus, the RT value, had risen to the upper end of the modelling limits and was close to 1.8, based on the recorded case numbers. That was accompanied by a significant increase in COVID-positive deaths. It was clear that there had been a substantial increase in virus transmission as a result of the behaviours during the pre-Christmas relaxations and Christmas social interaction and mixing. That was in line with the modelling projections that the Executive considered during December.

The restrictions that had been in place since 26 December were not yet having a significant impact on the indicators of disease. It was expected that their impact would be apparent in the data during the following one to two weeks. In the meantime, there was significant and growing pressure on our hospital system and on critical care. Those pressures were expected to continue to escalate and intensify against the backdrop of a system already under extraordinary and protracted strain.

In order to ensure that our health and social care system could manage the predicted peak levels of disease and given the level of infection circulating in the community at the time, the Executive agreed that enhanced restrictions should be introduced with effect from Thursday

7 January in order to bear down on the rate of virus transmission. The amended regulations that we are debating give effect to the changes that the Executive agreed at that point, which was the first week of January.

The amended regulations SR2021/3 included the amendments that I will detail. General restrictions on movement were introduced, similar to those used during the first lockdown in March last year, but they were adapted to take account of those activities not currently permitted. Indoor and outdoor gatherings were restricted to six persons from two households, with some exceptions, which is a reduction from the previous 15-person limit. Gatherings in private dwellings were restricted, both indoors and outdoors, to one household or to one household and its linked household to a maximum of 10 persons. That aligned the restrictions on outdoor gatherings in private dwellings with the restrictions on indoor gatherings in private dwellings. The exercise provision was amended to permit exercise alone, with your own household, a member of your own bubble or one other person. The power for the PSNI to direct persons home was reintroduced, as it was previously in place from 26 December to 2 January only.

Those regulations came into operation at midnight on 7 January and remain in place today. Whilst they are all individually important, the importance not just in effect but in simplicity of the legal "Stay at home" message cannot be overstated.

Mobility data in the weeks before Christmas clearly suggested that the "stay at home" and "work from home" guidance was not being adhered to sufficiently and that the level of adherence was far from that which was experienced during the first lockdown in March last year. In addition, I had regularly suggested to colleagues that a high-visibility policing operation through an increased presence of vehicle checkpoints, for instance, would send a clear message to the public. I believe that the restrictions were a measured and proportionate response to the information that was available at the time.

The trajectory of the epidemic since their introduction has demonstrated that the restrictions are having a positive effect on infection rates. However, we are not yet where we need to be, and there is absolutely no room for complacency. The restrictions continue to be necessary today if we are to protect the health of our population. Hospitals continue to operate at a very high level of occupancy, and it will take some weeks and months for that to work through. We need to drive down the level of the

virus circulating in the general population to a greater degree to allow the health service to regain its capacity to treat COVID and non-COVID patients alike. That is why, informed by the latest modelling and projections for the disease, the Executive agreed subsequently, when the regulations were reviewed in the third week of January, that the current restrictions should and would be extended for a further month, until 5 March.

I hope that that provides the House with a summary of the context in which the regulations were made and an outline of their content. I commend the regulations to the Assembly.

Mr Gildernew (The Chairperson of the Committee for Health): The Health Committee understands all too well the impact that the pandemic has had not only on our health service and its staff, as referred to at the outset of the Minister's remarks, but on all our people right across the North and, indeed, right across the island.

I am conscious, as we discuss the regulations this afternoon that, taking the combined figures from NISRA and the figures from the Twenty-six Counties, 6,134 people have lost their life to COVID. Every one of them is an individual, family and community tragedy, and I send sympathy and condolences to everyone affected.

The past 11 months have been difficult for everyone, and I thank the vast majority of people who have followed the restrictions that have been put in place. It is with great difficulty that the Committee has considered the statutory rules that place restrictions not only on what we can do but on our interactions with family and friends. However, we understand that we need to do all that we can to reduce the pressure on our health service and its staff, who are working under extreme pressure. We are also thankful for the continued roll-out of the vaccine programme, which provides us with hope that there will be an end to the restrictions.

This specific rule came into operation on 7 January and makes a number of provisions, including restricting gatherings, introducing restrictions on movement from home, and introducing a power to direct people to return home. The Committee was briefed by the Department on the rule on 28 January. The Committee received very late notice of the briefing and the rule, and accompanying papers had to be tabled at the meeting, giving members minimum opportunity to consider the rule.

I have previously outlined on prior regulations the urgency with which the regulations are being made and the resulting lack of prior engagement. The Committee has enquired about efforts to analyse the impact to ensure that future regulations are informed by such learning. Indeed, that issue was raised directly with officials at the briefing on 28 January. I ask the Minister to ensure that the Committee receives the rules in a more timely manner, alongside an analysis of the expected impact that the easing or putting in place of restrictions would have. That will provide assurance that lessons have been learned and that restrictions are being eased or put in place appropriately.

At the briefing by officials on 28 January, the Committee sought clarity on a number of issues, including the rules for indoor gatherings under regulations 5 and 5(5)(a). A number of members also sought clarity on the rules for click and collect and highlighted concerns about an uneven playing field between small independent retailers and multinationals. The Committee was advised that the Executive were further considering the issue, and I would be grateful if the Minister could outline progress on that matter.

As previously discussed, members have concerns about the limitations of post hoc scrutiny and the continuing approach of legislating without formal consultation and impact assessment. It is acknowledged, however, that this opportunity for debate allows Members to place their views on record and, we trust, inform subsequent regulations.

I will now make a couple of brief remarks as Sinn Féin's spokesperson for health. First, we recognise that these restrictions are necessary and are designed to stop chains of transmission. We also understand that these powers would not be necessary if there was not a pandemic. However, there is a growing understanding that a cycle of lockdowns and easements is not sustainable and has negative consequences.

The developments with vaccines are hugely welcome and provide scope for hope that the worst days of this can be behind us. However, we all recognise that, given the current situation with new variants across the world, there is no certainty with vaccines. We need to maintain the other public health measures, reinforce and increase the strategy of find, test, trace, isolate and support, and that needs to be kept in parallel with positive developments around the vaccines.

Mr Principal Deputy Speaker: Before I call the next Member, Mr Buckley, I want to inform Members that I have Mr Buckley, Ms Hunter, Ms Bradshaw, Ms Ní Chuilín, Mr McNulty and Mr Carroll on my list. If any other Member wishes to speak or participate in the debate, they should, please, rise in their place, and I will add them to my list.

Mr Buckley: I will start this debate, as we all have in the weeks that we debate Coronavirus regulations, by placing on record my sincere thanks to all of the healthcare professionals who continue to play their part in controlling this virus and tending to those who have succumbed to it. It goes without saying that they continue to face considerably high pressure points across hospital sites in Northern Ireland and, indeed, the United Kingdom.

The regulation before us today is a statutory rule to amend the date that the Department of Health must review the need for the restrictions and requirements imposed by regulation 3 of the principal regulations to:

"on or before 18 February 2021".

The rule also amends the expiry date, detailed in regulation 15 of the principal regulations, to "midnight on 5 March 2021".

In debating the health regulations, it is key to note, as the Minister has said, that restrictions have helped to bring infection rates down, but we must be ever mindful of the impacts across society that continued lockdowns and restrictions are having. We must remain vigilant and do what we can to ensure that we control the virus, but we must also look at those other sectors and how we can best support them.

I take great heart, as will many Members, from the vaccination programme. I will, again, place on record my thanks to the Minister, his Department and Patricia Donnelly for the efficient manner in which the vaccination programme is being delivered in Northern Ireland. We hear plenty in the Chamber about what has been done wrong or right with regard to COVID-19. We all have different gripes about certain aspects. I will not shy away from saying that I do as well. However, we can look at the vaccination programme with a real sense of pride that the United Kingdom has been a world leader in the vaccination roll-out. We only have to look at the debacle last week around the AstraZeneca debate across Europe, and we can be thankful that the United Kingdom had sufficient supply chains in place. Northern Ireland has reaped the benefits of membership

of the United Kingdom whereby our society is being vaccinated at a record-breaking speed. I hope that the difficulties pertaining to the European Union and the roll out of the vaccine can be solved soon to ensure that we can get general society back to some form of normality.

There is more work to be done on the vaccination programme. We need to continue to have conversations about those at-risk sectors and how we can bring society back to normalisation. I think of the teaching population across Northern Ireland because of the untold impact on our young people throughout COVID-19. Members across the Chamber will agree that it has been devastating.

Unfortunately, we will truly see those difficulties only in the years ahead when it may be too late to intervene.

1.45 pm

Mr Principal Deputy Speaker, I am mindful of what you have said about looking at the regulations and the power that was put in place for police to send people home. It is appropriate to note that it is important that we have the debate today on the policing of COVID restrictions. Without doubt, the COVID regulations have been a difficult matter to police, and difficult adjustments have had to be made in how they are dealt with. The police have had to operate in ways that we never thought that they would, and they have had to intervene in situations in which they never thought that they would. Undoubtedly, the incident on the Ormeau Road at the weekend was difficult for the PSNI, especially given the need to respect the fact that there were grieving families remembering a horrible, historical atrocity of the Troubles. That should be at the forefront of our minds. However, my thoughts are also with the regular and routine officers who have had to deal with a situation that is new to them and to society. They have had to intervene and get involved in matters, which, in their normal-day policing, they would never envisage.

Mr Principal Deputy Speaker: I ask the Member to resume his seat, briefly. I remind the House that Standing Order 73 states:

"A member shall not, in any proceedings of the Assembly, refer to any matter in respect of which legal proceedings are active (within the meaning of section 2 of the Contempt of Court Act 1981) except to the extent permitted by the Speaker."

I urge Members to tread carefully.

Mr Buckley: Thank you, Mr Principal Deputy Speaker. I will, and I will make no specific reference to the individual who was arrested or to that ongoing matter. However, as has been set out in the House in this morning's Matter of the Day, it is right that the House debates it, because it is in the context of the coronavirus regulations that we must.

It is disgraceful that we seem to have an element of policing by social media pressure and perceived political pressure in relation to the policing of COVID regulations, in general, and, particularly, to events at the weekend. I do not say this lightly, but we have seen weak, lily-livered leadership from senior PSNI officials in how the COVID regulations are being dealt with. There is an irony to the PSNI receiving phone calls from the deputy First Minister, Michelle O'Neill, in relation to the policing of coronavirus regulations, given that, among most, she was a chief rule breaker at the Bobby Storey funeral. It is something that the House has to take reference of. We have to look at it, because, if we are sending PSNI officers to enforce the regulations and to have conversations with members of the public on how they must abide by them, it is important that there is a consistent approach. Unfortunately, that, sadly, has been missing — I think that Members across the House will agree with that — and it has sown seeds of confusion and led to a level of distrust in relation to how the PSNI operates on these matters.

I want to talk about the need for financial support and to prepare the road map for the reopening of our economy. That has been debated in the House time and time again. I hope that the Minister can shed some light on the click-and-collect services, in particular, and on finding a way for independent retailers to receive the support that they need to get through this difficult time. In last week's debate, I mentioned the need for us to recognise that there is an unlevel playing field in relation to the independent small retailer and the large multinational. It is an issue that the House should have had a grip of some time ago. Last week, the junior Ministers outlined a working group. Perhaps the Minister can give us an update on that. It is essential for public confidence that we fund those independent retailers if they are to remain closed or we look to a limited form of click and collect that can facilitate those businesses to sell stock that is withering on the vine. Its value is going down day and daily by the retailers' inability to sell. We really need to look at ways in which we can support those retailers. We need to look at

providing further economic packages to different sectors that have been affected by COVID-19 so that they can thrive post COVID-19 and return to our high street in a way that befits them.

As the Minister mentioned, restrictions have had a positive impact on infection rates, but my fear has always been about the impact on other elements of our society. As I said, restrictions have had a tremendous impact on our children and young people and their families, and sometimes there has been an inability to cater for their educational needs as would have been normal in everyday teaching.

The last time that COVID regulations were debated, we had a considerable discussion, but it is time to have a conversation about laying the groundwork for rebuilding and restoring normal services. I particularly mention cancer services. Throughout the COVID-19 pandemic, I have been really touched by seeing people suffer. They are suffering, as I mentioned, perhaps through fear of presenting to GPs or because of difficulties pertaining to COVID-19. They also fear coming to the door of an A&E because they do not want to overwhelm an already busy health service. We need to get the message out there that our services are open for those who are suffering from cancer.

Cancer detection is still lagging behind normal levels. The Northern Ireland cancer registry, in its December update, stated that, from 1 March to 5 December 2020, the number of patients with a pathology sample indicating cancer was 19% lower than the average number for the same period in 2017-19. Based on the monthly trends of patients with a pathology sample indicating cancer, there was an estimated shortfall of 1,300 patients from March to November 2020 compared with the expected number. Some of those missing patients may have had clinical diagnosis only. We need to have this discussion. It is important that we try to restore non-COVID services as quickly as possible so that those vulnerable people can have the service that they deserve.

It is time that we had this conversation, albeit we are not yet out of the woods with COVID-19. As the Chair noted, I also look at the worrying developments with variants, particularly the Brazilian and South African variants. Perhaps the Minister can allay the fears of the House today on the effectiveness, efficiency and efficacy of the AstraZeneca vaccine in particular, and others, for those variants and how we can adjust our pathway to recovery. I hope that we can begin the conversation on how to plot and chart a road map to recovery, in

particular for our schools, our economy and our health service. It is important that we give people hope. Many people look forward to that in 2021, albeit it has not come at the pace at which they thought it would.

It is now essential that we look beyond the blunt instrument of restrictions. I understand how restrictions have a positive impact on infection levels, but, equally, the idea that restrictions kill the virus and that, if society abides by restrictions for a certain time, it will go away is a myth. We have all seen the repeat cycles.

It is important that we look to a road map to recovery that supports and enables sections of society that have been grossly impacted by the restrictions and regulations, while noting, as I do, the impact that restrictions have on infection levels.

Mr Principal Deputy Speaker: As there are literally just five minutes until Question Time, I propose to suspend the sitting until 2.00 pm. The debate will continue after Question Time, when the next Member to speak will be Ms Cara Hunter.

The debate stood suspended.

The sitting was suspended at 1.55 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

The Executive Office

Mr Speaker: I advise Members that question 7 has been withdrawn.

Zero-COVID Strategy

1. **Mr Carroll** asked the First Minister and deputy First Minister whether they have considered the merits of implementing a zero-COVID strategy. (AQO 1512/17-22)

Mrs Foster (The First Minister): Over the past year, we have worked continuously to put measures in place to curb the spread of the virus in Northern Ireland. A zero-COVID-19 strategy would require a five-nations approach to collectively close our borders with other countries. Our response as an Executive and our recovery from COVID-19 will continue to be focused on the health and well-being of our citizens, our economic well-being, revitalising the economy and our societal and community well-being. The restrictions implemented are there to help reduce the spread of coronavirus and to help manage the pressures on our health and social care system.

In making decisions, the Executive consider three key criteria: the most up-to-date medical and scientific evidence; the ability of the health service to cope; and the wider impacts on our health, society and economy. Every proposal to change restrictions that comes before the Executive has been reviewed by the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA). They attend Executive meetings and give their advice directly to us.

Following the increase in coronavirus cases, the Executive agreed the current restrictions on 17 December. We moved quickly to put in place measures to reduce the spread of the virus and to help manage the pressures on our health and social care system. We have continued to keep the restrictions under review and took the decision on 21 January to extend the restrictions until 5 March, and we will review them again on 18 February. The single most important action that we can all take is to stay at home.

The Executive place a particular emphasis on people and families, as we know how important they are to everyone. Any future Executive decisions will, therefore, be informed by the impact that they may have on us as individuals, families and the wider communities within which we all live, and they will be necessary and proportionate. Since the current regulations were put in place on 26 December, we have been encouraged that the majority of people are adhering to them and are doing their utmost to help to limit the spread of COVID-19. That can clearly be seen in the falling R number and the reduction in the number of positive cases. However, the pressure on our hospitals will remain for some time, and, as such, we cannot be complacent.

Mr Carroll: It is widely regarded that the Executive's handling of the pandemic has been catastrophic, when compared with countries that have had a low number of deaths and have returned to some normality as they have developed a zero-COVID approach. Many hope that lessons will be learned, but I remain unconvinced.

If the pandemic can be thought of as a cancer, Professor Mark Shrimme said that governments have adopted an essential oils approach: perfunctory, with half measures and wishful thinking. That is true here. Given that, will the First Minister commit to engaging with those who are advocating for a zero-COVID strategy and commit to adopting one on this island with her counterparts in the South?

Mrs Foster: I thank the Member for his questions. We have not been taking advice from quacks, as I think that he is indicating. We have been taking advice from the Chief Medical Officer and the Chief Scientific Adviser and, indeed, from the Scientific Advisory Group for Emergencies (SAGE) in the United Kingdom. As I indicated in my substantive answer, a zero-COVID approach would work only on a five-nations basis. I am pleased to see that we are working in that regard with the quarantine, and, hopefully, that will help with the problems with international travel.

Mr Gildernew: It is clear that COVID-19 does not recognise borders, which speaks very much to the need for enhanced collaboration and working together. Will the First Minister outline the practical benefits of all-island cooperation in managing our response to the public health emergency?

Mrs Foster: I would be absolutely delighted if we could have cooperation on data sharing

from the Republic of Ireland's Government. We have been very disappointed about the way in which that has been approached. We were told that there was a problem from the Attorney General of the Republic of Ireland, and then we were told that there was a problem with the Information Commissioner. I think that if we want to try to make sure that we deal with COVID in a proper way, we should be sharing the information. We will raise the issue again with the Republic of Ireland's Government, but I have to say that, in our last meeting, I was very disappointed that Simon Coveney, the Minister for Foreign Affairs, again hid behind some reason or other why it could not be done. It is a straightforward matter. The Minister of Health has been looking for this information for almost 11 months. It is about time that it was sorted out.

Ms Hunter: First Minister, what is your assessment of the mental health impact of lockdowns, and what cross-departmental approach will be taken to mitigate it?

Mrs Foster: It is something that we are very conscious of, particularly for our young people with the closure of schools and the fact that they are not having the interaction with their peers that they are used to having. We are also concerned about the isolation of older people and the fact that they are not having the contact that they would usually have.

