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# Northern Ireland Assembly

Tuesday 8 September 2020

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

*Members observed two minutes' silence.*

## Private Members' Business

### Local Economy and Post-Brexit Preparedness

**Dr Archibald:** I beg to move

*That this Assembly notes with concern recent comments from the Northern Ireland business Brexit working group regarding the lack of technical and operational details available to local businesses concerning the changes that will come into force post-Brexit; recognises the very complex and unique characteristics of the local economy; is concerned by the precariousness of many of our small and medium enterprises at this time; and calls on the Minister for the Economy to establish urgently educational and training opportunities to enhance the capacity of local businesses to prepare for post-transition trading arrangements.*

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

**Dr Archibald:** Today's motion was submitted in June, following the publication of the NI business Brexit working group paper on implementing the protocol. The sentiments of the motion, however, are as relevant today — indeed, more so — given the revelations of the past two days, because very little has changed.

The motion refers to the "complex and unique characteristics" of our local economy. We have an economy in which the vast majority of businesses are SMEs, that has highly integrated supply chains across the island, with some products crossing the border numerous times in the production life cycle, and where more businesses trade North/South than anywhere else.

It has been well documented over the past four years how damaging a Brexit that does not take into account those unique circumstances would be. That is one of the reasons that the protocol in the withdrawal agreement was painstakingly negotiated. Let us not forget that it was negotiated and was a compromise on behalf of the EU 27 as well as the British Government. The protocol is the legal basis for how trade will occur post-transition, and businesses need to be supported in preparing for the post-transition trading arrangements under all scenarios of the future economic partnership. There are 16 weeks until the end of the transition period, and the calls for technical details and solutions that reflect the needs of businesses are still as relevant today as they were three months ago.

We have heard from numerous representative bodies about the challenges facing businesses in the time frames to prepare, and that it will not be possible to have systems in place for checks and other procedures. The British Government had the opportunity to request an extension, which, given the unprecedented circumstances created by the coronavirus pandemic, would have been the responsible thing to do, but instead they sailed through that deadline with little consideration of the impact on businesses here that are already reeling from the impact of COVID-19.

Over the course of the past few months, it seems that some realities have dawned on the British Government, with the acceptance that goods entering the North will require customs declarations, and, at the beginning of August, there seems to have been an acknowledgement that they were unable to deliver on their conflicting promises of no additional burdens, and that the unavoidable avalanche of red tape was going to be costly. Unfortunately, there is no clarity around the permanency of the arrangements or the funding of the Trader Support Service — currently, it is two years — and there are, of course, still questions around how the customs processes, and the verification of those, will work.

Ultimately, however, it is the lack of progress in negotiations on a number of key issues, such as the complexities of dual VAT systems, the certification requirements for agri-food and, critically, what "unfettered access" will mean and the definition of "at-risk" goods. These issues urgently need to be resolved, and, instead of committing to meaningful negotiation, the British Government indulge in brinkmanship, and mooted plans to abandon the withdrawal agreement and the implementation of the protocol. We await the publication of the legislation to see the extent to which their reckless words turn into reckless actions.

Let us also be clear that we are not the only ones who await that. Any country that is considering entering into trade negotiations with Britain will be watching, because it is about trust and whether you can count on those with whom you have made an agreement to deliver. Whether the British Government, the DUP or anyone else likes it, the protocol has been agreed to, it is part of an international treaty and it cannot be wished away. It is a necessary mechanism to protect the Good Friday Agreement, the all-island economy and North/South cooperation.

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

**Dr Archibald:** Go ahead.

**Mr Stalford:** The Member mentions the importance of North/South trade and, of course, I acknowledge that the Republic of Ireland is our largest foreign trading partner. Does the Member also acknowledge that, for businesses in Northern Ireland, the biggest element of our trade goes east-west, to GB?

**Dr Archibald:** I thank the Member for his intervention, and, of course, unfettered access is something that we all want to progress. However, if you talk to the 80% of microbusinesses and the 70% of small businesses for which the only export market is the South, you will find that they really want to see that protected. Business groups here have been clear. They want the protections of the protocol. What was agreed to by the British Government needs to be implemented. This is vital to protect our businesses and people's jobs and livelihoods.

That brings us back to today's motion and what we are calling on the Economy Minister to do. We need to hear how she and her Department are supporting businesses to prepare for post-Brexit trading arrangements under all

scenarios, particularly in the midst of the ongoing and increasing economic crisis created by COVID-19. What training and educational opportunities are being put in place and what is the time frame on those? Will there be funds available to businesses to help them to enhance their capacity to respond to the challenges that they face? What is she doing to help them identify opportunities on an all-Ireland basis?

We are fast running out of time, and businesses and others are crying out for clarity and the ability to prepare. We need to ensure that they are supported in that as far as possible, so I urge Members to support the motion.

**Mr Speaker:** Matthew O'Toole will move the amendment. He will have 10 minutes to propose it and five minutes to make a winding-up speech. All other Members who are called on to speak will have five minutes.

**Mr O'Toole:** I beg to move the following amendment:

*At end insert:*

*"and, along with her Executive colleagues, to bring forward urgently details of legislation this Assembly will be required to pass before the end of the transition period, in order to give businesses certainty."*

I am conscious of two things. The first is our duty to represent the best interests of our constituents and those of the people of Northern Ireland as a whole. Secondly, I am aware of the traumatic pandemic that our society is still going through and the profound economic trauma that, we know, is likely to face us in the months ahead, as we debated last night. For these reasons, amongst many others, it is critical that we debate the economic consequences of the breathtakingly irresponsible conduct of the UK Government in refusing, as was reasonably requested by the Assembly in June, to extend the transition period.