As the Member will know, we set up a cross-departmental mental health group, under the chairmanship of the Minister of Health, in February or March of last year, shortly after we came back into Government but before COVID hit us as a nation, and it is important that we continue to work through that. I know that the Minister of Health is aware of the mental health crisis that, unfortunately, awaits us after we have dealt with COVID issues. We are doing all that we can to support people through COVID, but we recognise that more funding will need to be made available after the COVID pandemic has passed.

Mr Chambers: Unfortunately, we may have to live with COVID for many years to come and we will all have to continue to make personal sacrifices. What mechanisms will be put in place to address future localised outbreaks?

Mrs Foster: The Member will remember that we began with localised restrictions. Unfortunately, that did not work because we are quite a small jurisdiction, so any movement of people spreads coronavirus. Therefore, we found ourselves having to take a nationwide

approach to restrictions. I think that testing will be a useful tool. I note that in England, all employers with more than 50 employees can now apply for rapid-testing kits and can follow that up with polymerase chain reaction (PCR) tests. Therefore, it is something that we need to consider, particularly for employers engaged in food preparation and for places where COVID spreads rapidly, often in an asymptomatic way with people not realising that they have it. Testing will form part of a strategy, as will the vaccine, which continues to be rolled out in Northern Ireland in a very professional way. I pay tribute to the work of the vaccination team for everything that it is doing in Northern Ireland.

Shared Island Fund

2. Ms Brogan asked the First Minister and deputy First Minister how the strategic priorities of the shared island fund will complement the delivery of a new Programme for Government (PFG). (AQO 1513/17-22)

Mrs Foster: The shared island fund is an Republic of Ireland (ROI) Government initiative, with €500m to be made available through to 2025. The fund provides capital funding for investment on a strategic basis in collaborative Northern Ireland/Republic of Ireland projects that will support agreed cross-border cooperation. The Executive are working with the ROI Government, including through the North/South Ministerial Council (NSMC), to consider where the shared island fund may contribute to our emerging Programme for Government outcomes and where it may deliver mutual benefit in both jurisdictions. We also discussed the fund at the North/South Ministerial Council institutional meeting in December, and our officials are working with their ROI Government counterparts to explore how the fund might operate and where it would contribute to our Programme for Government priorities.

We have discussed with the ROI Government some of their priorities for such investment. These include infrastructure initiatives, such as the A5, the Ulster canal, the Narrow Water bridge and cross-border greenways, including the Sligo to Enniskillen greenway; achieving greater connectivity, including, for instance, examining the feasibility of high-speed rail connections; new investment and development opportunities in the north-west and border communities; supporting cooperation between both jurisdictions in research and innovation; and exploring a joined-up approach to

environmental issues to tackle climate breakdown and the biodiversity crisis.

Ms Brogan: Does the First Minister agree that targeted investment and collaborative working between the Executive and the Dublin Government are key to delivering future opportunity and prosperity along the border corridor?

Mrs Foster: We were disappointed that, when the shared island fund was announced, there was no communication with the Executive about how it would be brought forward. It was announced without consultation with the Executive. However, we will continue to speak to the Republic of Ireland Government, through the North/South Ministerial Council, to see whether we can have our Programme for Government outcomes align with the objectives that they have set out in their shared island agenda.

Mr Catney: I welcome the commitment from the Irish Government to invest in the all-island infrastructure. I note that, at the recent NSMC, funding was confirmed for the Ulster canal, which runs through my Lagan Valley constituency. Can the Minister provide an update on the Executive Office's commitment to the Executive's funding of flagship projects, as promised by New Decade, New Approach?

Mrs Foster: The Member may be disappointed to know that phase 1 is actually from Upper Lough Erne in my constituency to Castle Saunderson. However, I recognise that, if it were to roll on to completion, it would go right across into his constituency.

Phase 1 of the restoration comprises 2.45 kilometres of new navigation from Upper Lough Erne near Quivvy lough, along the River Finn, to a new boating destination at Castle Saunderson. He may know that Castle Saunderson is run by Scouting Ireland and is a very good initiative. That was opened in late 2019. As a result, we are now moving on to phase 2 of the restoration, which includes approximately 800 metres of canal and associated towpath, and construction of a canal basin and amenity area in Clones, which is very close to my constituency. The remaining section of the canal restoration will connect Castle Saunderson to Clonfad and thereby link the town of Clones to Lough Erne.

This is obviously a long and complicated piece of work. I recognise the interest in it right across Northern Ireland. We are happy to keep the House updated on how this moves along. It has

the potential to be a nice piece of tourism infrastructure in an area that, frankly, does not have much tourism infrastructure, so it will be welcome.

Mr Allister: First Minister, given the genesis of the shared island fund, do you not think that, in part, it is a sugar-coating of an ambition to absorb, ultimately, this part of the United Kingdom into a 32-county Republic? You refer to its being processed during the North/South Ministerial Council. Where does that now sit with your publicised intention to, rightfully, not fully function the North/South institutions in protest against the thrashing of the east-west relationships through the protocol?

Mrs Foster: As I have already said, the shared island fund was, somewhat ironically, set up without any consultation with the Northern Ireland Executive. It is the shared island fund of the Republic of Ireland Government. That is the first thing to say. The Member will also be familiar with Sir Peter Hendy's ongoing Union connectivity review. Sir Peter is consulting on how the United Kingdom can be made more connected. He is looking at issues such as the A75 and the A77 in Scotland and the difficulties in that road infrastructure, which I am sure that the Member is familiar with from when he takes the boat to Cairnryan. A lot of work is being done on connectivity, which I welcome. It is important that we are connected right across the British Isles, and I will continue to work on that.

Programme for Government: Update

3. **Mr Lyttle** asked the First Minister and deputy First Minister for an update on the development of a new Programme for Government. (AQO 1514/17-22)

Mrs Foster: The Executive are fully committed to the development of an outcomes-based Programme for Government as the basis for tackling entrenched and complex social problems and improving quality of life conditions for all. The COVID pandemic has demonstrated very clearly the interconnectedness of economic and social policy and has sent a powerful reminder to us all of the need for a whole-of-government approach to public service planning and delivery.

Our new Programme for Government puts collaboration and inclusivity to the fore, building on the commitment and unity of purpose that we have in the Executive to work in partnership

with wider society to improve the well-being of all.

We launched the public consultation for the programme on 25 January, and it will run for eight weeks. We hope to be in a position to have a final version of the framework agreed by the Executive by around the end of April, with a view to bringing forward a complete programme incorporating key actions and strategies before the summer.

2.15 pm

Mr Lyttle: I thank the First Minister for her update on work on the Programme for Government. What accountability structures are in place to report on progress on the Programme for Government outcomes? Does she support the establishment of an Assembly Programme for Government Committee as proposed in 'New Decade, New Approach' to enhance cross-departmental reporting and accountability on outcomes?

Mrs Foster: As I said, we hope to have the Programme for Government consulted on and coming forward by the end of April. That is the target date, and we very much hope to meet that. We accept that, given the COVID restrictions, that is somewhat difficult, but that is the target at present.

The commitment to establish an Assembly Programme for Government monitoring Committee is set out in 'New Decade, New Approach' (NDNA), but it is a matter for the Assembly to create such a Committee. We in TEO will, of course, provide any support that may be needed from the Executive or our officials who lead on the Programme for Government development process, but it is entirely a matter for the Assembly.

Mr McGrath: What will be the principal policy areas in the new Programme for Government?

Mrs Foster: As the Member knows, we have set out an action plan that we had consulted on. We are looking at our children and young people to make sure that they have the best start in life. Our young people, in particular, have been under incredible pressure since the COVID pandemic came to Northern Ireland, so we want to put an emphasis on children and young people. We also want to work and live sustainably, looking to build back better from the pandemic and protect the environment. We want to have an equal and inclusive society where everyone is valued and treated with respect. We want to ensure that we all enjoy a

long, healthy and active life and that everyone can reach their potential, which is an important point, given what we have come through. We want to ensure that our economy is globally competitive, regionally balanced and carbon-neutral; that everyone feels safe; that we all respect the law and each other; and that we have a caring society that supports people throughout their life. Those are the key elements of the Programme for Government that is out for consultation.

Mr Stalford: Given the vast scale of the public debts that are being run up, it is essential that we have a strong economy coming out of the COVID restrictions. Will the First Minister outline for the House whether building a strong economy will be the central feature of the Programme for Government?

Before I sit down, I congratulate Mr Middleton on his recent appointment.

Mrs Foster: On behalf of Mr Middleton, I thank the Member for that comment. I have made an absolutely brilliant appointment.

As I said, one of our key statements of societal well-being is that our economy is globally competitive, regionally balanced — that is incredibly important — and carbon-neutral. What the Member spoke about is important. When we talk about our economy, we are talking about a macro thing, not about individuals. However, our economy is made up of small and medium-sized enterprises, all of which have been under incredible pressure during the COVID-19 pandemic. Some of them may not survive the COVID pandemic, despite the fact that we have tried to help them with our schemes. When we look at the economy, we are looking at survival as well as recovery. That is something that we are keenly aware of. We look forward to working with all the representative bodies to help to get Northern Ireland back to where it should be. We were on the cusp of being globally competitive. We were doing so well in some of our new sectors, such as cybersecurity and financial technology, and we really need to get back there. Therefore, it should be central to our new Programme for Government.

Mr Nesbitt: Thinking of the deputy First Minister's remarks yesterday about the police and, the previous week, Gregory Campbell talking about the skin colour of those participating in 'Songs of Praise' and the reaction to it, what is the First Minister's assessment of the damage that such comments

do to the ambition to create a society in which everybody is valued and treated with respect?

Mrs Foster: Yes, that is absolutely critical. We must have a caring society. I sometimes despair at some of the things I see on social media. People talk about being kind to each other, but that is sometimes not what I see on social media or, indeed, in society, and I regret that. We want to create a caring society that supports people throughout their life. For my part, we are totally committed to the racial equality piece, if the Member is speaking about that. Our next meeting of the subgroup is this Wednesday. I very much look forward to engaging with that group of representatives and to listening to the members and hearing their concerns.

COVID-19 Task Force

4. **Ms Kimmins** asked the First Minister and deputy First Minister to outline their Department's role in the COVID-19 task force. (AQO 1515/17-22)

Mrs Foster: The Executive's COVID-19 task force (ECT) has been established as a necessary step change in the Executive's response to the evolving nature of the pandemic. The ECT is led by the interim head of the Civil Service (HOCS), who has convened a strategic oversight board that meets regularly. The task force will report monthly to the Executive. The Department provides a project management function for the task force, including practical coordination, support and alignment of the overall response to the pandemic across key operational Departments. Local government, the PSNI and other public-sector agencies are also involved in key work streams and projects.

The ECT brings together four main work streams led by senior officials in the relevant Departments. Our officials lead a number of initiatives in support, including a weekly meeting of all Departments, local government and the PSNI to look at the common challenges and solutions. Our officials contribute to a number of the work areas under each work stream. For example, we have officials supporting adherence to self-isolation and how it can be improved, face coverings and the preparation of an overall pathway out of the current restrictions. The Executive information service also plays a key role in the strategic communications for the task force. Most recently, our officials have been leading on the overall response to the risks posed by international travel.

Ms Kimmins: I thank the Minister for her answer. Will the Executive's COVID-19 task force also play a role in planning for long-term economic recovery, and will it complete a reset of how we do economic business?

Mrs Foster: I thank the Member for her question. The four work streams are protection, recovery, adherence and strategic comms. On recovery — not just the short-term recovery but the longer-term recovery — I think that the Executive Office is on record as saying that we want to build back better so that we can take into account all the experience from the past year and that we want to work together to have a fair economy moving forward, one that is regionally balanced and takes account of some of our outstanding industries. I have already mentioned some of them: fintech, cybersecurity, advanced manufacturing and all the industries in which there is great potential. Our recovery strategy will very much focus on those sorts of industries.

Mr McGrath: Last week, at the Executive Office Committee, we received an update on the high street task force. While that task force is very much connected to the recovery from COVID, can I get an assurance from the First Minister that it will also remain a separate entity? It will be required beyond COVID, because many of the problems that the high street faces predate the arrival of COVID and will be here for a long time.

Mrs Foster: Yes, I am happy to confirm that that will be the case. We felt that it was important for that to be part of the task force now, because our high streets are fundamental to our recovery, particularly for our smaller towns and villages. That is why we felt that it should come into that structure, but I absolutely take the point that this is a more fundamental issue that will go on for longer than the recovery from COVID. There are digital challenges arising from use of the internet, and all the things that we have talked about on occasions will have to be worked through. I very much look forward to working with all the representative groups and trying to find sustainable and long-term answers for our high streets.

Ms Bradshaw: First Minister, you will be aware that, last week, the UK Government went out to tender for managed isolation hotels close to airports and ferry terminals. Given the changing nature of the list of banned countries, with countries moving on and off it, will the task force move forward with tendering for provision in Northern Ireland?

Mrs Foster: I thank the Member for her question. We have set up a task-and-finish group in the Executive Office to deal with that very issue. The Department of Health, the Department for the Economy, the Department for Infrastructure and the Department of Justice also attend, along with the Central Procurement Directorate. We continue to engage with colleagues in the Cabinet Office as a four-nation discussion and, of course, with officials from the Republic of Ireland's Government.

Work is ongoing on a number of issues, including procurement and commercials, hotel rooms and services, transport, security and welfare services. All need to be identified, as does where we can put them in place. Regulations will be subject to confirmation of whether it is to be an immigration-based solution, which seems to be the way we are going, and whether amendments to health regulations need to be made.

We need to have key communications and engagements with the carriers. At the moment, we do not have any carriers bringing people in from that list of red countries, as the Member understands, but we need to be ready in case that happens. We also need to have a plan for how, if that comes to fruition, we enforce.

At present, if people come in through London or Dublin, the quarantining will be in London and Dublin, and people will then move on into Northern Ireland. We hope that the Irish Government will put those arrangements in place, and we will engage with them at an official level to make sure that we have a line of sight in relation to all that.

UK Government - Northern Ireland Executive Joint Board

5. **Ms Bunting** asked the First Minister and deputy First Minister for an update on the work of the UK Government-NI Executive Joint Board, as committed to in 'New Decade, New Approach'. (AQO 1516/17-22)

Mrs Foster: Two meetings of the Joint Board took place in 2020. The meetings took an overview of NDNA implementation in the context of the COVID-19 pandemic as well as focusing specifically on health and social care transformation, low-emission public transport and the potential for a meeting of the United Kingdom's Board of Trade in Northern Ireland to promote economic recovery. The next meeting of the Joint Board will take place later this month.

Ms Bunting: I declare my membership of the Policing Board. At the board meeting on Thursday, the Chief Constable indicated that the current draft Budget would mean a reduction in the number of officers and in recruitment. Will the First Minister seek to prioritise the NDNA commitment to increase police numbers, as it should benefit the whole of society?

Mrs Foster: I very much welcome the Member's question. I spoke to the Secretary of State this morning about the fact that it had been indicated that there was not the funding for the extra police officers. He and I will continue to have conversations about that. It is critical that, instead of a reduction in police numbers, we see an increase in the number of police officers on the ground. That is critical to confidence in policing and to making sure that everyone in society is protected and feels safe, so, absolutely, we will continue to raise that issue with our Government, and I am sure that the Justice Minister will raise it with the Finance Minister.

Mr Durkan: Another New Decade, New Approach commitment on which I would like an update is the commitment to an addiction unit in Derry, the need for which has, sadly, become even more acute in the course of the pandemic. I await an answer from the Health Minister on that, but will the First Minister and deputy First Minister please take the opportunity to reaffirm their commitment to that badly needed and sadly needed unit as a matter of urgency?

Mrs Foster: I thank the Member for raising the issue. I was struck by a piece on, I think, Radio Ulster last week on the need for addiction services. My colleague Gary Middleton has raised the issue with me on a number of occasions. As the Member rightly says, it is a New Decade, New Approach commitment. Therefore, we need to include it in our discussion about prioritisation in New Decade, New Approach.

2.30 pm

As he knows, there is a whole range of commitments in 'New Decade, New Approach', and some of them will not be able to be facilitated during this mandate. As the five parties in the Executive, we have to have a discussion about those that need to be prioritised. I have to say that I agree with him that funding for that addiction centre needs to be a priority.

Mr Speaker: That ends the period for listed questions. We will now move on to 15 minutes of topical questions. Before I call Sinéad Bradley, I advise Members that topical question 8 has been withdrawn.

Racism, Homophobia and Discrimination

T1. **Ms S Bradley** asked the First Minister and deputy First Minister, given that the Executive Office and the office of the joint Ministers hold responsibility for the equality and diversity policy, whether the First Minister agrees that those of us who are in public life have a particular responsibility to take care with our words and whether she will state, unequivocally, that racism, homophobia and any other form of discrimination have absolutely no place in our modern society. (AQT 951/17-22)

Mrs Foster: I thank the Member for her question, and I absolutely concur with her. There is no place at all for any of the issues that she mentioned. I said in response to Mr Nesbitt's question that we are trying to build a society where everyone feels comfortable in Northern Ireland. Whatever your ethnic background, sexual orientation, religion or politics, you should be able to feel comfortable living and working here in Northern Ireland.

Ms S Bradley: I thank the First Minister for those words. I hope that she will use this opportunity to distance herself from the comments that were made by her party colleagues Gregory Campbell and Nelson McCausland over the weekend. Will she call on them to issue a public apology?

Mrs Foster: I thank the Member for her supplementary question. Of course, I have heard some of the commentary on the issue over the weekend. Gregory will speak for himself later, and I understand that he will do that this afternoon. As someone who enjoys 'Songs of Praise' every Sunday and the diversity that is exhibited therein, that is not a sentiment that I identify with.

Speaking not as the First Minister but as the DUP leader, let me be very clear about this: as a party, we are totally and absolutely committed to racial equality. As I indicated, the next meeting of the racial equality subgroup will take place on Wednesday. I very much look forward to engaging with the members of that subgroup.

Peace and Reconciliation

T2. **Ms Bradshaw** asked the First Minister and deputy First Minister, given the tensions in the Chamber and in wider society over the past week, what they can do to put peace and reconciliation back into the heart of the work of the Assembly. (AQT 952/17-22)

Mrs Foster: It is important that everybody in the Chamber exhibits leadership on peace and reconciliation. Of course, given that we have five parties in the Executive, we will have differences of opinion on a range of issues, not least on constitutional issues. It is important that we continue to have this place so that we can have those conversations and that constitutional politics has primacy in everything. When people have concerns, it is important that they are not skimmed over or ignored but are brought to the place where they should be heard. It would be worse if things were ignored and not given a voice and those who had those concerns felt completely alienated from the democratic process. It is important that everyone has a voice in Northern Ireland, and the place to have that voice heard is here in the Assembly.

Ms Bradshaw: Thank you for your answer, First Minister. I wonder, therefore, when you will sign off and publish the report from the Commission on Flags, Identity, Culture and Tradition.

Mrs Foster: As the Member knows, that work has been completed. The report came to us on my birthday, so the date sticks in my mind, and I know exactly when it came to the Executive Office. The junior Ministers are taking forward a piece of work on the report and will meet the authors and bring it forward. It is not that we have not signed off on the report; it is not for us to sign it off. It has been brought to us as a piece of work, and the junior Ministers are now taking that forward.

Public Appointments: Restrictions

T3. **Mr Frew** asked the First Minister and deputy First Minister whether the First Minister sees any reason for a difference between the restrictions on special adviser roles and other public appointments. (AQT 953/17-22)

Mrs Foster: No. Restrictions on special advisers — particularly if the Member is talking about convictions that they hold — should apply to all public appointments. I understand that my colleague, the Minister of Education, is looking into that at present.

Mr Frew: Is the First Minister aware of the legislative options open to the Executive or the Assembly?

Mrs Foster: As I said, the Minister of Education is looking into the matter and will bring a paper to the Executive. In my last answer, I talked about giving voice to people, and it is important that I give voice to a gentleman whom I spoke to on Friday afternoon, John Radley, one of Paul Kavanagh's victims. He is, frankly, struggling to come to terms with the fact that a mainstream political party would appoint someone with five life sentences to an education authority to look after the well-being of our young people. He told me plainly that his life had been ruined and that he had to live with that every day. That was a very powerful conversation. It is incumbent on us not only to listen to that voice but to act as well.

Port of Larne: Update

T4. **Mr McGlone** asked the First Minister and deputy First Minister whether their office has evaluated the situation at the port of Larne in order to provide a further update on the position. (AQT 954/17-22)

Mrs Foster: As the Member knows, that is the responsibility of the DAERA Minister. As I understand it, he has received a risk assessment from the Police Service of Northern Ireland and is working through it. He will come to the Executive with a report on the issue tomorrow morning.

Mr McGlone: I thank the Minister for her response. Is she concerned that the spurious allegations that were flung about in relation to a security risk at the port would, in any way, damage its commercial viability?

Mrs Foster: The Member may call them spurious, but, as I understand it, there were enough concerns for people to act to make sure that the staff were safe. Of course, it should always be the priority that our staff are protected. After carrying out its own investigations and communicating with the Police Service of Northern Ireland, Mid and East Antrim Borough Council has released its staff back to the port of Larne. I understand that the Minister of Agriculture will come to the Executive with his plans tomorrow, as it is right that Executive colleagues have the chance to consider what he has to say first.

Article 16

T5. **Mr Stalford** asked the First Minister and deputy First Minister, in light of the fact that, two Fridays ago, the idea of the European Commission as some sort of benign organisation with our interests at heart was exposed for the fallacy that it is, when it threatened essential medical supplies not only coming into Northern Ireland but to the rest of the United Kingdom, whether his Rt Hon friend agrees that that intolerable situation cannot be allowed to continue and that the European Commission cannot be allowed to treat us in such a way ever again. (AQT 955/17-22)

Mrs Foster: The Member is right; it was a bit of a Freudian slip from the European Commission, and we saw its true face. It was protecting its bloc and not looking to what was right for the citizens of the United Kingdom. It was very badly judged and was wrong in so many ways. Using a mechanism that, we were told, would be used only in extremis to stop vaccines coming into the United Kingdom through Northern Ireland was baffling beyond bafflement. It is up to the European Commission to make its own judgement, but, before Friday week ago, we were told that article 16 could be used only in extremis. It is clear that that is not the case when it comes to the European Commission.

Mr Stalford: Now that the cat is out of the bag and article 16 has been invoked by the European side, I remind my Rt Hon friend of the Prime Minister's comment that:

"We're a UK government. Why would we put checks on goods going from NI to GB or GB to NI? It doesn't make sense."

May I encourage the First Minister to urge the Prime Minister to perhaps try putting the Unionist back in Conservative and Unionist Party?

Mrs Foster: I say to the Member that of course it does not make sense. The Prime Minister made a number of promises to the people of Northern Ireland, chief amongst them, of course, that there would be unfettered access, not just from Northern Ireland to Great Britain but from Great Britain to Northern Ireland. That is clearly not what is happening under the protocol, so the Prime Minister needs to use all legal instruments at his disposal to deal with these issues. That is what we are calling on him to do. He has a duty, as the Prime Minister of the entirety of the United Kingdom, to act in the interests of all of his citizens. Therefore, it is incumbent on him to act in the very near future.

Stormont House Agreement

T6. **Ms Ennis** asked the First Minister and deputy First Minister whether the First Minister agrees that the failure of the British Government to legislate for the legacy aspects of the Stormont House Agreement, which they signed up to over six years ago, is extremely disappointing, failing victims across our society, and is totally unacceptable (AQT 956/17-22)

Mrs Foster: I thank the Member for her question. As she knows, legacy is a very contentious issue, and, while she may talk about an agreement that was signed up to six years ago, she will also recall that a consultation was undertaken by the then Secretary of State for Northern Ireland, Karen Bradley, and that there was a huge amount of resistance to the Stormont House arrangements in that consultation. Therefore, we have to take into consideration the views of the victims in all of this. Of course, there is little point in setting up a system if the people you are attempting to help are the people who have rejected it.

Ms Ennis: Just over two weeks ago, 3,500 bereaved families, relatives of these people, signed an open letter through Relatives for Justice, calling on the British and Irish Governments to fulfil their legacy commitments. Will the First Minister join me in supporting them in this open letter?

Mrs Foster: I support the victims who made their voices very clear in the consultation, and I think that everybody in this House should listen to all of those voices because they are very, very strong.

Protocol on Ireland/Northern Ireland: Task Force

T7. **Mr Chambers** asked the First Minister and deputy First Minister whether there would be support across the Executive to lobby the UK Government to establish a task force to deal with the persistent problems that have arisen as a result of the Northern Ireland protocol, given that many parties in the House have fully supported its implementation. (AQT 957/17-22)

Mrs Foster: I do not think that there is any doubt that, on any objective understanding of the operation of the protocol, it has caused huge problems for many people across Northern Ireland, not just businesses but citizens who are just looking for parcels to be delivered or who perhaps are ordering pot

plants or seeds from Great Britain or who want to travel to Scotland with their dog for the weekend. A huge number of problems have arisen as a result of the protocol, so I think that it is incumbent on everybody to recognise that this is not just teething problems but that actually there are huge problems with it that need to be addressed.

Mr Chambers: Thank you, Minister, for that. Are you confident that solutions will be found to deal with the problems that the protocol is currently causing all of our citizens?

Mrs Foster: I say this to you, Mr Chambers. I am an optimist. You have to be an optimist if you are going to be in politics in Northern Ireland, otherwise you become a very bitter and twisted individual. Therefore, it is important that we try to find solutions. That is what I am focused on, and I hope that it is what everybody is focused on.

High Street Task Force

T9. **Dr Archibald** asked the First Minister and deputy First Minister for an update on the high street task force. (AQT 959/17-22)

Mrs Foster: As I said in my answer to Mr McGrath, the high street task force is now not being subsumed into but is being conjoined with the task force that is looking at COVID. We did that because we fundamentally felt that, if we were planning the recovery out of COVID, part of that should be the high street task force because, of course, it is not just about recovery for the high street but about survival. We felt that it was very important that the two pieces of work were joined together.

Dr Archibald: I thank the First Minister for her response. Even before the pandemic, it was clear that our high streets were rapidly changing. Obviously, that is now being accelerated, and we do need to be planning strategically for the future to better use our towns and cities where people can afford to live, work and socialise. Does the First Minister agree that environmental sustainability needs to be a core principle that the task force incorporates into its work, through, for example, promoting active and public transport, carbon-neutral buildings or green spaces that people can enjoy?

Mrs Foster: The Member hits on a very important point: this is not just a matter for the Department for the Economy or the Department of Finance, as some people think. It is a whole-

of-government approach to the high street. For example, the Living over the Shop piece will be for her colleague in DFC. There is the Department for Infrastructure piece on public transport, and it is about making sure that people have places where they want to live in the centre of towns, villages and cities. A whole-of-government approach is needed to address our problems on the high street. Of course, they predate COVID, particularly the online challenges that we have. However, if we are imaginative and innovative, we can find new ways to bring life back into our high streets.

2.45 pm

Mr Speaker: Members, time is up. I ask Members to take their ease for a moment or two, please. Thank you.

Justice

COVID-19: Trial Backlog

1. **Mr Clarke** asked the Minister of Justice for her assessment on the backlog of cases waiting for trial, due to the COVID-19 pandemic. (AQO 1525/17-22)

4. **Mr T Buchanan** asked the Minister of Justice what measures her Department is taking to reduce the backlog of 521 Crown Court cases that are currently awaiting trial. (AQO 1528/17-22)

Mrs Long (The Minister of Justice): With your permission, Mr Speaker, I will answer questions 1 and 4 together.

The Crown Court deals with some of the most serious and sensitive cases in the justice system, and, therefore, it is vital that justice is dealt with in a timely way. Speeding up justice is one of the biggest challenges facing the justice system and is a priority for the Department, criminal justice partners and the Criminal Justice Board.

The Northern Ireland Courts and Tribunals Service (NICTS) carried out extensive modifications to eight courtrooms at venues across Northern Ireland to facilitate COVID-secure jury trials from August 2020. In order to increase capacity for Crown Court trials, two further courtrooms in Laganside Courts are being modified. The first becomes operational this week, with the second expected to be operational in early March. Three further jury courtrooms will become operational in Antrim, Dungannon and Newry, early in April. Following

those works, a total of 13 jury trial courtrooms will be available, and that exceeds the average number of trials held at any one time pre-COVID.

Courtrooms have been reconfigured, with glass and Perspex screens erected to allow proceedings to take place safely. Hand sanitation stations and social-distancing signage has also been erected throughout the NICTS estate to guide users. Each venue has its own housekeepers who ensure that the courtrooms and jury deliberation rooms are cleaned at regular intervals throughout the day. Those called for jury service are provided with guidance, in line with that provided by the Public Health Agency (PHA), not to attend should they have COVID-19 symptoms or if they have been advised to self-isolate.

My Department has also secured the use of additional external venues, sometimes referred to as Nightingale courts, to increase capacity further. For example, the International Convention Centre, previously known as the Waterfront Hall, has been deployed for jury assembly and other court business to free up capacity in Laganside Courts.

Mr Clarke: I thank the Minister for her long and very full answer. That has to be welcomed. Given that it is almost a year since the start of the coronavirus pandemic — no one in the Chamber can be blamed for that — there is a direct knock-on impact on the solicitors, the barristers and, indeed, on many occasions, those who are standing trial. What financial support has been given to solicitors and barristers, given that their businesses have suffered for the past 12 months because of the pandemic?

Mrs Long: Solicitors and barristers were allowed to claim for work on cases on which they were able to continue to work, albeit the cases could not continue through the courts, and they could do so earlier. We had an interim scheme in place for solicitors and others to which they could apply, in addition to the hardship arrangements already in place with the Legal Services Agency (LSA) to bring forward payments. However, uptake was incredibly low, because the measures that were already in place through the normal LSA arrangements seemed to prove adequate for most cases, but undoubtedly some people will have struggled.

It was important for the Department to ensure that there was a good flow of resources to those legal practitioners on cases that had already started. It is vital for the operation of the

justice system that we return to a full complement of practitioners after COVID. It is important that, during the period in which the courts were not sitting, people could access additional flexibility and support, even though the uptake was incredibly low.

With courts now sitting more normally and business being conducted remotely and in other ways, payments to the legal profession should now be resolved in that practitioners should be able to undertake the majority of their normal work. A sharp uptick in some kinds of work has been noted, in solicitors' offices in particular — for example, people intending to move house who had saved up additional money during the COVID crisis and had decided to make that move.

Mr T Buchanan: I thank the Minister for her response and for the ongoing work. With months of delay that are now running into years, this issue is having an adverse effect on the mental health of victims. Given the length of the process, some are pulling out to try to regain a normal life. That is an indictment on the Department. What encouragement can the Minister give to victims who feel that the process is letting them down?

Mrs Long: There is very little evidence of attrition, such as the Member suggests. If he is aware of this, it would be helpful if he could bring that to the Department's attention. With respect, I do not think that it is an indictment of the Department; in fact, it is the contrary. What I set out today is to the credit of the Department, given the work that has been done to ensure that we have been able to restore and sustain court cases, particularly those that are more sensitive, and to proceed with them.

To put it in context, prior to the COVID lockdown, there were around 8,000 criminal cases in the court system. However, with the closure of some courts during the first lockdown last spring, that rose to about 12,800 cases by September — a rise of 59%. With the reopening of more courts since August, more cases have been disposed of than received by the courts, and, consequently, the caseload has reduced. The most recent real-time management information indicates that the figure now stands at around 10,500 cases, which is a significant achievement, given that we have been battling against the effects of COVID. It must be borne in mind that, since March 2020, monthly recorded crime has been lower than recorded for each corresponding month of the previous year. We continue to work with criminal justice partners to ensure that we can reduce that. The Member will be fully aware that, when it comes

to the scheduling of cases, it is not a matter for the Department of Justice; it is a matter for the independent judiciary. If he has particular concerns that those are not being scheduled in a way that is appropriate or that is causing distress to victims, he should raise that with the Office of the Lord Chief Justice rather than the Department of Justice.

We are aware that any delay in the court system causes stress to victims. That is why Victim Support NI has been particularly active. It recently presented to the Criminal Justice Board and discussed how, despite COVID, we can ensure that we continue to offer the best possible support to those who are passing through the justice system.

Ms Ní Chuilín: There have, historically, been delays in the judicial system, and the Minister may be aware that the Bar Library has said that disclosure in legacy cases is one of the main causes of those delays. Will the Minister give an update on what she intends to do to reduce the delays in those cases going to court?

Mrs Long: There are a number of elements to what the Member said. First, on delay in the justice system, she will be aware that I have already brought the Criminal Justice (Committal Reform) Bill to the Assembly. That should remove part of the committal process and allow for direct committal for a significant number of offences, which will free up a lot of time and improve the speed of turnaround in the court system. Prior to COVID, we had seen a distinct and significant improvement in the performance of the justice system on court times, so we started from a better place than might have been the case.

The issue of disclosure in legacy cases will, in the main, fall to organisations outside my role and remit. There are, for example, issues around the digitisation of police records and other things, and the Chief Constable is taking forward a project with the Policing Board to prioritise resource to ensure that those records are held in a format that means that they are easy to access and easy to disclose for further investigation.

I reiterate that it is important that all investigation is conducted in a way that is timely and does not add unnecessarily to the stress that victims are under or, indeed, to the shadow that hangs over the accused in such cases.

Hate Crime

2. **Ms Dolan** asked the Minister of Justice whether any of the recommendations of the independent review of hate crime legislation will be included in her upcoming Justice (Miscellaneous Provisions) Bill. (AQO 1526/17-22)

Mrs Long: In recent days and weeks, we have seen how the actions of a small number of people have exposed discontent in some communities, which is manifesting itself in intimidation and hate. There should be no room for the perception that expressions of hate or hate crime in any form, including the instilling of hatred or fear through the use of words, behaviours and the display of certain materials, is acceptable.

The Justice (Miscellaneous Provisions) Bill does not contain any provisions arising from the independent review of hate crime legislation. Given the breadth and scale of the recommendations in the hate crime review that relate to proposed legislative solutions, it is not possible to bring any of them forward for inclusion in the Justice Bill in the time available before its drafting is finalised and it is introduced to the Assembly. That is planned for April 2021. The Department's legislative programme is kept under constant review, and it is my intention that a stand-alone Bill to deliver the legislative requirements arising from the review will be developed for introduction to the Assembly in the next mandate.

Members will note that Judge Marrinan's report recommended that all hate crime and hate speech law:

"be consolidated into a new Hate Crime and Public Order (Northern Ireland) Bill."

Such a Bill would, of course, exclude any issues pertaining to law on reserved matters. My officials have commenced work to consider all the recommendations in the hate crime legislation review report, with a view to informing a departmental response in due course. That work will also include consideration of any recommendations that can be progressed in the short term where legislation may not be required.

Ms Dolan: I thank the Minister for her answer. Does she anticipate that all the recommendations will be included in the Bill for the next mandate?

Mrs Long: It would be inappropriate for me to give a public response to that because I have not yet given my formal response and gone

through the normal processes. As I said when the report was presented to me, there is very little that one can argue with in the recommendations made by Judge Marrinan. There are some questions about overlap with other work ongoing in the Executive. For example, he talks about the responsibilities of Departments to deal with the outworkings and visible representations of sectarian hate crime in our society, and, as the Member will be aware, the report by the Commission on Flags, Identity, Culture and Expression sits with the Executive Office. I would like to see that work published and to have a discussion on it at the Executive so that we are in a position to decide how and when it will be taken forward. Obviously, it will inform progress on sectarianism as part of the overall hate crime programme. As I said, there was very little in that report that one would disagree with.

Mr Carroll: Given the recent disgraceful comments by the MP for East Derry, does the Minister have any concern that one party in the Executive has a public representative with such reprehensible, poisonous and dangerous views? Is she concerned that if that party does not take swift action against that MP, it will send a terrible message to all victims of hate crime?

Mrs Long: I am aware of the particular comments to which the Member refers. They were not only reprehensible and racist, they were quite bizarre. Anyone who has any understanding of the history of gospel music will be aware that it often comes from the trials and tribulations of those who were sent to the US as slaves.

Therefore, it is a tradition of singing and music that has grown up from that background. To suggest that there was anything at all to do with Black Lives Matter (BLM) or any other kind of positive discrimination in the fact that the best singers were through to the competition and those most experienced were judging it is a mistake.

3.00 pm

The Member is correct that the test will be in how parties deal with those issues in their own ranks. I am afraid that, as political leaders, we have work to do to show leadership in our own organisations and ranks about what is acceptable and what is not. Of course, people have the right to freedom of speech, but that does not come free of responsibility and consequences.