It is worth, briefly, before I move on to the —.

**Mr Stalford:** I appreciate the Member giving way. We discussed this at some length yesterday. The Member will be aware that the principle of dual consent is enshrined in the Belfast Agreement, which, like the law of the Medes and the Persians, cannot be changed. Does the Member acknowledge that not a single unionist Member of the Assembly voted for the motion that he refers to?

**Mr O'Toole:** I thank the Member for his intervention. He will be aware that dual consent did not apply to that specific motion, and that if he or any other Member across the House had decided to invoke the principle of cross-community consent, they could have done so before the motion was debated, and they did not.

It is worth us pausing and reflecting on quite how far the Brexiteer vision has shifted since the EU referendum in 2016. I remember it well. I was working as a civil servant making the case for the UK to remain in the EU. Back then, numerous leading Brexit campaigners said that the UK would remain in the single market after leaving the EU. Absolutely nobody is talking about leaving the single market, said Daniel Hannan, the prominent former Tory MEP. Then, for years after the vote, it was claimed, including by some in this House, that leaving the single market and the customs union would be a doddle, with Boris Johnson going into last year's UK general election promising a fantastic deal: super Canada-plus-plus, as he called it.

Now, as we debate today, the latest round of negotiations are beginning in London between the UK and the EU. Boris Johnson is saying that no deal — meaning the UK crashing out of its current deep economic relationship with the EU and having the same trading relationships with its near neighbours as Mauritania — would still be a very good outcome. We are, Mr Speaker, through the looking glass of economic lunacy, and no one should ever forget where responsibility lies for the disruption of Brexit and the consequences being visited on Northern Ireland.

Our region has always been the front line of the impact of Brexit, not just economically, but societally. Our unique society and the political institutions that have underpinned it since 1998 were placed in jeopardy by the UK's decision to not just leave the European Union but to do so in the most harsh and complete way, removing the UK not just from the political ambit of the EU, but virtually all of the economic linkages, too.

Those who complain about the protections in the Ireland protocol — I understand and respect that there are many people who have issues with it, including in this House — should reflect on why those protections are necessary in the first place and be honest with themselves and others about what would happen if those protections were not in place.

It is essential that the protocol is implemented in full and, yes, implemented in a way that

allows businesses maximum access to both the UK and EU markets. We have always maintained that there should be as few barriers to trade as possible across these islands, and indeed across the continent, but I will not listen in detail to complaints about the provisions of the Ireland protocol from some people who made it necessary in the first place.

Moving on to the specifics of the motion, it is essential that these institutions, both the Assembly and the Executive, do everything that they can to cushion the impact of Brexit on an economy that will still be reeling from the impact of COVID-19 and here I hope today that we can find some unanimity of purpose. It is clear, as I have said previously while debating Brexit in this House, that there are people who take sincerely different views on Brexit and of course on the protocol, but there are many things that we can do together as an Assembly and an Executive to give clarity to the businesses and workers who are crying out for it.

As I said, it is essential that these institutions, both the Executive and the Assembly, do everything that they can to cushion the impact of Brexit, but this is just a private Member's motion, with respect to the Member who has just moved it, and my amendment is just an amendment to a private Member's motion. It is not legislation and it is not direct action from the Executive. Since the institutions restarted, I and my party have been shouting about the lack of detail from the Executive about Brexit preparation. I accept, and I have had much correspondence with the Minister about this, that this, in large part, is as a result of the lack of detail that has come from London, but it is not enough for us collectively to simply defer to London and say that it is for the UK Government or that we are waiting on HMRC or the Cabinet Office or, heaven forbid, Number 10, for more information.

**Mr Stalford:** You worked for them.

**Mr O'Toole:** I certainly did, but I do not work there any more, as the Member will recognise.

We had a very non-detailed Command Paper that came out in May. We have not had any further details since then, other than the announcement of a trusted traders scheme, but very little detail about how the border operating model will work. Our businesses and our society know the limitations of our devolved powers, and most of them are all too aware of the ideological obsessions driving the current UK Government, but they do expect our Executive to take a public stand in speaking up for them and the people they employ. This year,

however, the silence has been deafening from the Economy Department, with respect, but also from the Executive Office, which has formal oversight of Brexit policy, and I have written to the joint First Ministers on this numerous times.

The Executive could not even speak with one voice to insist on an extension to the Brexit transition period, despite it being in the overwhelming and obvious interests of not just people in Northern Ireland but people across the UK. We now need to see the Executive, including the Economy Department, not only ramp up communications to businesses on preparations for the end of the transition but speak directly and bluntly to the UK Government about their handling of Brexit. Let me say this: speak to other parties too. Speak via the North/South Ministerial Council (NSMC) to the Irish Government. Speak to the European Commission in Brussels. Those are not illegitimate things for the Executive to do in order to get the best possible outcome for people and businesses here. If Wales and Scotland can do it, why can we not?