Mr Givan: The Minister touched on the point about freedom of speech at the close of her remarks. There is much in the report that I will be able to support, but the Minister will be aware of some concern, particularly from a Christian perspective, that the recommendation to repeal defences for freedom of expression in the Public Order Act 1986 is of significant concern, given that 97% of individuals say that they should be retained. Comments from Ivan Hare QC, a human rights specialist, that there is an absence of key freedom of expression provisions akin to those in England and Wales, have caused alarm. Will the Minister recognise that it is important that there is freedom of expression but that it absolutely needs to be regulated in a way that does not incite hatred or acts of crime?

Mrs Long: I agree with the Member that there has to be a space in any civilised and democratic society for freedom of expression and for people to be allowed to express their views. That will often, as the law already states, amount to views that are offensive to some and undesirable to others, and we have to recognise that that is part of living in a community where not everyone agrees. However, it is important that, when it comes to developing the law in that space, we look carefully at the balance of human rights. One of the reasons why it is best that we take the hate crime legislation forward as a package is that we can look at the checks and balances that are there to ensure personal freedom so that people's article 9 rights of religious freedom under the European Convention on Human Rights (ECHR) are not in any way compromised by our desire to ensure protection for those from minority groups who may find themselves subject to hate speech.

As someone who shares Paul's faith, I understand that those of us of a Christian faith have a duty beyond that which the law imposes to use our rhetoric and language carefully and sensitively in respect for the person, the dignity of every individual and every human created in God's image. I hope that he recognises that the vast majority of Christians would not find themselves in contravention of hate crime speech simply for holding forth their faith in a temperate and measured way.

Ms Armstrong: Does the Minister agree that, while her Department develops proposals to strengthen our legislation on hate crime, as was recommended by Judge Marrinan, as she said, much can be done across government on hate more generally, for example by ensuring diversity and inclusion and delivering on the racial equality strategy?

Mrs Long: The Member is absolutely right. A considerable amount of work can be done not only in the DOJ but beyond it and across the Executive on how we tackle hate crime and do more work on diversity. I will take the opportunity to highlight some of the work that is being undertaken, particularly in the criminal justice system, to address attitudes that contribute to hate. My Department is developing a diversity calendar that will feed into the wider Northern Ireland Civil Service (NICS) diversity plan, and that will support the commitment of the head of the Northern Ireland Civil Service to make a positive impact by promoting diversity and inclusion in our workplaces.

The Prison Service promotes equality issues among staff and prisoners and holds awareness events on LGBT, cultural and disability issues on a routine basis. The Northern Ireland Courts and Tribunals Service offers a generic form of training on witness and victim empathy and awareness. However, COVID-19 has had an impact on the format of that training by redirecting it from classroom-based, face-to-face learning to an online e-learning course that is still in development with the NSPCC and Victim Support NI. We hope to have that rolled out very soon.

The key role of the Department's racial equality champion is to support the delivery of the 'Racial Equality Strategy 2015 - 2025'. That has included close engagement with the racial equality subgroup, which is coordinated by the Executive Office and consists of representatives from the minority ethnic sector. As racial equality champion, they have promoted awareness of the racial equality strategy in the Department, emphasising the importance of racial equality and good race relations as well as being the senior point of contact for issues relating to racial equality.

In addition, my Department, in partnership with the Northern Ireland Policing Board, provides funding to policing and community safety partnerships (PCSPs) to deliver community safety initiatives and to support community confidence in policing in the 11 council areas. Those have included a range of measures to address hate crime. It is essential that diversity be addressed across the criminal justice system and that our structures reflect the totality of our community in Northern Ireland.

Prisoners (Disclosure of Information about Victims) Act 2020

3. **Mr McGlone** asked the Minister of Justice whether she will introduce commensurate

legislation in Northern Ireland following the enactment of the Prisoners (Disclosure of Information About Victims) Act 2020 in Westminster. (AQO 1527/17-22)

Mrs Long: I have met the families of Charlotte Murray and Lisa Dorrian, who are searching for ways to find Charlotte and Lisa's remains. I have commissioned a focused review of the position to consider all possible options. It will be a number of years before Charlotte Murray's killer can apply for release on licence to the Parole Commissioners, and there are no other prisoners in Northern Ireland who would be affected by a change in the law at present. However, I wish to give this important matter the consideration that it deserves before deciding on the best way forward, and I have undertaken to do so in conjunction with both families, because I very much want them to be satisfied with the outcome.

Mr McGlone: Gabhaim buíochas leis an Aire. Thanks very much, Minister, for that and for mentioning those specific cases. Can the Minister confirm from that limited stakeholder review, which has been mentioned previously in the Assembly and which, I presume, has been carried out, what the subsequent steps will be?

Mrs Long: The first and most important thing is that we should not rush into making legislation on any issue. What is legislated for in England and Wales, for example, is not always an appropriate fit for our circumstances here. I have been struck by the dignity of the families and their appreciation of the complexity of the problem that we face. Work on a process of engagement with the families and other key stakeholders, not only the families, to determine the most effective way to address this is under way. It includes, for example, the Parole Commissioners so that we can take their views on how any law might operate in that space. I hope to report on my conclusions on a way forward in spring this year.

As evidenced by the passing of the Domestic Abuse and Civil Proceedings Bill, the introduction of the stalking Bill and my reviews of the law on non-fatal strangulation and consent not being a defence to serious harm, I am committed to delivering a significant programme of work under the domestic and sexual violence abuse strategy, working with statutory and voluntary sector partners. I hope that this will form part of that overall work.

Ms Kimmins: I understand that the issue of non-disclosure of information about a victim is one that must already be considered by the

Parole Commissioners when assessing prisoner suitability for release on licence. Can the Minister clarify how much weight that carries in those assessments compared with other considerations such as good behaviour?

Mrs Long: As the Member will appreciate, the Parole Commissioners are completely independent of the Department of Justice, and the weighting that they give those matters in any case is a matter entirely for them. However, it is fair to say that there are a number of considerations when it comes to the law in that regard. The first is that the first time that a person applies for parole in such a case is a long time after the original murder. That means that victims would have to live for a long time before they could see the legislation used. There are points throughout the justice system, whether it is at the point of conviction or sentencing, where it may be more appropriate to find the correct levers to extract information in advance on where a victim's remains are held, and I think that that would bring a quicker resolution for many victims. Where that is not successful and where we are unable to do so, I believe that the Parole Commissioners have a role to play. Obviously, their priority is to assess whether someone poses a significant risk of harm to society and whether that harm can be safely managed in society. You will appreciate that the disclosure of remains, while it will inform their decision, may not be the main influencing factor in whether someone is released from prison. There will be an assessment of harm and risk.

Rape Crisis Centre

5. **Ms Hunter** asked the Minister of Justice what consideration her Department has given to a rape crisis centre in Northern Ireland. (AQO 1529/17-22)

Mrs Long: Like many, I welcomed the recent establishment of the rape crisis centre by our voluntary sector partners to provide services to women and men who have been affected by rape or serious sexual assault in adulthood. The services provided are complementary to a range of services provided by my Department in conjunction with our statutory and voluntary sector partners for those who have been affected by sexual violence and abuse. That includes a 24-hour domestic and sexual abuse helpline, sexual violence counselling services funded by the Department of Health and provided by Nexus NI, and independent sexual violence advocates. I also welcome the vital work taken forward by the Rowan sexual assault referral centre, which offers a range of

important physical and emotional support services for children, young people, women and men. The services are available to anyone who has been sexually assaulted or raped, whether in the past or more recently. The Rowan service is equally funded by the Department of Health and the PSNI, and it supported nearly 900 service users in the last financial year.

In addition, work is under way on a multi-agency basis to implement the Gillen review. It involves a significant body of work that will transform the law and procedures in relation to serious sexual offences and will deliver significant improvements for victims. It includes the new remote evidence centres in Belfast and Craigavon, which will soon allow vulnerable child victims and other witnesses to provide evidence more remotely from court buildings. In addition, by 1 April this year, adult complainants in serious sexual offence cases will be able to avail themselves of expert legal advice from sexual offences legal advisers, ensuring that they understand their rights and can make informed decisions. Further changes are in train, and we have been working with partners across Justice with key priorities, including measures to address delay and work to develop a comprehensive, wrap-around approach to victims who are children and ensuring that, logistically, our courts provide appropriate facilities that respect the unique challenges posed in such cases and ensure a supportive environment.

Ms Hunter: I thank the Minister for her detailed answer. In 2020, over 3,000 sexual offences were reported to the PSNI, 960 of which were incidents of rape in the North. The steps being taken to support victims and survivors are welcome news. Will the Minister outline any conversations that she has had with the PSNI or the Education Minister on providing sexual consent education to contribute to the prevention of further sexual assaults in Northern Ireland?

Mrs Long: I touched on this briefly this morning, but I am glad to set it out in more detail. Obviously, the Gillen review raised a particular issue around the need for better education on consent and relationships and sex education in general. There is ongoing work at official level to take that forward. I have written to the Education Minister to look at the potential of us meeting to discuss further progress that may be made. That is important because it will be crucial to the prevention of sexual assault. We need to tackle some of the toxic ideas that people have around sexual relationships. We need to give people confidence around consent and what that looks like. It is really important

that we do that in a consistent, holistic and non-judgemental way across the school sector. Without that, it leaves young people in a vulnerable position with respect to their understanding of the law.

Ms Dillon: I thank the Member for bringing the question to the House today. Minister, you have just touched on education. As I outlined this morning, my concern is that schools decide on what type of education they give around healthy relationships, and I do not think that that is a good way of delivering it. Is there any thinking outside the box on how we can do it to ensure that there is a uniform way to educate all young people about what a healthy relationship looks like? For example, there was a really good campaign called the "PANTS" campaign. It explained to very young children how to protect themselves, which was excellent. I spoke to my child about it. She was only three years old, but she understood what I was talking about. It is really important to get the information out to young people and teenagers.

Mrs Long: The Member is absolutely right. I have seen the campaign, and it is very useful to explain to children in simple language that they understand what it is to have bodily autonomy, what it is to have privacy, what is inappropriate touching and what is not, not to make children fearful of the world around them but to make them equipped. Unfortunately, not everyone is to be trusted, and children need to be aware of that, sadly, from a very young age. Doing that in an age-appropriate and sensitive way is hugely important in giving young children confidence.

There is an issue around how we take this forward, and I certainly want to work in support of the Minister of Education. It is important that we have a consistent approach, look at the curriculum around relationships and sex education (RSE) and how that impacts on issues like domestic violence, stalking, abusive and coercive relationships and on key issues around sexual abuse, sexual violence, bodily autonomy and, indeed, people's right to say no to sexual contact.

It is also important that that is non-judgemental education. There are many young people of different sexuality and gender in our education system, and we need to be sure that those young people are equipped for adult life and able to form healthy, stable and safe relationships.

3.15 pm

Mr Robinson: Could a centre be located in the north-west of the Province?

Mrs Long: At this stage, the Department has no plans to locate a centre in any particular location. Most of the issues involved are sensitive and difficult and require specialist support, so it is important that people are able to access that support, and that it is a specialist centre that will provide on an all-of-Northern Ireland geographical basis. It is also important to look at what we are doing around the roll-out of remote evidence centres, for example, to help vulnerable victims and witnesses. That is an important piece of work, and it is one that, over time, we intend to extend to all our courthouses where jury trials are held.

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

Non-essential Cross-border Travel: Fines

T1. **Mr Harvey** asked the Minister of Justice, in light of the announcement by the Irish Government that people from Northern Ireland will be fined for crossing the border for non-essential travel, whether she intends to implement a similar measure here. (AQT 961/17-22)

Mrs Long: I thank the Member for his question. He will appreciate that it is not appropriate for me as Justice Minister to comment on the enforcement actions in relation to COVID-19 restrictions of an Garda Síochána in another jurisdiction. There is no applicable restriction in the current health protection regulations that would enable or require the PSNI to perform similar checks. The health protection regulations are the responsibility of the Department of Health, and any amendments to the regulations are a matter for the Executive, based on recommendations brought forward by the Health Minister that have been informed by the Chief Medical Officer and Chief Scientific Adviser. As the Member knows, it is currently not an offence here to cross county boundaries, whereas, in the Republic of Ireland, it is an offence to cross county boundaries. To be clear, that is the offence that is being enforced in the South. Rather than an enforcement on crossing the border, it relates to the county boundaries, although they are, obviously, contiguous in many cases.

Mr Harvey: I thank the Minister for her answer. The Irish Government are issuing €500 fines for

those travelling to airports and ports for non-essential purposes. That is evidently to curb international travel and to keep Irish citizens safe. Will the Minister commit to a similar scheme here?

Mrs Long: The Member will be aware that I was at the Ad Hoc Committee a number of weeks ago, after having reviewed, by request of the Executive, the penalties and offences that we apply in Northern Ireland around COVID-19. It was agreed that we would not put any offence in the regulations with respect to travel but would place it in guidance that people should not travel more than 10 miles from their home for exercise. Outwith that, there are no restrictions on the distance that people can travel. The focus has been on trying to ensure that people stay as close to home as possible, by choice, and leave their home only when it is essential to do so.

Mr Speaker: Question 5 has been withdrawn. I call Linda Dillon.

Sean Graham Bookmakers: Police Ombudsman's Report

T2. **Ms Dillon** asked the Minister of Justice to confirm whether she has had any conversations with the Office of the Police Ombudsman in relation to the outstanding report on the murders at Sean Graham's bookies, given that although, on four separate occasions, the families and victims have been told they will get the report, they are still waiting on it. (AQT 962/17-22)

Mrs Long: I have a number of conversations with the Police Ombudsman with respect to legacy cases. However, it is for the Police Ombudsman, who is completely independent of my office — I realise that Members get frustrated when I tell them that on a regular basis — to manage that case and to manage any disclosure of the report to the victims. It is not for me to prejudge. However, I am sure that she will have watched Question Time today, as everyone else will have done, and heard Members' concerns about that. No doubt, she will want to act on that.

Ms Dillon: I thank the Minister for that. I absolutely accept that the ombudsman's office should be independent, but it is a concern when a family has been told on four occasions that they will be getting a report but have still not received it. Will the Minister confirm whether she has received a commitment, or even an indication, from the British Government, the

NIO or the Secretary of State that they intend to implement the Historical Investigations Unit (HIU) and all the legacy mechanisms that were agreed in the Stormont House Agreement by the five parties and the two Governments and which were consulted upon with victims and wider society?

There were 17,500 responses to the consultation, which, anybody would agree, is quite a statement in itself.

Mrs Long: The Member knows my position and that of my party when it comes to this issue. She is also aware from my previous statements that I have raised the issue on many occasions with the Secretary of State and the UK Government more generally. Unfortunately, in direct answer to her question as to whether I have had any reassurances, the answer is no.

Antisocial Behaviour

T3. **Mr McGrath** asked the Minister of Justice whether she agrees that antisocial behaviour can cause a significant and persistent problem in communities and is best addressed through a cross-sectoral approach, with community safety at its heart. (AQT 963/17-22)

Mrs Long: I completely agree with the Member. Some of the work that the PCSPs do, for example, on effective work on the ground, bringing in the Housing Executive, the Department for Infrastructure and other bodies responsible for the delivery of services in those areas, can be of great assistance in bringing people together with the police, the councils and others to find resolution. It is important that people, particularly at the moment, are able to live free from antisocial behaviour. We have seen a marked increase in the level of antisocial behaviour reported to the police. Some of that is to do with people being at home more often than at other times and being aware of disruptive behaviour in their neighbourhood that is difficult to live with. It is important that people can live in peace.

Mr McGrath: Will the Minister commit to an urgent review of antisocial behaviour in Downpatrick, where arson, assaults and interruption to business have occurred during the COVID period? Is the Minister prepared to commit extra funds to the community safety work in the area, if that is needed?

Mrs Long: Initially, we would want the council and the police to come to the Department about a review of a neighbourhood. If they feel that

resources are restricting their ability to respond, we want to hear that, and we will listen very carefully to their case. The Member will be aware, as will all Members, having seen the draft Budget, that there is very little wriggle room on what we might be able to do. However, the community safety partnership in the area ought to be aware of the situation and will hopefully be able to prioritise as it rolls out its funds and programmes over the next number of years.

Lord Justices: Community Background

T4. **Mr Allister** asked the Minister of Justice, albeit that she has no role in the appointment of our judges, whether she has any concerns that, in the upper tier of our judiciary, there is not a single Lord Justice with a Protestant community background and whether she thinks that that is healthy in this era when cross-community confidence is so important. (AQT 964/17-22)

Mrs Long: The Member has raised this issue with me in the past. Equitable provision across our community is absolutely important, and inclusion should be at the heart of all the services that we provide in the Department of Justice. However, we know that, in order to become a higher-tier judge, one needs considerable experience and that a merit-based appointment system applies. Therefore, I am very cautious about wanting to read anything into a small number of appointments that could fluctuate from being entirely Protestant to entirely Catholic or, indeed, to anything else.

I am also very uncomfortable, frankly, with judging people's perceived religious background without their having assented to that. Many of us do not appreciate being placed in boxes or pigeonholed when it comes to assessing our religious or community background. The judges may well fall into that category.

Mr Allister: I wonder whether the Minister would be so sanguine if there was not a single Catholic among the Lord Justices. Has she discussed the issue with Lord Chief Justice and conveyed the fact that cross-community confidence for the judiciary is very important?

Mrs Long: The Lord Chief Justice is well aware that confidence in the judiciary, not just cross-community confidence but confidence for everyone in our community, is important. I do not think that I need to teach the Lord Chief Justice how to suck eggs.

The Member wonders whether I would be so sanguine were it to be the case that all the higher-tier judges were Protestant. I would be every bit as sanguine because, of course, I recognise and respect the fact that the judiciary does a professional and impartial job, which is not influenced by anyone's community background.

Frankly, it is a dangerous road to go down, as the Member seems to be doing, particularly for someone in the legal profession, to suggest that, because of their religious background, they are any less capable of being entirely impartial and commanding full cross-community support.

Memorial Services: Lockdown Cancellation

T6. **Mr Frew** asked the Minister of Justice, given the fact that the police fall under her remit, the fact that we have passed draconian legislation that the police have to enforce and the fact that many organisers of annual memorial services have cancelled them this year, does she agree that it is time that she made a statement to advise groups, in the coming weeks and, perhaps, months of lockdown, that they should not hold such services. (AQT 966/17-22)

Mrs Long: I never fail to be shocked that members and, indeed, a former Chair of the Justice Committee can misunderstand my role so fundamentally. I am not the Minister for policing. Let me be clear about that. I am the Minister of Justice. Policing issues are dealt with by the Policing Board, where oversight is by the Chief Constable, who is responsible for operational decisions, and by the Office of the Police Ombudsman, which investigates any complaints against police officers. My role in policing is simply to provide adequate legislation and funding for the police. It is not my role to interfere with their decisions.