10.45 am

Our amendment focuses specifically on legislation, and, as I said, we endorse the meat of the motion. We know that the Chamber will have to pass a significant volume of legislation, primary and secondary, by the end of this year, but, as yet, we have had no formal update from the Executive Office. I have written to it multiple times asking that the Assembly be given information on the work that Members will be expected to undertake this autumn. We have not had that yet, just as we have not had a clear economic recovery strategy from the Economy Department. Again, I appreciate that there have been —

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

**Mr O'Toole:** Yes, I am happy to give way.

**Mr Allister:** I have been listening with interest. The Member says that we need legislation to iron out some of the difficulties, but, yesterday, he was the very Member who brought to the House his outrage at the fact that the sovereign Government were prepared to bring in legislation that would ameliorate, for example, the exit declarations. If he is concerned about the difficulties that are being created, why is he so opposed to a Government ameliorating the exit declarations? Does he agree with exit declarations?

**Mr O'Toole:** I thank the Member for his intervention. My outrage yesterday was specifically in relation to the "sovereign Government", as he calls them, obviating, walking away from and repudiating an international treaty that they have signed. As someone who clearly very much believes in that sovereign Government and Northern Ireland's membership of their state, he should reflect on what it would mean for that sovereign Government and their international reputation and ability to sign further trade agreements if they were to walk away from a treaty.

As I said, we have not had an update on legislation, which we need, and we have not had a clear economic recovery strategy that factors in not only the effects of Brexit but the opportunities of EU market access that we will continue to have, unlike other parts of the UK.

Mr Speaker, just yesterday, you rightly pointed out that you had communicated to the Executive Office and, I think, to the Executive more broadly that they should not use accelerated passage to pass laws in this place except in extreme circumstances. Let us remember that if Ministers bring forward primary legislation in the coming weeks in relation to Brexit. It should not be rushed through the Chamber or rushed through by accelerated passage given the importance of scrutinising it carefully and of the consequences for the people whom we represent.

I commend the motion and our party's amendment, but, as I said, they are just private Members' motions with little practical or legal effect — in fact, they have no legal effect. We need urgent action from the Executive and, indeed, from the Economy Minister on preparing businesses and giving the public clarity on what is being done to manage the process, which, as I said, is being inflicted on us. We need an urgent update on what legislation the Assembly will be asked to pass before the end of this year. After all, Mr Speaker, why else are we here?

**Mr Speaker:** Thank you. I call Gary Middleton, and let me say that you have up to five minutes to speak.

**Mr Middleton:** I welcome the opportunity to speak on the motion. Despite the sequencing of the debate, it is fair to say that we share its general aim, which is to seek greater clarity on the final arrangements that businesses in Northern Ireland will have to grapple with, once the implementation period ends. There is no doubt that there is a greater need for urgent clarity on the nature of new trading

arrangements, but the priority should always be getting the right deal for Northern Ireland.

I listened on the radio this morning to people from businesses from the border areas. They were clear about their priorities, which are to ensure that there is no border down the Irish Sea and that the UK internal market is the priority, first and foremost. You can see why that is the case. Whilst it might be lost on some Members, it is important to note, as my colleague Mr Stalford said, that GB accounts for 52.7% of Northern Ireland's external sales. Northern Ireland food and drink sales to GB are valued at over £2.3 billion. Sixty-five per cent of Northern Ireland's purchases from GB were worth £13.3 billion. You can see why protecting the UK internal market should first and foremost be our priority.

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

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

**Mr Middleton:** I will indeed.

**Mr Stalford:** I got there before you.

I appreciate that the Member has given way. In his remarks introducing the amendment, Mr O'Toole referred to ideological obsessions: I would never accuse Mr O'Toole of being an Eurofanatic ideological obsessive. I would never accuse him of that, but will the Member agree that it would be indeed the manifestation of ideological obsessiveness — indeed, it would be cutting off your nose to spite your face — to cut businesses from Northern Ireland off from their biggest market out of an act of fidelity to Brussels?

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

**Mr Middleton:** I absolutely agree with that point, and I urge Members, whilst they may claim to be listening to businesses, to actually go out and speak to those businesses. They should speak to the lobby groups, absolutely, but, if you speak directly to the businesses, as we have been doing, you will see that there is real concern about some of the proposals that are being made.

It is also important to note, with reference to the motion, that the responsibility to provide clarity ultimately rests not with the Department for the Economy but with the UK Government, who are negotiating on behalf of us all in the United Kingdom. Getting the right deal should be the priority, but, if we are to be honest, communication with businesses has been poor,

and lessons must be learned, going forward. That said, many of the parties bemoaning the current risk to local businesses from a lack of clarity are the very people who jumped over backwards to promote the benefit of the protocol in the first place. Whilst some have belatedly realised the dangers of trade barriers between Northern Ireland and GB and vice versa, the DUP has been consistent in our opposition to that.

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

**Mr Middleton:** Go ahead.

**Dr Aiken:** Thank you very much. Of course, many of us will remember the events, I think, of 2 and 3 October 2019, when a certain political party — the DUP — and its leadership were embracing the idea of a regulatory border down the Irish Sea. Can you explain how you have had this change of heart and, indeed, how you have this change of heart apparently in your party at this moment in time?

**Mr Middleton:** I thank the Member for giving me the opportunity to address that very point. The facts are that the only proposal that we agreed to was a safeguard mechanism for Northern Ireland here in the Northern Ireland Assembly that would have given us the final say on whether Northern Ireland would have any regulatory difference from the rest of the United Kingdom.

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

**Mr Middleton:** I want to move on because I have just a few minutes left.

In our opinion, the motion wrongly focuses on education and training opportunities for local businesses as we prepare for the end of the implementation period. Whilst, yes, there is room for that, in reality, there is a plethora of other substantive concerns that need to be addressed holistically by the UK Government, if Northern Ireland's unique and characteristic economic interests are to be protected moving forward. They include the absence of a timetable for legislating for unfettered access between Northern Ireland and GB, as outlined in 'New Decade, New Approach'; the reluctance of some UK Ministers to incorporate safeguards and standards relating to food imports in the Agriculture Bill; the impact of closing existing routes to lower-skilled labour for key industries in Northern Ireland such as agri-food, manufacturing and hospitality; and, of course and importantly, the impact of alignment with EU rather than UK state aid on farm support

levels and inward investment and competitiveness in Northern Ireland. Placing all the eggs in one basket and forcing the Economy Minister to simply focus on ploughing money into training for local businesses without knowing the eventual outcome of the talks would be very counterproductive. Instead of reverting to a blame game, we need to look at the challenges in a rounded fashion to protect local interests.

We note the speculation that the Government will pursue fallback measures under the internal market Bill to protect Northern Ireland's interests, should a deal not be agreed that mitigates the threat of the Northern Ireland protocol. We will carefully look at those in the finer details and the clauses relating to this, and we will study them carefully. Because we support the general aim of the motion, we will support it, and we will support the amendment.

**Dr Aiken:** The Ulster Unionist Party will support the motion and the amendment.

Members of the Assembly will be very aware of the discussions that have been ongoing, particularly about the Northern Ireland protocol and the much-vaunted press release that was out yesterday and the potential impact that that has on Northern Ireland businesses and consumers.

There is an expression that we need to be aware of, and it is the idea of a level playing field. There is much discussion across Europe about whether the United Kingdom will be working on a level playing field with the rest of the EU. It is fundamentally important for the people of Northern Ireland to know that they are on a level playing field with the rest of their country. As has been said many times, our largest trading partner is the rest of our nation. It is not just a matter of us sending goods to GB or GB sending goods to us: it is equally important that we make sure that, when we come to issues relating to state aid, Northern Ireland is not disadvantaged.

We will hear many times over forthcoming weeks, as we hit problems with COVID and the implications of trying to get business and manufacturing back together, about what we need to do for our aerospace sector, which will need state aid, what we need to do for our life sciences sector, which will need state aid, and what we will need to do for agribusiness and even things such as fintech. Those areas need to be sorted out. One of the things — I hope that Lord Frost and Michel Barnier are listening to some of the elements of this debate today — that we need to see is a level playing field

across the United Kingdom to make sure that we are able to deal with the problems of COVID and with what happens after 1 January next year.

From looking at some of the other issues that we have, it is clear that we have not seen any information on the trader support system.

**Mr Stalford:** I appreciate the Member giving way. Members are being very generous. I am up and down like a jack-in-the-box, but there is a point to be made here. Does the Member agree that there is an irony that parties that classify themselves as either social democratic or being on the left are to be found opposing the UK Government having the opportunity to make state interventions into businesses that need help as we come out of the COVID-19 crisis?

**Dr Aiken:** Indeed. If one looks at the history of the social democratic movement and the labour movement, one will see that there has always been an implication of providing state aid and making state aid available on the occasions when we wish to do that.

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

**Dr Aiken:** Certainly.

**Ms Anderson:** It is important that we understand that state aid needs to be reformed in the EU; of that there is no doubt. Does the Member not agree that what will happen with what is being proposed on state aid by the British Government is that global corporations will go to a state such as Britain that will give them tax breaks, grants and public money? That is the problem with what is proposed here. There is no doubt that state aid needs to be reformed, but we cannot have a situation where global corporations go to the likes of Britain so that they can get tax reform, tax breaks, grants and public money. That is where the money will go, not to hospitals, not to doctors, not to nurses and not to schools.

**Dr Aiken:** I thank the Member very much for that.

**Mr Speaker:** I remind the Member that he has an extra minute.

**Dr Aiken:** Thank you very much.

I must admit that I find it ironic that a Member from the party opposite who talks about wanting an all-island approach points out the fact that

one of the main reasons that the likes of Microsoft and Apple go to the Irish Republic is for the tax breaks and their ability to work out the tax system. It would be excellent if they ever paid 12% corporation tax, but most of them only pay about 0.12% corporation tax. That argument is probably not even moot, and I do not think that we should take it much further than that.

There are real issues. I talked about the trader support system. I talked about the issues with trying to find about what is happening on VAT and the implications of that when we come through this. We have heard many times about the likely implications of this for the Belfast Agreement. The Belfast Agreement is about the principle of consent. I have read the Belfast Agreement more times than many people have, and I cannot see anywhere in it anything about a border down the middle of the Irish Sea. I cannot see anything that says, "We're going to be in a position where the EU or, indeed, a special committee to a Joint Committee sets the laws that we have in Northern Ireland". Indeed, yesterday, the Minister produced a document that has been out for consultation on the energy market and electricity in Northern Ireland. It says that, even though there will be reforms to the United Kingdom's energy market, they will not apply to Northern Ireland and we should not even consider that because we will follow the rules from the EU without any say. I cannot see any Members of the Assembly willingly going for that and for that process of non-democratic accountability. We need to be able to address that.