When it comes to the issue that the Member raises about whether people should be gathering, I cannot be clearer, having brought the regulations that deal with those issues through the House on behalf of the Health Minister: I advise anyone to avoid gathering in public for any reason at this time, not because it is a burden on the police but because it is a risk to their own health and well-being.

Mr Frew: I certainly agree with the Minister that the regulations and law are inadequate at this time. She talks about advice and what should and should not happen with regard to the

COVID regulations. However, she is part of the Executive who form the legislation. She shares that role with Members of other parties. It seems to be the case that members of other parties — in particular, Sinn Féin — were involved in some shape or form with the memorial service on the Ormeau Road. Can the Minister enlighten the House as to her advice to the political parties with which she sits on the Executive on organising or attending those events during lockdown?

Mrs Long: First, I did not say that the current law was inadequate; I said that it was adequate with regard to the provisions on what people ought to be able to do.

Although the Member is skirting around the issue, it is clear that he wants me to comment on the events that took place on Friday afternoon; so I will do so. I want, first, to acknowledge that I understand that recent events have caused serious distress to victims and survivors, as well as to the community more widely. It is vital that, despite the events of last week, we reaffirm collectively our shared commitment to delivering the aim of safer communities, where we all respect the law and each other, including with regard to COVID. I am committed to working with the Chief Constable, the Policing Board, political parties, victims and survivors, their representatives and the wider public to try to rebuild some of the trust and make good some of the damage that has been caused over recent days and weeks. All politicians and political leaders should be in that space at this time. I am sure that the Member will agree that the Policing Board has a crucial role to play in enhancing community confidence in policing and respect for adherence to the law. I work with my Executive colleagues to ensure that adequate legislation and regulations are in place to give guidance to people on the strictures in the COVID regulations.

These are unusual times. The context in which we live is difficult and challenging, no more so than when we deal with bereaved victims and grieving families. Instead of trying to use the incident as a political battering ram against one's opponents, it would be wise to think for a moment about the families and their grief, and the difficult job that the police have to do in such complex circumstances, and be more measured in the approach that we take when it comes to discussing those measures.

3.30 pm

Community Tensions and Antisocial Behaviour

T8. **Mr Newton** asked the Minister of Justice, given that, in reply to Mr Frew, she used the words "safer communities" and referred to the fact that "we are living in difficult and challenging days", and the fact that she will be aware of the community tensions and antisocial behaviour that have arisen in the constituency that they represent, whether she is intent on supporting, in any additional manner, those who are working at the sharp end to try to quell the situation. (AQT 968/17-22)

Mrs Long: First of all, what happened in our constituency last week — the Member alluded to only one instance — was a very visual and very high-profile incident that was absolutely reprehensible, and I said at the time that it was absolutely disgraceful. Intimidation of anyone in our community by anyone in our community is not acceptable. There is no excuse for it. Those who are fuelling those tensions and are behind those acts of intimidation, frankly, ought to be taken off the streets, and I hope that they will be.

With respect to those who are trying to quell the tensions and to bring good order, I have already met the Chief Constable and discussed with him at length the particular issues that people face in that constituency and that are relayed to me as a constituency MLA day on day. How he responds to that policing challenge, again, is an operational matter for him, as Chief Constable, but he certainly is aware of the issues and the tensions. My officials have already been in touch with people in and around that interface area to see whether they are struggling in order to not only try to understand better the ongoing issues but to try to provide the kind of support that we talk about in the tackling paramilitarism programme for building more resilient communities that can resist the influence and coercion of paramilitary organisations.

Mr Newton: I thank the Minister for her answer. Rather than just contacting the police, I was thinking that those who are working at the coalface, if I can use that expression, in order to try to address the situation, need additional support on top of what they normally receive.

Mrs Long: We have received no request for such support, but I know that, through the PCSPs and my Department in the work that it does already in that neighbourhood, a lot of support is available to local people. However, if more can be done, I want it to be done, and I am more than happy to extend the offer of a

meeting with the Member if he feels that there are areas where the Department may have some ability.

As you would expect, I caution against suggesting that the police are not also working at the coalface in that community, because they are, and they very much support those who want to ensure that there is stability and, indeed, lawfulness in that community. I grew up there, and I was very distressed to see the events there last week.

Mr Speaker: Time is up. I ask Members to take their ease for a moment or two.

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

Agriculture, Environment and Rural Affairs

Mr Principal Deputy Speaker: I ask those Members who are leaving the Chamber to do so, and I ask everyone else to resume their seat, please.

Question 7, standing in my name, has been withdrawn. Before I call Mr Kelly, I welcome Minister Lyons to his first Question Time as Minister of Agriculture, Environment and Rural Affairs.

Curlew Population

1. **Mr G Kelly** asked the Minister of Agriculture, Environment and Rural Affairs what plans his Department has to protect the declining curlew population. (AQO 1540/17-22)

Mr Lyons (The Minister of Agriculture, Environment and Rural Affairs): The Member highlights that the breeding populations of curlew have declined significantly in our lifetime. A range of legislative and policy measures is in place to protect curlews. They are fully protected under the Wildlife Order when they are nesting. They are also protected in a number of areas of special scientific interest (ASSIs); for example, some of the islands in Lower Lough Erne and Lough Neagh are designated for curlew and other breeding waders. Curlew are also protected in the planning system: advice from officials in Northern Ireland Environment Agency (NIEA) to planning authorities is to avoid and mitigate any potential impacts to curlew, including on a suitable habitat that they could utilise, from land development and associated activities.

My officials are involved in undertaking the third UK special protection area (SPA) network review under the birds directive, along with the other UK nature conservation agencies. As part of the review, officials have considered protection for significant breeding curlew sites in the Northern Ireland SPA network. Sites at Lower Lough Erne and the Antrim hills support nationally important populations of breeding curlew and have been identified as potential additions. Once advised to do so by my officials, I will consider proposals to protect the areas supporting the remaining significant breeding curlew populations in Northern Ireland.

In addition, there are a number of areas where the Department is undertaking specific actions to support curlew or is providing support to others to do likewise. The College of Agriculture, Food and Rural Enterprise (CAFRE) Greenmount hill farm at Glenwherry is an education, training and knowledge and technology transfer resource for students and farmers. As part of this function, and in partnership with a range of stakeholders, an area of 75 hectares of wet grassland is being managed to suit the needs of the three targeted priority species of wading birds — curlew, snipe and lapwing. This management has, after an absence of 20 years, resulted in curlew returning to the Greenmount hill farm in 2016 and successfully rearing 14 chicks since then.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now. That was very comprehensive, so he may have answered some of the next questions that I ask. He will be aware, from a report by the National Parks and Wildlife Service, that the curlew population is down 96% and the worry is that it will be extinct within a decade. The Minister went through a comprehensive list of areas that are being assisted. I presume that the Minister is aware that the South — and, as he mentioned, Britain is doing something similar — appointed 30 officers to identify sites, and he discussed why sites have been identified. Is there any movement on that, or does the Minister intend to appoint more research officers to check that?

Mr Lyons: First, it is absolutely correct that the decline of the curlew population is a cause of concern. The Member highlighted the numbers: an 82% decrease since 1987, with only 250 pairs remaining. That is why we have taken the action that we have taken so far and why we have ensured that the NIEA also takes their future into consideration when planning applications are being discussed. If more resources are needed, that is, of course,

something that we are happy to consider, given the perilous state of the curlew population.

In some good news, I was notified that there was a pair at Larne promenade in recent days. So, once the restrictions are lifted, I am sure that Members will want to flock to Larne to see it for themselves.

Mr Principal Deputy Speaker: Flock. Flock, indeed. *[Laughter.]*

Mr Butler: I welcome the Minister to his new role. I know that he will do a good job in keeping the seat warm for Minister Poots.

Minister, a wildlife licence is required if one wants to disturb or remove protected wildlife for reasons of damage to agriculture, livestock and fisheries. How is the damage assessed and how many of these have been issued since January 2020?

Mr Lyons: It is not something that I am specifically aware of. However, the environmental farming scheme is also in place to make sure that help is there to protect these birds. I am more than happy to come back to the Member in writing on the specific details that he raises. I hope that that is helpful.

Deposit Return Scheme

2. **Mr Durkan** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the merits of introducing a deposit return scheme for single-use drinks containers. (AQO 1541/17-22)

Mr Lyons: In February 2020, we committed to Northern Ireland's continued participation in the development of UK-wide proposals to reform the packaging producer responsibility system and the introduction of a deposit return scheme (DRS). The plan is to consult on these schemes this year. Powers are being taken in the Westminster Environment Bill to provide for a deposit return scheme for Northern Ireland, alongside England and Wales. Such a scheme can significantly increase the recycling and recyclability of single-use drinks containers. A deposit return scheme could also result in a substantial reduction in the amount of littering in Northern Ireland. Germany, Norway and the Netherlands, for example, have achieved collection and recycling rates of 98%, 97% and 95% respectively for plastic drinks bottles. The options for the scope of material and size of container, deposit level and model of a DRS will be presented in the forthcoming consultation.

Mr Durkan: I thank the Minister and wish him well in his new role. It is certainly no reflection on him when I say that I hope that he is not in post for long. I sincerely wish Edwin Poots a full and swift recovery.

As Health Minister, Edwin Poots recognised the value of cross-border, North/South collaboration. Is the Minister aware of any discussions that have taken place with the Irish Government on the coordination of a deposit return scheme across the island?

Mr Lyons: First, I thank the Member for his kind words. I do not intend to be here too much longer either. I can assure him that I will leave with grace when the time comes. I will not incite crowds to attack Dundonald House in the hope that I can stay longer.

The Member makes specific reference to the cooperation that has existed with the Republic of Ireland. It is not intended that we take forward the scheme on an island-wide basis, and that is for a number of reasons. First, we are doing a UK-wide scheme because that will be consistent with the packaging that will be in place. There is also the issue of waste collection, which is different. In the Republic of Ireland, waste collection is managed more by private firms, whereas, here, the councils deal with that. However, my officials have met counterparts in the Republic of Ireland to discuss the schemes and identify any issues.

Mr Buckley: I, too, welcome the Minister to his post and wish Edwin Poots every success in his recovery.

Minister, this is of great interest to me. I was interested in your response, particularly your reference to the case study of Germany, where the refund scheme has been extremely successful. I know from speaking to the industry that there is a great gap in the conversations being had between departmental officials, the plastic manufacturing industry and the recycling industry. Is there a point at which we can formulate a working group to ensure that we maximise our recycling capacity for single-use plastics?

Mr Lyons: The consultation document that will go out will consider all these issues. The Member will also be aware of the work that my predecessor has done in relation to single-use plastics. We are all aware of the damage that those can cause and of our need to increase recycling rates across the board. It is right that all these things are taken into consideration.

Mr Chambers: Minister, I would like to be associated with all the good wishes to you.

There are so many single-use drink containers, from plastic fruit juice drink containers to milk containers. Does the Minister anticipate that the full range of these cartons will be included in any future scheme?

3.45 pm

Mr Lyons: Yes. That will all be part of the consultation. I think that, from everybody's point of view, if we are going to introduce such a scheme, it should be as wide as possible so that we can get to where we want to be and achieve maximum recycling rates.

Mr McGuigan: I welcome the Minister's comments, and I would, obviously, welcome a deposit return scheme. We are currently in an environmental crisis. You may be aware, Minister, that I have tabled a private Member's Bill on single-use plastics. I would certainly welcome the Minister's view on and support for a total ban on single-use plastics.

Mr Lyons: It is worth noting that the Northern Ireland Civil Service, led by DAERA, is presently implementing a plastic reduction action plan to end the unnecessary use of single-use plastic across the Northern Ireland Civil Service and government estate. DAERA is on track to achieve that by the target date of October 2021. Suppliers are presently identifying alternatives to the disposable items that are currently in use, and a staff awareness campaign across all departments has commenced. That is important; people want to see that leadership.

In relation to further legislation on the issue, my predecessor advised the Assembly in November 2020 that he had asked DAERA to look at introducing restrictions on nine common single-use plastic items along the lines of bans proposed elsewhere in the UK. To meet the commitment in 'New Decade, New Approach' to tackle plastic pollution, we will propose further measures to control plastic waste, including legislation on plastic caps and lids, labelling, recycled content and reductions in single-use plastic cups and food containers.

Mr Principal Deputy Speaker: I call Ms Clare Bailey.

Ms Bailey: My question was just answered, Mr Principal Deputy Speaker. Thank you very much.

Mr Principal Deputy Speaker: Grand. Mr John Blair.

Mr Blair: My question was also answered, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: Excellent. The Minister is on a roll.

Fish: UK Stocks

3. **Dr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs what analysis has been carried out on agricultural sectors dependent on stocking and restocking fish to and from the rest of the United Kingdom. (AQO 1542/17-22)

Mr Lyons: My Department has carried out extensive work in that area, including the realignment of operational processes in support of a small but important number of businesses that depend on product movements with other parts of the UK. That trade includes live fish and fish ova for trout farming, the supply of ornamental fish for trade in pet shops and garden centres, and the long-established eel fishery in Lough Neagh.

Trout farming depends on the movement of live ova. Northern Ireland has a positive disease-free status, which allows exports from specialist producers locally to different producers across the world. My Department is able to provide disease-free certification of locally produced fish to enable those exports with the process depending on the requirements of the receiving country. My Department is able to provide certification to allow movement to the EU as there is access to the relevant processes and databases. Although we receive relatively small consignments locally moving in the opposite direction, we are able to authorise inward movements that meet healthy fish requirements and are accompanied by adequate health certification. In the case of inward movements from GB, consignments are inspected at the point of entry.

Ornamental fish are largely an Asian product that is initially imported to GB. Onward consignments arrive for trade locally and further transport into the Republic of Ireland. Clearly, processes need to be revised given the point of entry to the EU regulatory zone. My officials from veterinary science and the fisheries inspectorate have engaged with colleagues in DEFRA, the Centre for Environment, Fisheries and Aquaculture Science, and the Animal and Plant Health Agency to develop a process that facilitates trade while mitigating fish health and

welfare issues as a result of the increased inspections required.

Dr Aiken: I thank the Minister and welcome him to his position. Not so long ago in this very Assembly, the Minister was standing in for Minister Poots and we had a question about aquaculture and issues to do with the importation of fish. The Minister, at that meeting, stated that there were no issues to be concerned about. Is he aware of the concerns that eel fisheries currently have about the importation of elvers to restock Lough Neagh and the implications of not being able to import them from the River Severn, which will have a significant effect?

Mr Lyons: Yes, we are all aware of the challenges with eels at the moment, as trade of eels in and out of the EU has been prohibited by the EU scientific review group since 2010. That prevents the trade of eels from Northern Ireland to Great Britain and from Great Britain to Northern Ireland. I find the requirements unnecessary, and the movement of eels from Great Britain poses no risk to Northern Ireland. It is, in fact, not necessary and completely unacceptable.

Mr O'Toole: It is worth noting, as we consider these matters, that 80% of the market for Lough Neagh eels is in the European Union. On that note, Minister, sadly, food producers in Great Britain are finding themselves shut out of the European market. Whether it is Somerset cheddar, Scottish langoustines or Welsh lamb, they are struggling to get it into continental Europe, and, sadly, it is really hurting their business. However, the good news is that we have replacement products for all those things in Northern Ireland. Minister, what is your Department doing to maximise opportunities for our food producers to replace those products from Great Britain that, sadly, we are losing out on? Under the protocol, we have unfettered access that they do not have. What is your Department doing to maximise those benefits?

Mr Lyons: The Member mentions that 80% can go into the EU, but I am concerned about the 20% that goes into Great Britain. I do not want us to be cut off from that market. I want that to be there, which is why, instead of trying to find alternative markets, as we should always try to do, I want to make sure that our biggest market is there and that we can continue to trade into it.

Mr Allister: I am sure that the Minister will not want to be as slippery as an eel in answering this question. Can he update the House on the

position, as of now, in relation to DEFRA inspectors, under the protocol, at our ports? Does he commit, as a unionist, to playing no part in aiding the partitioning of this United Kingdom and, therefore, not putting officials back at those ports?

Mr Lyons: The Department has received a threat assessment from the PSNI, which is being considered by the Department along with our own risk assessment and potential mitigations that can be put in place. I do not want those checks to have to take place. I want to see free, unfettered trade between Great Britain and Northern Ireland. Those staff were taken out as a result of the threats that were made and on the basis of safety, but I want to make sure that we can find a political solution to the problems that we face. The Member said last week in the Assembly during a Matter of the Day that there is no excuse whatsoever for those threats, and I hope that he will join me in wanting to find a political solution to the problems that we face so that we do not keep people out on the basis of threats.

Mr Blair: I welcome the Minister, as others have done, to his first DAERA Question Time. I will go back to aquaculture. What steps is the Department taking to restore marine ecosystems? For example, will the Minister consider implementing a similar scheme to the UK's £500 million Blue Planet Fund?

Mr Lyons: I do not have any additional information on the issue that the Member raises. Of course, we all understand the importance of our marine wildlife and of supporting it when we can. If there are specific measures that he wants me to raise, I am more than happy to consider them.

Ms Bailey: At a recent Committee meeting, we were informed that up to 80% of baby eels from the lough are removed for stocking eel fishery farming. What are the Minister and the Department's thoughts on that decline of 80%, and what are we doing to address that? Is it sustainable?

Mr Lyons: That has not been highlighted to me as an issue, so I can only assume that it is done in a sustainable way. Of course, I can find more information on that for the Member.

Organic Food

4. **Mr Dickson** asked the Minister of Agriculture, Environment and Rural Affairs what engagement he has had with the UK

Government on streamlining the process for organic foods entering Northern Ireland from Great Britain. (AQO 1543/17-22)

Mr Lyons: I thank the Member. I am aware, of course, of the additional requirements being placed on local businesses on the import of organic products from Great Britain to Northern Ireland. I oppose those restrictions within the UK internal market, especially if the product is retained for use within the UK. Those restrictions cause economic harm to Northern Ireland business.

Under UK domestic law, Northern Ireland is required to adhere to EU rules and regulations for organic products as a result of the Northern Ireland protocol. Although the EU has recognised GB organic standards as equivalent, organic certificate of inspection checks are required for organic produce that is imported from GB for businesses that produce, prepare, store, import or sell organic products.