**11.00 am**

In winding up, I want to say, "Minister, we need a plan; we knew that this was coming". The Executive need to gather together to do that. One of the few things that all of us who sat through the tortuous New Decade, New Approach discussions could agree on was that we needed a plan for Brexit and what we were going to do after it. We are well beyond that time. Somebody needs to take leadership. Just as our Health Minister has been the only person willing to take leadership for health, you, Economy Minister, now have the opportunity to take some leadership on this process. We ask you, urgently, to take some leadership on the issue.

**Mr Dickson:** I support the motion and the amendment and welcome the opportunity to speak on this important matter for Northern Ireland. In 2016, it was notable just how little Northern Ireland was mentioned in the EU

referendum campaign. In 2017, Liam Fox, the then International Trade Secretary, said:

*"The free trade agreement ... with the European Union should be one of the easiest in human history."*

However, unsurprisingly to most of us here, the Brexit process became stranded on the rocks of reality, on the border issue, and a necessitated agreement. The protocol is an imperfect response to Brexit; it is a bare-bones means to protect the institutions that maintain our economic, political and social lives. It therefore has merit. Businesses sighed a small sigh of relief after a series of tempestuous negotiations in 2019.

Unfortunately, here we are, less than three months until the end of the transition period. I really am quite exasperated and concerned that we have nothing but confusion and uncertainty at the very centre of our economic future. Indeed, a Minister who is clearly interested only in following what London is doing is not particularly keen on taking any local initiatives herself.

I am truly concerned that the UK Government seem, once again, to want to use Northern Ireland as a bargaining chip, as an excuse to destroy any hopes of a post-Brexit trade deal with the EU.

I recognise that much of this has been press speculation in the last few days. Unfortunately, we have a Government that do not inspire confidence. I, and many others, do not wish to gamble our future or the future of our economy. I am sure that there are many workers and businesses across Northern Ireland that would agree.

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

**Mr Dickson:** Yes.

**Mr O'Toole:** The Member may be interested to know that, in the last half an hour, it has been revealed that the head lawyer of the Government Legal Department has resigned, apparently in frustration at the UK Government's approach to the implementation of the laws around Brexit. Presumably, that will add to the Member's concerns about the UK Government's approach.

**Mr Dickson:** Once more, that leads to the door of Number 10 and the Cummings faction in that building.

The working group — a working group, Minister, that does not have all voices in Northern Ireland in it, which I find disappointing, particularly the failure to have a trade union voice — mirrors what the business community has been saying. It recognises that we have been left in the lurch. We are unsure what to do, knowing that this issue is complex and technical and is yet another burden on business.

The past few months have been turbulent and difficult for local businesses, particularly small and medium-sized enterprises. They have faced the additional challenge of COVID-19 restrictions, safety measures, supply issues and staffing. That requires additional necessary costs and bureaucracy. What is not necessary is another huge disruption, another fog hanging over the future post-Brexit arrangements for business.

Businesses want to prepare; they want to put themselves on the best footing for the future. However, without training opportunities and a clear direction for the future, how are they supposed to commit confidently to investment and to take on new employees? It is time for the Minister to give us some concrete answers.

Today, in discussing post-Brexit preparedness, we need to start clearing that fog, which is where the proposed amendment really adds to the motion. With an estimate of 100,000 people being out of work in Northern Ireland by the end of this year, the Minister's number-one priority must be to defend jobs and livelihoods. A considerable amount of legislation needs to be passed. While the clock is ticking down to January, the Department for the Economy is the lead Department on this matter. We need a cross-Executive approach, a joint approach to give business clarity, to make Northern Ireland's voice heard in London and to protect our local economy from the adverse impacts of Brexit.

We are now told that no deal is a good outcome. I just wonder, what would a bad outcome would look like? The reality is that there no such thing as a good Brexit. The protocol is not perfect, but its function is as a basic framework to protect Northern Ireland from some of the worst effects of Brexit.

**Mr Dunne:** This is, indeed, a very challenging time for our local economy. There is no doubt that the fresh challenges that COVID-19 has brought have added to the need for clarity and certainty for our local businesses going forward. The global pandemic that we are still contending with will change how local businesses operate in the future.

Negating the threat of the NI protocol must be a central element of the economic recovery as we seek to rebuild, regenerate and build confidence within our local economy. We do share the general aims of this debate today, in that we all agree on the need to seek clarity on the final arrangements that our local businesses will have to manage once the implementation period ends. The focus should be on getting the right deal. Whilst uncertainty is difficult for everyone, the barriers created by the protocol could be even more damaging long-term, and they have the potential to cripple and restrict many businesses. That is why the Government must urgently address the uncertainty around our future trading relationships.

In Northern Ireland, we are fortunate to have so many entrepreneurs and small to medium-sized enterprises. The fact is that Great Britain is our largest and principal market: it accounts for over 52% of Northern Ireland's external sales and 65% of our purchases. Over 90% of local businesses trading with Great Britain are SMEs, and our food and drink sales to GB alone are valued at over £2.3 billion.

All of that highlights the need for free and unfettered access to Great Britain. That is why the DUP voted against the withdrawal agreement in Parliament. That is why the DUP has consistently opposed — at every opportunity, whether that be in London, Brussels or Belfast — any concept that our economic place within our United Kingdom should be compromised by the protocol.

The recent speculation that the Government are looking at ways, under the internal market Bill, to protect our interests and mitigate the threat of the protocol are to be broadly welcomed. It is ironic that those who are so opposed to potential trade barriers and borders are the first to criticise any attempts to reduce the burden on our businesses by exploring ways to break down potential barriers. Our focus remains on minimising friction for trade in every way possible. Anything else will be harmful to business, cost consumers and reduce choice. We must continue to work with Her Majesty's Government to remove any disadvantages to Northern Ireland brought about by the signing of the protocol.