My officials have been working closely with their counterparts in DEFRA with the aim of alleviating the difficulties that are arising from those additional checks and administration. I will also write to Michael Gove and George Eustice to raise these issues and seek a timely, pragmatic resolution.

Mr Dickson: Welcome, Minister, to your first Question Time and thank you for your answer. I am encouraged by the work that you are doing and, indeed, by the comments that you just made on seeking political solutions to the difficulties that we face in the import and export of goods to and from Northern Ireland. You, Minister, along with your predecessor, also have a statutory duty to perform your functions. I am sure that you would not wish to be in breach of the ministerial code by dragging your feet or working against them.

Mr Lyons: I am not quite sure whether there was a question in there, Mr Principal Deputy Speaker, but it is absolutely correct that I am not dragging my feet on anything.

Mrs Barton: Minister, I welcome you to Question Time and wish Mr Poots all the best in his recovery.

Is there any progress on removing the barriers to bringing pedigree breeding cattle into Northern Ireland from Great Britain? That has been a problem.

Mr Lyons: Yes, I am aware of that. It is yet another problem associated with the Northern

Ireland protocol, and discussions are going on between my Department and relevant Departments in the UK. Some of the changes are unacceptable. It is not only frustrating from a trade and constitutional point of view but some of them are just absurd and unnecessary, and that is why we need to see change.

Mr McHugh: Uimhir a cúig. Ceist 5.

COVID-19 Funding Bids

5. **Mr McHugh** asked the Minister of Agriculture, Environment and Rural Affairs what additional funding bids he has made following the Minister of Finance's recent statement that significant COVID-19 funds are available. (AQO 1544/17-22)

Mr McHugh: Uimhir a cúig. Ceist 5.

Mr Lyons: I think that that is question 5, Mr Principal Deputy Speaker.

My Department has made one further bid of £9 million following the Minister of Finance's recent statement that significant COVID funds were available. That funding will be used to support the creation of a reserve in the Forest Service.

I continue to explore all options. However, in scoping additional spend within the Department and other organisations, delivering spend by 31 March is extremely difficult within the parameters set out by the Department of Finance. That is a major issue in making additional bids, given the risk of not spending.

It should also be noted that, earlier this year, the Executive agreed an allocation of £25 million to DAERA for market interventions in the agri-food sector. That was the most comprehensive allocation made by any UK or EU Administration across the agriculture and horticulture sectors during the coronavirus emergency. It was based on a strong economic rationale of providing financial assistance to agricultural and horticultural businesses to enable them to deal with short-term disruptions that would substantially impact on otherwise viable businesses. My Department is now focused on ensuring that that money is fully spent in this financial year.

Mr McHugh: Go raibh maith agat, a Aire. Minister, thank you for your answer. Like others, I welcome you to the elevated post of Minister of Agriculture. I also wish Mr Poots a speedy recovery.

Minister, on Friday of the week past, I was contacted by a third-level student from a rural area. As a result of very poor broadband connectivity, that person had spent nine hours attempting to upload an assignment. An A-level student and a GCSE student are in the same household. All three are attempting to use a facility that is totally and absolutely inadequate to meet their needs in relation to education and so on.

Will you consider providing an additional scheme for rural dwellers as defined by the Rural Needs Act in order to provide them with devices and/or an improvement in broadband?

4.00 pm

Mr Lyons: If there is an issue with devices for educational purposes, it falls to the Department of Education. I am constrained insofar as the money that is allocated has to go towards losses that have been incurred as a result of the COVID-19 pandemic and by the tight timescales that now exist. If there are particular measures that any Member wants my Department to look at, I would be more than happy to do that, but we are obviously working within those constraints.

That said, I am glad that we have been able to provide so much support, which, as I said in my opening answer, is more than in any other part of the UK or the European Union. I hope that that goes some way to help those who have been affected by the COVID-19 pandemic.

Mr McGlone: I welcome you, Minister. I wish Edwin well and hope that he makes a speedy recovery and, indeed, that he will be back at his desk.

On the overall finances, we know that Westminster has refused to step in to replace the £15.3 million of ring-fenced EU TB eradication moneys. There is also the reduction of £34 million in rural development funds over the next three years. Those moneys are pivotal and crucial to many of the rural areas that we represent. Can the Minister advise what efforts are being made by the Department to replace those moneys?

Mr Lyons: I know that my predecessor worked with colleagues in the other devolved Administrations in writing to the UK Government to make them aware of their concerns about the issues that the Member has raised. I am more than happy to keep the Member updated as we get more information on that.

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

Belfast and Larne Ports: PSNI Threat Assessment

T1. **Ms Ní Chuilín** asked the Minister of Agriculture, Environment and Rural Affairs, after welcoming him to his post and wishing Edwin Poots all the best in his recovery, whether he can provide an update on the PSNI's assessment of the situation at Belfast and Larne ports following the temporary suspension of checks on products of animal origin as a result of alleged threats against and intimidation of staff. (AQT 971/17-22)

Mr Lyons: Yes. The Department received that updated threat assessment towards the end of last week. As the permanent secretary set out in his evidence to the AERA Committee on, I think, last Thursday, there will be further engagement with staff and trade unions following that threat assessment and the Department will finalise the risk assessment in line with its responsibilities under health and safety legislation and find potential mitigations.

Ms Ní Chuilín: I thank the Minister for his response. Does he agree that it is completely unacceptable that vital public services that will impact not just on people but on industry were withdrawn as a result of intimidation and criminal action? Will he ensure that information on the issue is kept up to date and that any information about the threats last week is shared not only with the Committee but with the House?

Mr Lyons: It is important that we put on record that threats are wrong. Threats are always wrong, and nobody should be stopped going to their place of work. Unfortunately, such threats were all too common in the past as well. Over the last 30 or 40 years, people were threatened while they were going about and doing their jobs. It was wrong then, and it is wrong now. It is important that we take precautions and put the safety and well-being of our staff first and foremost. That is what we have done.

Belfast and Larne Ports: Resumption of Services

T2. **Mr O'Dowd** asked the Minister of Agriculture, Environment and Rural Affairs when he will carry out his duties and ensure that services at Belfast and Larne ports are restored, given that, despite the PSNI's

assessment that there were no credible threats, he, as Minister, keeps referring to "these threats", albeit the fact of the matter is that the information given to the Assembly and to Mid and East Antrim Borough Council was based on half-truths, misinformation and erroneous facts, with workers used as pawns in a very cruel game (AQT 972/17-22)

Mr Lyons: I assure the Member and the House that I am carrying out my duties. That has absolutely always been the case. The safety of staff has always been first and foremost in my mind, and it would be wrong to say otherwise. We have put a clear process in place. There were concerns, and there were threats. The graffiti that was put up was taken as a threat, and concerns were expressed. It was only right that we took precautionary measures and made sure that additional mitigations were in place. I do not see the problem with wanting to make sure that the full threat assessment was done, that we do our own risk assessment and that we put in place any necessary mitigations.

Mr O'Dowd: I have no problem with anyone ensuring the safety of their workers. My concern is that, while it is a fact that there was no credible threat, as stated by the PSNI, and a lie got halfway round the world before the truth got its pants on, those workers being removed suits your political agenda. Rather than dealing with facts, Minister, you are allowing non-existent threats to carry forward a political agenda, contrary to your statutory duty and the ministerial code.

Mr Lyons: That is absolutely disgraceful. Throughout all this, from the comments that I made in the Chamber last week to the permanent secretary's comments and in the answer that I have given today, I have clearly demonstrated that staff safety comes first and that we put a process in place. I have not interfered with that process; we have let it run its course. There are ongoing discussions with the PSNI, and there will be discussions with trade unions and other staff. That is an entirely appropriate response to what has gone on.

Hightown Incinerator

T3. **Dr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs whether he will continue to express the concerns expressed by his predecessor about Arc21 and incineration, particularly in relation to the completely unneeded Hightown incinerator. (AQT 973/17-22)

Mr Lyons: I have not yet received a briefing on the matter, nor have I had any conversations about it with the previous Minister. I am more than happy to consider all the facts and the evidence and the need for it, if any. Then, if there are decisions that I need to make in relation to it, I will, of course, do so on the basis of all the evidence.

Dr Aiken: I thank the Minister for his answer. Will he join me and other Members from South Antrim in having discussions with No-ARC21 so that he can further inform himself about the serious issues involved? We will be delighted to facilitate that with him.

Mr Lyons: I do not know how much longer I will be in place, but, as with all invitations, I am more happy to consider them as they come in.

Belfast and Larne Ports: Risk Assessment

T4. **Mr Catney** asked the Minister of Agriculture, Environment and Rural Affairs, after welcoming him to his post and expressing his hope that Edwin makes a speedy recovery, whether he, not to labour the point, has received a risk assessment or an update from either his Department or the PSNI on the alleged threats against DAERA staff at Belfast and Larne ports, particularly because he comes from an area where the first thing that was put up when a business was attacked was an 'open for business, business as usual' sign, which is what he wants to see at the ports. (AQT 974/17-22)

Mr Lyons: I thank the Member for his question. By way of update, I hope that I have set out that the threat assessment was received; officials are having further engagement with staff and trades unions; and we will finalise a risk assessment in line with the Department's responsibilities under health and safety legislation. We will then ensure that whatever mitigations are necessary are put in place.

Mr Catney: Minister, I hear what you say. Many in the House and beyond are concerned that your predecessor took action that was not proportionate with the security advice received from the PSNI. Can you confirm that, in line with the police assessment, staff will return to work to undertake their important roles, minimising the disruption caused by Brexit?

Mr Lyons: I think that the permanent secretary set out clearly the process and what took place in the days or hours leading up to the decision

that was taken. I will not be bound by any timescale but will let the process that we set out at the start take place, and I think that that is entirely appropriate.

Puppy Smuggling

T5. **Mr Newton** asked the Minister of Agriculture, Environment and Rural Affairs, after congratulating him and wishing Mr Poots a speedy recovery, what steps he is taking to address the issue of puppy smuggling, given that he will be aware that it is a significant activity from the Republic to Northern Ireland and from Northern Ireland to Scotland. (AQT 975/17-22)

Mr Lyons: I thank the Member for raising the issue not only now but for the concern that he has shown for this for some time. Operators of puppy farms aim to get maximum profit for minimum effort and do not care about the living conditions or, indeed, the welfare of their dogs. I am also aware that the sale of the dogs sometimes involves travel through Northern Ireland ports. My Department has recently established a multi-agency forum to tackle puppy smuggling. The forum has met twice in the past two months and contains representatives from my Department, councils, PSNI and harbour police. In addition, my Department continues to carry out checks at ports in Northern Ireland to ensure that dogs being moved through ports have the relevant paperwork and are in compliance with welfare-in-transport regulations. The Department's website and the nidirect website contain a range of information on buying and caring for a puppy, including a guide that goes along with that.

Mr Newton: I thank the Minister. That is, indeed, good news, and I am absolutely certain that that will be welcomed by all who are involved in the care of pups.

Minister, there is another step that, I think, needs to be taken, particularly in the health situation that we are in, where it has become extremely popular to buy a pup. I expect that you might agree, Minister, that there is a need to educate the public in how they might go about buying a pup, about the aftercare of the pup should it take ill, the source of the pup — who they have bought the pup from — and the responsibilities of that source.

Mr Lyons: I entirely agree with what the Member has said. I had already set out that DAERA has produced its 'Buying and Caring for a Puppy' guide. The guide sets out advice on

finding a responsible breeder or seller, and it was supplied to the Northern Ireland Education Authority in 2018 for placing in its teaching resources library for the use of teaching staff. I hope that that is being used, and I encourage the Member to get in contact with schools in his constituency so that they can be aware that that resource is available. It is absolutely right that this is not just about trying to stop problems but trying to prevent them in the first place. That is the most important thing, and I appreciate his raising that issue of education.

Lough Neagh Fishermen's Cooperative

T6. **Mr Buckley** asked the Minister of Agriculture, Environment and Rural Affairs, given that he may know that, a number of weeks ago, he highlighted dangerous activity on Lough Neagh, via videos that put life at risk, on the part of bailiffs operating under the remit of the fishermen's cooperative, to confirm that his Department is taking the issue seriously and that the issues will be investigated. (AQT 976/17-22)

Mr Lyons: I thank the Member for raising the issue. I believe that he also wrote to me on this. It is absolutely right that, where those concerns are expressed and issues such as those that he describes take place, they are fully investigated. It is my understanding that one of my officials had been made aware of that and had engaged in conversations with those involved. I am more than happy to keep the Member updated about the outcome of those discussions.

Mr Buckley: I thank the Minister for his answer. There is a long litany of concerns about the fishermen's cooperative's activity on Lough Neagh. I would appreciate it if the Minister, via his departmental officials, keeps me and other Members informed about the ongoing investigations as they develop.

Mr Lyons: The Member has very much put that on the record. My officials will take a note of it, and we will keep him updated.

4.15 pm

Mr Principal Deputy Speaker: That concludes questions to the Agriculture Minister. We will shortly return to the debate on the health protection regulations, when the next Member to speak will be Ms Cara Hunter. I invite Members to take their ease until then.

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

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

Ms Hunter: I thank the Minister for being here today. I welcome the opportunity to speak again on the health protection regulations, specifically, regulations 12, 17, 19 and 22. Those restrictions are, perhaps, among the most difficult. They greatly impact on our daily life and our everyday movements. It is very regrettable that we remain in a similar situation, 11 months into the pandemic, both with the virus itself and continued cycles of lockdown.

Of course, the restrictions are not put in place lightly, and we support the Executive and the Minister in the difficult decisions that they have had to make to protect lives and to beat the virus. The sacrifices made by the public over the past number of weeks have not been in vain. We are now beginning to see, slowly but surely, an improvement in the figures. There is now a lower number of daily cases of infection and a lower R number than at the start of the year, and, along with the fantastic process for the roll-out of the vaccine, we can all take heart from the developments.

Despite that positive news, we still have some way to go. I continue to urge the public to adhere to the restrictions and the guidelines. We continue to recognise the gravity of the public health crisis and the continued immense pressures that NHS and front-line staff face day in and day out. As a member of the Health Committee, I am also aware of the pressures on all staff, right across the health system, as a result of the crisis.

It has been a long and difficult winter. As we approach the one-year mark since the first lockdown last March, it does not seem to be getting any easier to adapt to this way of life. Hopefully, once the current phase of restrictions is lifted in the coming weeks, we will never have to return to such a way of life.

As I have done in previous debates on the health protection regulations, I want to mention the impact that the regulations have had on mental and emotional well-being. The lack of contact with family and friends, and the need to stay at home, which the restrictions require and enforce, has been one of the most difficult and, in some cases, painful experiences of the pandemic over the last year. The sense of isolation and loneliness that many people have experienced must be dreadful, particularly for those in the elderly community, the disabled and those living in rural areas, who may have already found themselves cut off and isolated, regardless of the pandemic. I continue to press the Minister of Health and his Department to act and work now to put a plan in place to deal with the anticipated mental health crisis as we come out of the pandemic.

Last week, we discussed the Health Committee's recent report on care homes. In that debate, across the House, we all reflected on the difficulties that care homes have experienced. The report brought home to me the stark realities of what life has been like for residents and families, and, indeed, the effect on people not being able to visit, see, touch and hug loved ones.

I want to make a point relating specifically to regulation 19 from the perspective of my constituency of East Derry. I have been contacted by a number of constituents and residents at the seaside resorts of Portballintrae, Portrush and Portstewart. They are frustrated to see people coming from far and wide to stay in their holiday homes, and I deeply understand their frustrations. I reiterate that no one would ever seek to stop or limit anybody's right to exercise, but I ask that the public stay in and around their own areas for fear that they inadvertently spread the virus. In normal times, tourists and visitors are very welcome in our towns in East Derry. These towns are very dependent on the tourism market. Hopefully, those days of having tourists are not too far away, but, for now, I urge people to adhere to the guidance on travel.

A number of constituents have voiced to me the importance of team sports and regular gym attendance for their mental and emotional well-being. I hope that, as lockdown lifts, the Department and the PHA will continue to engage directly with the gym industry and sports groups to ensure that health and safety can be adhered to and that these important aspects of our lives can safely resume as soon as possible.

I conclude with a question to the Minister. Could staff who carry out COVID-19 testing be considered for priority vaccination as they are front-line workers in a high-risk group? As far as I am aware, they are on zero-hour contracts and have deep concerns that, should they contract the virus, they would not receive sick pay.

My party and I support these regulations. Like all Members, I regret the need for such stringent measures at this time. I can only hope that the end is somewhere closer in sight.

Mr Chambers: During the run-up to the Christmas period just past, the Executive had a huge challenge to balance the ongoing transmission of COVID with the desire to facilitate a Christmas celebration of sorts for all of us. The relaxations were widely welcomed by the community, but they resulted in a negative impact on transmission rates. It was inevitable that a robust reaction was required to counter that, and what we have before us today is that robust reaction. It is commendable that, in line with these regulations, the main Churches made the huge gesture of voluntarily cancelling acts of public worship. The virus and the resulting regulations have changed everyone's way of life. Individuals and families are making huge sacrifices to comply with restrictions that are designed to protect everyone's well-being and to relieve the pressure on our NHS.

At least 95% of our citizens are fully complying, but some are still ignoring the restrictions. It is regrettable that, in many cases, ignoring the regulations has involved those who were responsible for helping to craft them.

The disruption to our daily lives will be lifted or relaxed in response to a slowdown in transmissions and hospital admissions. That is in our hands. The efficient and speedy roll-out of the vaccine will make a huge contribution to getting us back to normal, but our daily behaviour is still crucial. The recent welcome downward trends should not be taken as an excuse to let our personal or collective guard down.

All of us in the House are being lobbied by various sectors to be allowed to reopen. Gym sessions are very important to those who enjoy the health and well-being benefits of a visit to the gym. A robust campaign has lobbied us to support a reopening of those establishments. I must confess that a visit to the gym is not as important to me at the moment as a visit to the barber, or as a visit to the hairdresser would be to my wife. All personal service businesses have spent money on their efforts to make a

visit to their premises as safe as possible. However, the barrier to being able to get the public back into those businesses is the need to minimise travel that may have the potential for accidents, which could lead to more pressure on our hospitals.

Earlier this afternoon, the First Minister reiterated the need for us to stay at home. That advice is a cornerstone of the regulations. The big prize for our sacrifices will be not only a reduction in the number, or elimination, of deaths to the virus but getting the important programme of elective surgery back to normal.

In conclusion, earlier, a Member referred to the regulations as being a blunt instrument. Nobody could argue with that description. In normal times, no one in a democratic society would, in any shape or form, add their name to supporting the restrictions that we are living under. They are, indeed, a blunt instrument. In this case, however, they have saved lives, the number of which we will never be able to quantify. For that reason alone, we should all have no difficulty in supporting the restrictions before us.

Ms Bradshaw: Again, we find ourselves discussing regulations long after they began to apply. In this instance, we are looking at a version that is fundamentally closer to the regulations that came into force last March. The main headline in these regulations is to "Stay at home". That is an order, and it may be enforced.

We probably need to ask ourselves how we are still getting hundreds of cases every day, given that the numbers being reported are for the period after these regulations came into force. In other words, they represent infections in a period throughout which a "Stay at home" order has applied in law. In such circumstances, how are infections taking place? That is a question to which the Minister should have an answer. In recent weeks, we have heard little about the contact tracing that might answer that question. If infections are happening in the home, how is the virus moving between homes when a "Stay at home" order is in place? If infections are happening in offices, do all those offices need to have people in them? If infections are happening in shops, do we need to implement improved social-distancing measures?

I commend the vast majority of people who are staying at home except for essential journeys, because this is an exceptionally grim time of year in which to do it. I hope sincerely that the advances made by the vaccination programme are helping people to keep their spirits up, but

that is a difficult task. I also applaud the workplaces that have ensured that staff can work from home. I know of many instances in which it has not been straightforward to make that a reality. I am impressed particularly by those shops that have invested in having staff on hand at the entrance to try to ensure that the guidelines, such as one person only, are adhered to.

As has so often been the case during the pandemic, we continue to operate in an information vacuum. Where are the ongoing problems that are causing infections? I hope that the Minister can provide us with not just an outline but details of what contact tracing is telling us and therefore what precisely those who provide the public health advice have been asked to consider for the coming weeks. Arising from that, I hope, Mr Deputy Speaker, that you will allow me leeway to touch on the amendment No. 2 regulations, which indicate that a review will now take place ahead of potential changes on 5 March.

That is why we need to hear from the Minister how exactly that will be managed and what information will feed into consideration of the next steps.

4.30 pm

There is a balance to be struck between, on the one hand, holding the current line until, at the very least, all the clinically vulnerable have been vaccinated and perhaps beyond that in order to give the vaccination programme itself the maximum chance of succeeding, and, on the other hand, enabling the limited opening of lower-risk and high-benefit locations. The most obvious amongst those are schools, but I accept that that is not a matter to which the Health Minister can give a direct answer. Other facilities include leisure centres, general retail, gyms and libraries, which are essential to mental well-being and can be managed in a way that limits risk markedly.

I ask the Minister what information is being considered for the now-imminent review of the restrictions. Would it not be advantageous if Members and, indeed, the public could see that information? Otherwise we will be even more limited in our scrutiny role than we are already by having to debate these regulations so long after they already apply.

Given the relative absence of information and the ongoing difficulties that are caused by so many of them, it is with some reluctance that I commend the regulations in the hope that we

have seen the last peak of infections. There will be something very wrong if we have not.

Ms Ní Chuilín: I, too, welcome the opportunity to speak on the health regulations. Like those who have spoken before me, I have concerns about them. Paula finished on the point that people have supported the regulations with goodwill and all the best intentions, but there are concerns about Members' ability to scrutinise them after the fact. I know that the Minister will appear before the Committee on Thursday, so perhaps he will be able to pick up on some of the questions that I will raise today about the regulations and future programmes of work.

It is really important that every Member I have heard so far welcomed the roll-out of the vaccination programme. I also note that the number of people who are infected has started to decrease. That, too, must be welcomed, not just for the individuals involved and their families but for our health and social care staff, who, to be quite frank, were last year an already beleaguered workforce. Since last year, they have stood up and stood up, even when they felt like lying down. For that reason alone, we all welcome that progress.

As the Minister knows better than most, there are massive pressures on other parts of the health and social care system. It is not so much about the COVID-19 restrictions or having to practice safe social distancing; it is rather that the waiting lists for surgery continue to grow. They were already at a worrying length prior to COVID-19, but now the concerns about waiting lists are massive. If the Minister does not mind, we would deeply appreciate some information by way of an update on that when he appears at the Committee on Thursday.

The other matters that we have been really concerned about are the impact of the COVID-19 regulations not just on the life and liberty of people but on the issues that health and social care staff are dealing with, particularly safeguarding. I have spoken to some people who are involved in education, particularly primary education. They tell me that the number of concerns that they normally progress to social services has dropped because of the number of children not in schooling. That is really worrying. We would like the Minister to address those issues. The Sinn Féin health team is meeting the Children's Commissioner tomorrow, and that issue, among others, will be discussed.

Cara Hunter and other Members mentioned the adverse impact on mental health, which has

gone through the roof. We spoke to young people who have worked on interfaces for many years right across North Belfast. That is a hard station for anyone, but one of the biggest challenges that they said that they had faced, even throughout the whole period of unwanted bonfires in my constituency, was the poor mental health of young people. They are looking at developing protocols, as easements, hopefully, happen, in order to try to get more work. Kids are zoomed out, and they are zooming out. They are withdrawn, isolated and down, and I do not think that any of us want that.

I believe that, with the vaccination —

Mr Buckley: I thank the Member for giving way. She touches on a very important point about the impact on young people, particularly in a school setting, but equally as she outlined, in a community setting. Does the Member agree with me that, as we chart the road to some form of recovery, it is important that we look at innovative ways in which our youth sector can provide help for those who have missed vital education and early learning experiences in school? There must be a joined-up process by which those two arms of the educational body pull together to help those young people, who will bear the scars mentally and, indeed, educationally in the days ahead.

Ms Ní Chuilín: I thank the Member for his intervention. There is nothing he said that I disagree with. The point I was making is that youth providers are looking at providing a protocol, bearing in mind the current health restrictions. At the same time, they have real concerns about the impact of the regulations on the health and well-being of young people.

Everything that we have talked about has been about test, trace, isolate and support, and those need to continue to be the watch words. I appreciate that there are self-isolation exemptions for film and TV crews and other professionals travelling from Britain, but I still cannot get my head around the fact that, weeks ago when we had the Kent variant, the Minister did not support restrictions and instead opted for guidelines. I think that we will come to rue that decision. We have brought in regulations on variants from other red-flag countries. I wish that we could get past thinking constitutionally and instead think about health. I want to take that up with the Minister on Thursday.

I believe that the current restrictions are inadequate, and we definitely need to see more detail. We need to see more detail about the

passenger locator forms for all arrivals at ports and airports. In my opinion, there is a real need for money to quarantine, and COVID testing at pre-departure needs to be introduced.

I appreciate that none of this is easy. People are having to make these decisions because patients are lying in ICU, and that focuses the attention of all of us. One thing that is very clear to me is that the restrictions have worked to a certain degree, particularly given today's figures. What we are asking for are not only further updates to enable us to scrutinise, but a recovery plan. People have been very tolerant. Indeed, despite the uncomfortableness of the regulations since their introduction, people have done their best. We are at a stage now where we need to see a recovery plan, albeit one on the basis of health restrictions being eased when the health situation improves. People need hope. Minister, it is not just your business to provide that hope, but since we are discussing these health regulations, I would like you to take up some of the points that I have raised.

I was disappointed at the tone of Jonathan Buckley's comments about the Ormeau Road incident. There is a big contrast between people being involved in silent prayer and laying flowers in reflection and the crowds in east Belfast. They were not there to lay flowers or to pray. They were there to intimidate, harm, bully and continue their criminality, including drugs, racketeering and all the rest. I do not think that it serves him well to focus on that issue and that issue alone. What we need to see, to be quite honest, is as many people as possible looking at the health regulations and trying their best in the circumstances. Where there are difficulties, we should deal with them separately. It did not do the people in east Belfast, who were living in terror, any justice either.

I will finish with this. Minister, I am delighted to be a member of the Health Committee and to work with great people on the Committee. When it comes to the regulations, I can tell that they struggle but are trying to do their best. We need to see a bit more evidence and more detail. I do not think anyone has been mischievous over these things; they are trying to be collegiate. I am only new to the Committee, but I feel that more needs to come to help them to support you. We know all the problems because we ask numerous questions, but we also need to see what the resolutions will be. If that is work in progress, we need to see it. Like yourself, we are constituency representatives who have come through a lot over the decades. This last year, in my opinion, has impacted on some of the most hearty

people that I know and some of the bravest staff working in health and social care, who have worked in A&E departments at the worst times and are considering their profession. That is not something that any of us want. They are also asking questions. They understand restrictions in one area but not in another. For example, the travel restrictions around the Kent variant did not go down well. Those questions need to be answered.

Mr McNulty: As others have stated, what is before us today is a mere extension of the regulations that were previously put in place. We have been here on many occasions, where the regulations are almost at review stage before they get to the House for consideration, debate and approval. I supported the extension at the time and want to take this opportunity to speak on the review of the regulations that will come next week. We know that the regulations have worked and continue to work. Whilst the infection rates and the number of positive cases continue to fall, they remain high and, most importantly, the pressure on our health service, our hospitals and our healthcare teams also remains high. The review will take into account the impact on hospitals, healthcare staff, cancelled surgeries, delays on screening and the roll-out of vaccinations. The most up-to-date hospital admission details will also be included in those considerations.

So many people and their families are sitting at home sick with worry about delays in surgery and the lack of access — perceived or otherwise — to screening. There are also simple things, such as the drive-in test site in Newry, in the Albert Basin, where, given that there is a storm coming this week, people have to walk long distances to the testing site. People want answers and solutions to that situation. There was a drive-in testing site, and they want that replaced.

I ask the Minister to use this opportunity of his review to signal a path for the future and give people a sense that hope is on the horizon. I appeal for a stage-by-stage pathway to be set out that will see different sectors and activities ease out of restrictions. In calling for this, I do not see it as an undermining of the health message. I fully appreciate and acknowledge that any easements will be slow, staged and permissible only if the infection and hospital figures permit. We need to look at easing areas of the economy and society that can be eased in a managed and safety-compliant way.

On multiple occasions, I have raised my concerns about the impact of the cessation of youth sports for prolonged periods. I raised it

with the mental health champion last week at the Education Committee and have raised it on many occasions with the Minister. I am really concerned about the impact on their mental, emotional and physical health. A strong campaign is being launched this week in which some sporting organisations and high-profile figures will share those concerns. I am completely sympathetic to those concerns. I want to hear the Health Minister and the Chief Medical Officer's view on that. I want to know when they think it will be safe to open up youth sports, in a safe and managed way and at no risk to the children or their families. Outdoor activities, such as children's sports, can and should be permitted at an early stage, given that they take place in outdoor, open spaces. That is imperative for the physical and mental health and emotional well-being of our young people. As are many Members, I am dying to get back into the gym. It has been too long since I have had a bar on my back.

4.45 pm

Restrictions in other areas of our economy, such as barbers and hairdressers, which operate on a strict appointment-only basis, or car washes, could be eased. When can dance and music lessons resume safely? In education, school leaders and parents are crying out for certainty. Minister Weir has indicated that he will give a period of notice before schools open for face-to-face learning, but let us give them certainty as soon as possible. Set a date, provisionally. Give them a timeline or a staggered programme of when schools can resume safely and for which year groups.

Everyone appreciates the challenges that the Minister has faced and the way in which he has led throughout the pandemic. He has not been afraid of making difficult decisions. Whilst others were at each other's throats, the Minister remained steady and stable. People in our communities have looked to him to guide the way when things have been tough, and when issues relating to the pandemic have been in the melting pot, more than they have looked to the head of Government. He has done that. When the Minister reviews the regulations, next week, I ask him to seek to give people hope and sight of the light at the end of the tunnel.

Mr Carroll: Almost a year into the pandemic, we, unfortunately, know the seriousness of the virus and how deadly and dangerous it is. I offer my sincere condolences to the thousands of people who have lost a loved one during the pandemic. I also offer my thoughts to

everybody in our community who has been impacted by the virus.

I have repeatedly raised the need for the Executive to implement a zero-COVID strategy in order to tackle the pandemic. All along, I have been met with Ministers engaging in obfuscation and deflection, and, today, the First Minister repeated that. I repeat, again, that the only way out of the pandemic, to protect people and to avoid lockdown yo-yo is to adopt a zero-COVID approach that aggressively targets the virus and aims for the total elimination of community transmission; otherwise, it will be lockdown/surge, lockdown/surge, lockdown/surge, for some time. I do not know whether lessons have been learned, but I hope that there will not be a repeat of the past failed strategy of the Executive.

It is worth quoting something that Susan Michie, from University College London, said about zero COVID. She said:

"I could use the analogy of fires. In Ireland ... there is a zero fire policy, which means we want no fires and we take every measure we can to ensure, as much as we can, that there are no fires. However, we know fires will occasionally break out and we have systems in place to jump on those fires quickly so they do not spread into the awful examples we saw in Australia last year ... That is what elimination and zero-Covid means."

It is important and worth considering that, today, and at the Executive.

We need measures in place to protect people's health, but it is my assertion that the Executive have been slow to implement and quick to lift the measures that have been protecting people. Again, I hope that lessons have been learned, but I do not know if they have.

The Executive's approach has, continually, targeted the wrong people, and more so in the past few weeks. In my view, we have had a disproportionate targeting of working-class people, including people in my constituency, where in recent weeks a number of families have been targeted by police as they have attempted to mourn their loved ones who have passed away. We have a situation where politicians in the Chamber can break regulations and not receive a heavy-handed response from the police, and MPs can repeatedly — and repeatedly and repeatedly — break the regulations and not face fines, warrants or visits, or knocks on their door from the police. Such an approach is not only unfair

but will and does breed cynicism amongst a community that has faced and sacrificed so much in a very difficult year.

I have raised this before, but where is the police investigation of, or door knocks on, the big care home providers? Last week, we discussed the serious number of deaths that there has been there in response to the pandemic.

I again bring to the Minister's attention the fact that, last week, someone in my constituency was fined £200 for attempting to give out bingo cards, which was intended to give some light entertainment and a distraction to people in the middle of a pandemic. However, it was met with the full rigour of the law while others are openly flouting the regulations and getting away with it. It is really disgraceful and shameful stuff.

Capacity in the health service has been raised a number of times. We need to look seriously at private healthcare capacity. Two weeks ago, I asked a question of the Minister's Department, but, unfortunately, the response that I got was that it was too big a job — costly and time-consuming, presumably — to find out the size and scale of private healthcare capacity. We need to utilise every single private bed, capacity, resources and facilities to tackle the pandemic rather than what is happening now, which is that some people are boasting about the profits that they are making and the patients whom they are seeing in the middle of a pandemic. That approach has to change. I urge the Minister to come up with a strategy, alongside his Executive colleagues, to discuss how we can take control of those facilities to ensure that they are used to fight the pandemic and deal with our health issues.

Mr Swann (The Minister of Health): I welcome today's debate on SR 2021/3, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) and thank Members for their contributions. I will comment on the issues that have been raised,

I thank the Committee for its support not just with these regulations but with the work that we have done as a Department and a Committee. When Carál Ní Chuilín joined the Committee, she summed it up correctly when she said that she could see the passion and understanding on the Committee. As Minister, I have noted that and welcomed it through the support that I have had since taking up post.

The Chair was right when he said that the vast majority of people want to do the right thing. We know that, but the regulations, unfortunately, are necessary for the additional powers that are

needed to make sure that those who do not want to do the right thing, or those who think that they are above doing the right thing, are brought to task and feel the rigour of the law.

The Chair mentioned regulation 5, and the issue was raised in Committee as well. Under regulation 5:

"a person shall not organise, operate or participate in an outdoor or indoor gathering which consists of more than six persons from more than two households."

whereas regulation 5A prohibits a person who is not an organiser or operator from participating in a gathering, thereby placing accountability on the attendees of larger gatherings as well as the organiser or operator.

Regulation 5A was made on 12 November. It was required in order to close that loophole whereby only the organiser of an event could be fined if many more participants than agreed attended an event. That work was done. In addition to that, while gatherings of more than six people from more than two households contravenes the requirements of regulation 5, regulation 5A covers larger gatherings, and more enhanced penalties can be applied.

The Chair also mentioned click and collect, as did Mr Buckley. I say to the Members who asked about widening the use of click and collect that the Department for the Economy tabled a paper to the Executive for consideration. There was a round-table discussion, headed by the First Minister and deputy First Minister, about widening the use of click and collect to allow non-essential retail to operate in that way. I remind Members that, currently, the use of click and collect is restricted to essential retail only, but all retail can operate by delivery to customers. I take Members back to the intention of these restrictions, which is that the virus transmits when people congregate and have social contact with one another, especially where people are confined to indoor spaces such as shops and shopping centres, where they could also touch common surfaces. That is the challenge with click and collect.

I thank the Chair, also in his capacity as Sinn Féin health spokesperson, and everyone in the House for their acknowledgment of the vaccine and the vaccine programme and for how we are progressing that.

However, again, as the Chairperson stressed, the vaccine programme will not work on its own; it will need to be supported by the other

additional measures, which we all know work, of social distancing, good hand hygiene, good respiratory hygiene and the wearing of face coverings.

Moving on to Jonny Buckley's comments, I thank him for constantly acknowledging, as do others, the healthcare professionals who have been working through the pandemic for 11 months. Carál Ní Chuilín and others mentioned the extreme pressure that those professionals have been under due to working in an underfunded and under-resourced health service for many years. That has only been intensified by the pandemic. Jonny acknowledged the vaccine programme, and he referred to the sense of pride that we have in Northern Ireland in what is being delivered and in the dedication of the staff who are working on that. We have all been getting positive feedback on the warm and friendly support, the encouragement of the staff and the operation being delivered by the regional vaccination centres and GP facilities.

Jonny referred to the financial support measures that are necessary to supplement and complement the restrictions that are brought in. I welcome the support that comes from the Economy Minister and the Finance Minister. They ensure that those measures are there and that they pay out as quickly and expediently as possible so that we get support to the sectors that need it. He referred to the sectors that have been grossly impacted. As Health Minister, I would say that none has been more impacted than the health service.

Jonathan also raised the important issue of messaging with regard to the AstraZeneca vaccine that is currently out there. The Chief Medical Officer has issued a press release to give people reassurance. I want to read some of it into the record. Dr McBride has said:

"The Astra Zeneca and Pfizer-BioNTech vaccines are protecting people from Covid-19 — and saving lives.