Our local economy and businesses have faced an incredibly difficult and challenging six months. We must protect local interests. There will be challenges ahead for businesses adapting to the transitional period and the post-Brexit arrangements. I do welcome the range of online tutorials, Brexit preparation grants and information workshops being delivered through

Invest NI and, indeed, InterTradeIreland's valuable programmes. It is important that work continues between the Economy Department, business organisations, local councils and our Government. I know the Minister will make that a real priority within her Department and ensure there are interventions to help prepare businesses for the new arrangements.

**Mr McAleer:** Today's motion is very timely. I want to reflect on the motion in the context of the agriculture sector in the North. We know from many previous discussions and debates here that Brexit has caused huge issues for our 25,000 front-line farm families and the wider food and drinks trade, which accounted for £4.5 million in turnover in the North last year. The sector here is already under pressure with the COVID crisis and many other challenges, one of which is climate.

Agriculture is a big exporter. We export 87% of the North's agri-food produce and, yes, Britain is one of the areas that we export to most. It also goes to the South and Europe. We need unfettered access east-west, North/South and across the EU.

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

**Mr McAleer:** Yes, absolutely.

**Dr Aiken:** Thank you very much indeed. I think that the Member would also like to acknowledge the fact that one of the biggest agricultural markets for agricultural goods from the Irish Republic is the United Kingdom market. Anything that is put in that creates an Irish Sea border will, in fact, impinge on them significantly and really affect small and medium-sized farms throughout the island of Ireland.

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

**Mr McAleer:** The Member is right. Any barriers or friction at all will affect not just the North of Ireland but the island of Ireland, because Britain is a big market for produce right across the island of Ireland.

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

**Mr McAleer:** Yes.

**Mr Allister:** If the Member is concerned about the fettering of trade, why is he a supporter of the vehicle for fettering that trade, namely the protocol? It is the protocol that fetters the trade each way, yet he and his party are the biggest cheerleaders for that protocol.

**Mr McAleer:** Our party is one of the most vocal opponents of Brexit; we are completely against it. This is not something that we want. The protocol is a way of grappling with a very bad situation. We, like all the parties here, are trying to do our best to make it as seamless and frictionless as possible for businesses, farmers and communities across the North.

As I said, Brexit has a disproportionate impact here, certainly on our agri-food producers. Our disposable income in the North is lower than that in Britain. We heard from the Brexit group last week that disposable income here in the North is £119 and that, in Britain, it is £215. Any friction that is caused and any extra cost that is passed on will have a disproportionate impact on consumers here compared to those across the water.

We also learned in the Committee a number of months back that 200 lorries a day come across the water to stock our shelves and that shelf life here is 12 to 18 hours shorter than it is across the water. What we are looking at is posing a huge challenge to the entire food ecosystem here in the North.

There are many unanswered questions. Indeed, a figure was put on that when the AERA Committee met the Brexit group last week. The Brexit group posed 67 questions and, so far, 60 have not been answered. The questions are on things like what constitutes a qualifying good, what is unfettered access, two VAT regimes, tariffs, sanitary and phytosanitary (SPS) checks and, of course, labelling. We will have to create a new label for our produce here in the North. It takes four to five months to create a new label and that deadline has already lapsed.

As I said, yes, of course Britain is a big market, but we must realise that the British market will shift as well. As Britain cuts itself off from its nearest market, the EU, as a result of Brexit, it will be cut off from its biggest market. That will have an impact on Britain as an export market for us. If Britain then enters into trade deals with the USA and imports cheap food, suddenly the floor could drop out of the British market for our agri-food produce. We must realise that Britain will not be the same market post-Brexit that it has been up until now.

The latest shenanigans from London are causing more concern. I know that some people like to emphasise that the British market is so important, but our all-Ireland trade is hugely important in the agri-food sector. North/South and South/North, there is almost £2 billion of exports in live animals and food, which is really important. Dairy is organised on a —

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

**Mr McAleer:** Yes.

**Dr Archibald:** The quantum of trade with Britain is often cited, particularly by the party opposite, but does he agree with me that the highly integrated nature of our supply chains in those products, particularly agri-food, needs to be considered?

**11.15 am**

**Mr McAleer:** Exactly. Dairy is a good example. Most of the milk produced in the North is collected by dairy producers based in the South.

I am out of time, but, before I conclude, I will say that, yes, there is huge amount of bandwidth being taken up by legislation. In the AERA Committee alone, we have 74 pieces of secondary legislation to scrutinise and pass before December, thanks to Brexit. That is going to put huge pressure on officials in the Department, and indeed on our own Committee, which will have to try to scrutinise and pass that legislation so that DAERA has a functioning rule book come 31 December, thanks to Brexit.

In conclusion, I commend the motion and support the call for more education and training for our businesses in farming communities.

**Mr Stalford:** The Chair of the Economy Committee, in her intervention to Mr McAleer, referred to our highly integrated supply chains. That is precisely why the protocol was a bad idea: because it interrupts our highly integrated supply chains east-west.

It is important that we put a bit of political context on the record. The DUP voted against the withdrawal agreement in Parliament. At that time, we set out our clear opposition to any concept of Northern Ireland's economic place in the UK internal market being compromised. The protocol compromises it. We therefore oppose the protocol. The DUP, on three occasions —

**Dr Aiken:** Will the honourable Member take an intervention?

**Mr Stalford:** Yes. I am happy to.

**Dr Aiken:** There seems to be a degree of confusion, because, given the remarks that the First Minister made on Sky News, I think on Friday, she seemed to be of the opinion that we

should be following what the protocol says. Can the honourable Member clarify, please?

**Mr Stalford:** I am happy to.

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

**Mr Stalford:** Thank you.

I am happy to. The First Minister acknowledged what the present legal reality is. Acknowledging reality does not mean endorsing the same or approving the same, unless, of course, you happened to be reading the commentary and the political editorial of the 'News Letter', but that is an issue for another day.

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

**Mr Stalford:** I will give way later to Mr Allister. I am always happy to.

The DUP, on three occasions, helped to stop Theresa May's version of the withdrawal agreement. We spoke against it and we argued against it, and we voted against the current Prime Minister's Brexit proposals. We are still arguing that, in the negotiations, the withdrawal agreement should be scrapped or else changed to take account of the need to protect Northern Ireland's place in the internal market of the United Kingdom. Others were very upset by the speculation that was in the 'Financial Times' yesterday. What I would say is this: one swallow does not a summer make. Although I hope that the Government will move to protect our position through the legislation that is due to be published tomorrow, I will judge the Government in London on the action and the content of that legislation rather than on briefings to the newspapers.

On 20 May, the Government published a policy paper on their approach to the Northern Ireland protocol. It included four principles: one, unfettered access for Northern Ireland's business to the rest of the UK, and particularly that trade should take place as it does at present; two, no tariffs on internal UK trade; three, no new customs infrastructure in Northern Ireland; and, four, Northern Ireland should benefit from UK trade deals and not be excluded from them. We as a party believe that those objectives must be the immovable, foundational position and are extremely concerned about the absence of regular updates to Northern Ireland and to businesses to date.

I give way to Mr James Allister QC.

**Mr Allister:** Thank you, Mr Stalford. Very formal.

The Member has been telling us that his party is all on the one page on this matter. I refer back to the point that Mr Aiken raised. Last Friday, the First Minister said:

*"I mean, there are some who would continue to fight against the protocol. I have to recognise that that is the reality now."*

Then, last night, the Member's party, whether as a rebuke or otherwise, said that it continues to maintain that the protocol must be scrapped. Are those some people who will continue to fight it, and which side is he on?

**Mr Stalford:** I think that I have made it clear where I stand on Brexit throughout the Brexit process. Normally in these debates, I stand shoulder to shoulder with him. It is a pity that he cannot stand should to shoulder with me.

The First Minister was very clear in what she said. She acknowledged the reality of the situation — as in the law that has been passed — whilst disagreeing with it. We all disagree with it, or certainly we all, on these Benches, disagree with the content of the protocol. The party opposite had, for years, the opportunity to participate in the shaping of any Brexit outcomes but its members chose not to. They refuse to take their seats at Westminster, where these matters are debated and discussed on an almost weekly basis.

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

**Mr Stalford:** OK, go on.

**Ms Anderson:** I say to the Member that he should reflect on the fact that Sinn Féin secured 641 MEPs in the European Parliament to protect the Good Friday Agreement in all of its parts: no hardening of the border in Ireland and the peace process. We were at the side of the table that mattered.

**Mr Stalford:** I recall Sinn Féin referring to this — while the lady was a member of the European Parliament — as a "charm offensive". I do not know which it was in her case, whether it was the charm or the offensive. However, the fact of the matter is that although Sinn Féin could have gone to Westminster to take their seats and to participate in the shaping of a Brexit outcome, they did not. Not only that, but they criminally kept these institutions down for three years when we could have been having an input into the Brexit process. Therefore, we

will not take lectures on shaping the best possible outcomes. I take this opportunity to express my full confidence in the Economy Minister: she is doing a good job and I am sure that she will continue to.

**Ms Kimmins:** I will speak in support of the motion and the amendment. There has been a lot of focus, particularly around the trading arrangements, and I want to home in a bit more at a sectoral level with regard to financial services and the lack of attention that that sector has been given in the protocol and subsequent discussions.

It is very important to emphasise the very challenging situation that the financial sector finds itself in, particularly, as my colleague mentioned, 16 weeks out from a deadline. The protocol makes no reference to financial services, despite a recent report from the Department for the Economy that outlined the huge importance of the sector to the economy in the North, employing 24,000 people and making a contribution of £2.4 billion to the economy in the last year. The financial services sector is experiencing huge uncertainty around passporting firms in the North. If this continues, we could see these firms gravitate towards the South as they are likely to no longer view the North as a viable option to do business because of red tape. The loss of passporting, with no clear replacement system, will have a serious impact. We are already seeing businesses put in place contingency steps to trade on both sides of the border in the absence of any clarification on their future.

As a representative of Newry and Armagh, I see that Newry has been seen in recent years as developing into a specialist area for financial services, with indigenous firms, including First Derivatives, which is a massive employer, not only in the constituency but across the North, providing in the region of 2,000 jobs to the local economy. The lack of clarity being afforded to those firms is causing significant concern.

On the topic of cross-border operations —.

**Dr Aiken:** Thank you very much for giving way and thank you very much for highlighting the importance of local companies in Northern Ireland.

There is a significant issue about digital taxation and digital taxation legislation that is being brought in by the EU. Do you and your party support the digital taxation legislation that is coming from the EU or would you rather that we have a more bespoke, equal and level playing field approach across the rest of the United

Kingdom on the issue, bearing in mind the importance to jobs?