They have been independently and expertly assessed as effective against the strains of the virus that are dominant in Northern Ireland and elsewhere on these islands. They have been approved for the entire adult population."

He says that he is:

"aware of a small scale study that suggests that Astra Zeneca may not be as effective against mild disease from the South Africa variant of the virus.

Clearly, more studies will be required on the full efficacy of vaccines against all variants. But I wish to assure people here on two important fronts.

Firstly, the South Africa variant is not dominant in the UK — indeed there have been no confirmed cases of it at all in Northern Ireland at this time.

Secondly, while protection against mild disease is obviously desirable, the most important objective is protection against serious illness, hospitalisation and death. Any vaccine that achieves that is a successful vaccine."

I wanted to ensure that that was on record.

Cara Hunter said that it was important to note that the numbers are decreasing. However, we started from a very high point. Therefore, although numbers are decreasing, there is still a long way to go before they get to where I would feel comfortable with the wide-scale opening of activities in Northern Ireland. She reflected that when she said that there was still some way to go.

One of the most important points that Cara raised, as did others, was how the virus has affected and changed the daily lives of many people across Northern Ireland as a result of the lack of contact with family and friends. One of the most moving tributes that I received about the vaccine programme was from an elderly lady who had been through the process. She said that the vaccinator's touch on her arm was her first physical human contact since the virus started. When you hear such moving testimony about the impact that the virus has had on people's daily lives in Northern Ireland, it really brings it home.

As legislators here, it makes us reflect on the necessity for the regulations because of what they are achieving in driving down that rate of infection. We also need to make sure that we have the necessary support mechanisms in place. As I have always said, they will be in place for no longer than is necessary, but, at this point in time, they are necessary because we still have a high rate of infection. We still have more people in hospital with COVID than we had at the peak of the first wave, and we have more people in ICU than we did during our first and second waves. So, in my view, the regulations are proportionate and necessary at this point in time.

5.00 pm

Another point that Cara Hunter raised was that some people are travelling to seaside resorts for their exercise, which is perfectly understandable, but if they could do that closer to home, it would be far better and it would be better for the communities that they travel to. There is guidance on how far people should travel from home. The sooner that we get the number of people making unnecessary trips down, the sooner that we can get back to enjoying the trips and outings that we all want to get back to.

That brings me on to Mr Chambers's contribution. He said that the cornerstone of the regulations that we have in place is the "Stay at home" message and the necessity to minimise travel. That is where many of the challenges lie, and it leads on to some of Mr McNulty's contribution about all those things that we could open and that we should look at opening. They have to be taken at a steady pace when the time is right and when we will not see another explosion of the virus.

I reflect back to the approach that the Executive took in May 2020 when they set out a stepped, phased approach but did not put a timeline on it. Those restrictions were eased solely depending on where the virus was at any point in time and where the pressures on our hospital system were at any point in time. That is an important way to approach how we take the next steps out of this.

Ms Bradshaw mentioned the number of cases that we are seeing. The PHA is still working on how we collate and present the sources of those infections in a meaningful way. We are still seeing cases in homes and workplaces that are opened, and, unfortunately, we are still seeing outbreaks associated with funerals. In Northern Ireland, there is still an emotional challenge where a funeral is not just an acknowledgement of somebody's life but a social connection. Unfortunately, we are still seeing those cases, and that adds to the challenge. We have often said in here that the virus has changed our perception of death. Those things that were so normal for so many people have now been challenged. That is why, unfortunately, we still have that challenging restriction on the number of people that can attend a funeral when the guidance is being followed. It makes it personal and hard for many families. It is about taking those steps and not rushing but doing it in a proportionate way when it is safe to do so.

To move on to Carál Ní Chuilín's contribution, I am already looking forward to Thursday. It is an engagement that I always look forward to. One

of the challenges that Carál will bring to the Committee is that she also sat around the Executive table, as there is proportionality, and we have had discussions and made difficult decisions at various times. I will do my best to have answers to the Member's questions.

One of the important facts that was raised was the importance of our health and social care workforce and the entire family across the whole health and social care sector no matter where they are and where they fit in to it. We need to put support in place because they stood up when many others were on their knees.

Ms Ní Chuilín and Ms Hunter raised the mental health challenge and its impact.

We have the Executive working group on mental health, well-being, resilience and suicide prevention. When Carál was Minister, she engaged with the youth group Elephant in the Room, which gave powerful testimony to the challenges that the pandemic is posing for our young people. To paraphrase: they are so zoomed in that they have zoned out. Our young people are now spending so much time in front of screens that it has almost become a way of life for them. It was OK when it was their escape from reality, where they went to play on their Xbox, or whatever else, but now that it is their only way of communicating with their friends and their social group, it is creating additional strains and stresses. That is an important piece of work.

Ms Ní Chuilín and Jonny Buckley asked what more can be done to work across Departments. Members will be aware of the work of the mental health champion to bring forward recommendations.

We here are well-rehearsed with the concerns that I have raised about the lack of data sharing with the Government of the Republic of Ireland on passenger locator forms. Small steps have been made, but we are far from addressing the real need as to how we identify travellers coming in through the Republic of Ireland. They are not just travelling to Northern Ireland but on to Great Britain as well. There is still a lot of work to be done with regard to international travel.

Mr Gildernew: Will the Minister give way?

Mr Swann: Yes.

Mr Gildernew: That has been acknowledged several times, Minister, but there is still an

absence of any sort of east-west passenger locator form. As well as a robust all-island approach, we also see to see a robust both-islands approach. In the run-up to Christmas, you indicated that you were looking at passenger health locator forms as a way of improving our tracking and management of east-west travel. Is there an update on that?

Mr Swann: To update the Chair, we use a UK passenger locator form managed through the Home Office, and we get our data from it. I am aware that there has been some media attention on the sharing of passenger locator data from GB to the Republic of Ireland. However, as far as I am aware, no formal approach has been made by the Irish Government to the Home Office seeking the sharing of that data. That may have changed since I received the last update, but, to my knowledge, no approach has been made. It is not within my gift: it is for the Irish Government to approach the Home Office about the sharing of that data.

I support ensuring that there is — I think that the Chair knows this — as much sharing of data, especially travel data, as possible across these islands. That is beneficial because not knowing who is coming in through the Republic of Ireland and travelling here, or coming in through the Republic of Ireland and travelling on to Cardiff, London and Manchester creates additional strains and stresses.

I touched on some of Mr McNulty's contributions and the many questions that he asked about when we can open up. I say to him: let us not get too far in front of ourselves with regard to putting out messages. These restrictions will be in place until 5 March. What we as an Executive, Assembly and society need is people conforming with the message to stay at home. If we start to get people in front of themselves about what we are going to open up next, there is a human tendency to get out before the formal announcement. Therefore, I caution restraint with regard to opening up too much or in indicating what and when we are going to open up so that it does not have an adverse effect.

Mr Carroll spoke about not wanting any fires. That is a very apt analogy. Unfortunately, there are still too many people running around with matches in their pockets. That it is a firm analogy for the virus because when you go about with matches in your pockets, you can still transfer the virus or start another fire in your own home, in somebody else's home, in a shop or in a conversation that you are having with

somebody down the street while not wearing a face mask.

We need to want to do it. That analogy reinforces the message about staying at home. Nobody would intentionally burn their own house down while they, their loved ones and their families were in it. We can look at the virus using the analogy that Mr Carroll expressed. We continue to utilise the independent sector and work with it to pick up whatever capacity we can to support our health service.

I hope that I have answered as many of the Members' questions as possible. In closing, I would like to do two things. First, I express my thanks and the appreciation of all of us here to all those who are working across our health service at this difficult time. I thank the public for adhering to the guidance and regulations that are in place. I know that it is not easy, so I commend you on your strong support and your contribution to reducing the impact of COVID-19 in our community.

Secondly, I remind everyone that the most important actions that we can all take to limit the spread of the virus are to stay at home, limit our contacts with others, and, if we have any symptoms, isolate from others immediately and seek a COVID test. It has made a difference, and it continues to make a difference. I say this to people: do not give up yet. I commend these regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): Members, please take your ease while we move to the next item of business.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr McGlone): The next items of business are motions to approve three statutory rules that relate to the Corporate Insolvency and Governance Act. There will be a single debate on all three motions. The Minister will move the first motion and then commence

the debate on all three motions that are listed on the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. I will then call the Minister to move the second motion and the Question will be put on that motion. That process will be repeated for the third motion. If that is clear, we will proceed.

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

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020 be approved.

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 be approved.

5.15 pm

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

Mrs Dodds: I am seeking the Assembly's approval of three statutory rules under powers contained in the Corporate Insolvency and Governance Act 2020. The regulations have been made under powers set out in the Act, which was made at Westminster on 25 June 2020. That Act was a piece of emergency legislation that extends to the whole of the UK following a legislative consent motion that was passed by the Assembly on 2 June 2020. The Act contains provisions to help companies and mutual societies, cooperatives and community benefit societies and credit unions to deal with the serious economic consequences resulting from the COVID-19 pandemic. It includes corporate insolvency and governance measures.

The first statutory rule relates to a temporary relaxation of requirements relating to the manner in which meetings of companies and mutual organisations can be held. The Act set

aside requirements to hold physical meetings so that those organisations could continue to operate through the period of public health restrictions. That temporary measure to relax requirements relating to the nature of meetings was originally to expire on 30 September 2020. However, the Act allows for my Department to extend the temporary measures for mutuals if it is considered necessary. My Department made regulations last year to extend the temporary period until 30 December 2020. Those regulations were made with the full support of my Executive colleagues, the Economy Committee and the Chamber on 3 November 2020.

The coronavirus pandemic has continued to have long-term impacts on the economy of Northern Ireland and the businesses operating here. As public health restrictions remain in place, I consider it prudent to extend the measure to provide continued support to local businesses. The statutory rule extends the temporary period until 29 March 2021. The main purpose will be to lift the requirement for mutual societies to hold their meetings in physical locations until 29 March. The measure allows flexibility in how a meeting can be held. For example, technology could be used to hold meetings virtually, and postal votes could be used instead of the usual show of hands at a meeting. Trade representatives detailed how corporate governance and oversight is likely to be affected if flexibility in how they hold their statutory meetings cannot be extended. Credit union representatives specifically explained how annual general meetings must be held in the coming months so that decisions can be taken on dividends. Many of their members are financially excluded and rely on annual dividends and interest rebate payments as part of their financial planning.

The extension of the temporary measure until 29 March 2021 will help mutual organisations that are struggling as a direct result of the pandemic to continue to meet the needs of their members. The extension corresponds with what is being done in the rest of the United Kingdom. It is imperative that mutual societies in Northern Ireland can avail themselves of the same easing requirements as their counterparts in GB. There is one note of caution that I raise, however; this is the final time that we can extend those measures as the Act currently stands. That having been said, a period of almost 10 months has been created to give mutuals the time to amend their rules and internal procedures so that they can hold meetings in a non-physical manner. I hope that most will have taken advantage of that by now. My officials have written to mutuals here and

will work with any that still need support in that way. The regulations that you are being asked to approve have the agreement of the Economy Committee, and the Executive have been advised.

I am also seeking the Assembly's approval of two further statutory rules that are being made under powers that are contained in the Corporate Insolvency and Governance Act 2020. The regulations are designed to provide continued support and assistance to companies that are suffering financial hardship as a result of the coronavirus crisis.

The first set of regulations is to keep in place, until 31 March this year, temporary provisions that forbid the making of winding-up orders on foot of statutory demands before that date. The regulations also restrict the presentation of winding-up petitions and the making of winding-up orders where coronavirus has had an effect on the company's finances. The second set of regulations is to reactivate elapsed temporary provision in the Act. That provision removed the threat of directors being personally held liable for wrongful trading if they allowed their company to continue to trade with the knowledge that it was insolvent. That measure has been reviewed, and it has been considered that it should be reintroduced to assist companies to trade through the crisis by removing the threat to directors but ensuring that directors can fulfil all their other legal obligations.

The extension of these modifications and the dates to which they are extended again corresponds with what is being done in the rest of the United Kingdom. Both sets of regulations that the House is being asked to approve have been agreed by the Economy Committee, and the Executive were advised prior to the debate.

The pandemic has had a longer and deeper impact on the economy than was predicted when the Corporate Insolvency and Governance Act was passed in June last year. It is important that we continue to deliver certainty to businesses throughout this challenging time, which is why we are extending these important and necessary measures to help provide continuing support and assistance to local businesses and protect them from insolvency.

Dr Archibald (The Chairperson of the Committee for the Economy): As Chair of the Economy Committee, I will speak briefly in support of the motions on its behalf.

The Minister indicated that the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (NI) 2020 amends the Corporate Insolvency and Governance Act 2020 by extending the temporary relevant period for mutual societies to hold meetings in a flexible manner. The regulation substitutes the end date of 30 December 2020 for the new end date of 29 March 2021. The Committee agreed the statutory rule for the regulations at its meeting on 13 January 2021, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (NI) 2020 will further assist companies affected by the coronavirus pandemic. The regulation extends the duration of the temporary measures restricting the use of statutory demands and winding-up petitions introduced by the Act beyond their current expiration date of 31 December 2020 until 31 March 2021. The Committee agreed the statutory rule at its meeting on 16 December, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (NI) 2020 will further assist companies affected by the coronavirus pandemic. The rule restored provision in the Corporate Insolvency and Governance Act 2020 suspending directors' liability for wrongful trading, and it extends the operation of that provision until 30 April 2021. The Committee agreed the statutory rule at its meeting on 16 December, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

I will now make a few remarks as Sinn Féin economy spokesperson. The three statutory rules, as the Minister outlined, extend flexibilities in the areas of holding meetings, temporary measures, winding-up petitions, statutory demands and the suspension of liability for wrongful trading. These are all important supports for businesses that have

been badly impacted by the pandemic, and, although they were intended to be temporary, it is necessary to extend them as the pandemic continues.

As the Minister outlined, the extensions continue the measures until 29 March, 31 March and 30 April respectively. As a party, we support this important support for businesses, which gives them the flexibility that will help them to survive and recover.

The Minister made a point about the SR on flexibility with regard to meetings. Has the Department written to all mutual societies to inform them that they might need to amend regulations? In addition, are there restrictions on the number of times that extensions can be made in respect of the other two SRs?

In supporting the statutory rules, I encourage the Minister to ensure that all possible financial assistance is extended to businesses and that flexibilities in schemes that are operating to get support out to businesses are put in place to protect jobs and livelihoods.

Mr Stalford: It is not my intention to detain the House long, because there is unanimity in the Committee in supporting the measures.

The measures that the Minister outlined are reflective of the situation that we are in. I do not think that, in March, anyone foresaw circumstances where we would still be in the position that vast swathes of the economy were locked down, businesses were not able to function fully and we faced all the challenges that the coronavirus pandemic has brought. No Minister, least of all an Economy Minister, wants to come to the House with measures such as these. In ordinary circumstances, that would simply not be the case. However, it is reflective, as I said, of the challenges that we face, and it is right and appropriate that we use the legislative frameworks at our disposal to assist businesses, mutual societies and credit unions.

I declare an interest: I am a member of a credit union. I suspect that an awful lot of people are members. The credit union movement is an excellent one. It does really important work, particularly in helping those who would otherwise not get access to credit. Therefore, it is only right and proper that we do anything that we can to assist mutual societies and credit unions to function during these difficult times. I place on record my support for the credit union movement and the excellent work that it is doing.

As the Minister said, the measures that she is announcing correspond with the approach taken by the Government at Westminster, and that is appropriate and right. I noted that she said that this would be the final time that this could be done by statutory rule. We need to take cognisance of that and, perhaps, plan for the future. However, all of our focus, particularly of those of us who are privileged to serve on the Economy Committee, now needs to be on opening up as much of our economy as possible. I absolutely accept that that has to be done within the context of safety. We need to get our economy up and running again, because, ultimately, everything that we want to do, whether that is investment in health or public services, the provision of new roads or building schools — all the things that people go into politics for and want to do — can be delivered and paid for only if we have a sustained economic recovery in the period ahead. I know that the Minister is cognisant of that fact.

I also know that, in the most recent round of budgetary allocations, the Minister got less than a third of what she had asked for from the centre. It is important to put that on the record. There is no point in Members saying that the Economy Minister needs to be doing x, y and z when she has received from the centre a third of what she had asked for. We need to be cognisant of that.

5.30 pm

I am absolutely happy to support the measures. They are helping businesses to function better. They are also helping credit unions and mutual societies, which means that they are helping some of the most vulnerable. Therefore, I give my support to the Minister and to the approach that she has taken.

Mrs Dodds: I thank the House for its support for the extension of the statutory rules. As I said in my opening remarks, it is very important that we extend flexibility and some certainty to business on the issue.

I assure the Chair of the Economy Committee that we have written to the mutual societies, and we will continue to work with them so that they can continue to operate within the rules. We will continue to offer flexibility to all businesses in the current situation and will adapt as we need to as we progress. On the Chair's remarks about support for businesses, I remind the House that my Department has administered over £370 million of support to tens of thousands of businesses across

Northern Ireland. We are operating live schemes for those who have been impacted by the regulations — the self-employed, company directors, large hotels, bed and breakfasts and traditional pubs — and we announced schemes last week for students. That is a record of reaching out to support the community and the business community in Northern Ireland that is probably second to none.

To my colleague from South Belfast, I acknowledge the importance of the credit union movement to Northern Ireland, the way in which it extends help to many who otherwise would find it very difficult to engage with the more traditional forms of finance and the flexibility that it offers to its members in times of difficulty. I put on record my thanks to them for the work that they do in our communities.

Very briefly, we should acknowledge the real difficulties that the economy has suffered over the last period of months. This will have a lasting impact on our economy, which means a lasting impact on families, jobs and incomes and the real impact that the economy has on our everyday life. We are planning for economic recovery, and that will require a dedicated economic recovery budget from the Executive and a dedicated skills budget because the two things will be vitally linked as we go forward. If we want to plan for economic recovery, we also need to plan for the skills that people will need to take the community into a recovery position.

I thank the House and the Committee in particular for their support of the statutory rules.

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 be approved.

The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland)

2020 be approved. — [Mrs Dodds (The Minister for the Economy).]

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 be approved. — [Mrs Dodds (The Minister for the Economy).]

Mr Deputy Speaker (Mr McGlone): As Members will know, the Assembly will sit again next week on the day, or days, agreed by the Business Committee when it meets tomorrow. An Order Paper, or Order Papers, will issue after that meeting.

Adjourned at 5.36 pm.

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