**Ms Kimmins:** I thank the Member for his contribution. In the absence of any clarity going forward, it is difficult to take a position on that at this stage. However, it is something that we need to be looking at very seriously, regardless of the outcome.

Going back to my point about cross-border operations, I come from a border constituency where cross-border working is a huge part of the economy. It is also very important to highlight how cross-border workers have been left behind and forgotten about throughout this. That impacts not only on the lives of individuals who do not know whether they will have a job post-31 January but on employers in the area, particularly local employers, as I said previously. EU citizens are being penalised, and, when we should be encouraging people from other countries to contribute their skills to our economy, we are treating them particularly badly. Similarly, there has been a lack of clarity around the mutual recognition of qualifications. We talk about nurses and doctors all standing on the same qualifications across the EU. Where does that stand? There has been no mention of that.

Going back to the original motion, it is very important that the Economy Minister looks at this, reaches out to all those sectors and provides detail, clarity, training and education to help them move forward in the short period ahead.

**Mr Durkan:** Long before the COVID-19 pandemic, warnings about the damage that the UK Government's plans, or rather lack thereof, would cause for Northern Ireland beyond the 31 December came loudly and frequently from Members of these Benches and from the business community. Those warnings were met by Cabinet Ministers contradicting one another on what paperwork would be required to send goods to Britain, and, when asked how they might square that circle, they gave vague assurances about the regime that would be implemented. Now we learn that they could well be renegeing on what they agreed.

The impact of the pandemic has made the scale of the task even greater, as our SMEs face the double whammy of that economic hit and the end of the transition period. We are now just over three months away from that ending. Time is of the essence. The struggle to prepare would have been difficult enough without the crisis that many of our businesses are facing today; they are simply trying to

survive. The working group's comprehensive document lays bare the unanswered questions, and Mr McAleer highlighted a few. That is why I have joined my colleagues in signing the amendment calling for the Executive to set out details of the legislation that they need to introduce and that the Assembly needs to pass to ensure that businesses, employees and consumers can go into 2021 with at least the burden of uncertainty lifted on that front. As legislators, we need a time frame for and an outline of the passage of that legislation.

The Minister should also provide multiple information and training opportunities across Northern Ireland at no cost to businesses. I also ask the Minister, in her response, to set out what plans she has for ongoing support once the transition period ends. A few lines on nirect just will not cut the mustard, nor will bombarding businesses with copious amounts of guidance that they have to wade through. Businesses need easy access to detailed, practical and, importantly, tailored advice to help them navigate the post-Brexit trade landscape, and they need to know what financial support will be there to enable them to do so.

Stepping back, all of this, of course, takes place against the backdrop of our local economy. We sometimes hear about the pandemic and Brexit offering an opportunity to rethink the economy and the world of work, but, in fact, they demand it. Over the summer, we published the SDLP's four principles for a long-term economic recovery, and they take into account the distinctiveness of our economy in terms of its sectoral, geographical and governance profile. I fully believe that those are principles that every party in the Assembly could and should support. We need greater powers for the Assembly and Executive so that we can disperse economic activity more equally and sustainably across the North.

We are all well aware of the problems embedded in our economy. We tend to — I certainly do — speak about the east-west divide in Northern Ireland, which is particularly pronounced in my constituency of Foyle. There is, or seems to be, a divide between Belfast and the rest of the North. The concentration of economic activity in Belfast has always been a problem, but it comes under even more strain when faced with the greater demand for flexible working. The old model of expecting workers, young and old, to flood into one city for the bulk of job opportunities already looks antiquated. We need to address regional imbalance urgently, and the most impactful way of doing

so would be by expanding university provision in the north-west.

The economic benefits of doing so would filter out well beyond the education sector and, undoubtedly, well beyond the wonderful city of Derry.

**11.30 am**

The deadline to prepare for the end of the transition period is rapidly closing in, yet the support for businesses to adapt cannot end on 31 December, and nor can it take place without a strategy for wider economic recovery.

**Mr Speaker:** I remind Mr Muir that he will have three minutes.

**Mr Muir:** Thank you very much, Mr Speaker.

The end of the transition period represents the most significant change to trade in Northern Ireland for a generation. With less than four months to go, Northern Ireland businesses remain largely in the dark with regard to what technical and operational details will apply from this date. Instead, all they are getting is political games from the Government at Westminster. The timing could not be worse. Thousands of local small and medium-sized businesses have been hit hard by the pandemic and do not have the reserves to be able to cover the costs that arise from Brexit. The high-stakes game that the UK Government are currently playing in the Brexit negotiations is not one that Northern Irish businesses can afford to play. We need clarity, consensus and support for businesses, recognising however that the full and worst effects of Brexit can never be fully mitigated. Therefore, my party supports both the motion and the amendment.

Education and training opportunities to enhance the capacity of local businesses to prepare for post-transition trading arrangements would be useful, but getting clarity on what those arrangements actually are must be the first priority, not just to let businesses prepare but also because the legislative time frame between now and December is very short. This Assembly needs as much detail as possible with regard to the legislation to be scrutinised during that period, using accelerated passage as the exception rather than the norm.

There are many areas where technical and operational details are required, but the UK Government's latest strategy, as reported in the 'Daily Telegraph', of saying that the withdrawal agreement never really made sense anyway

and threatening to unilaterally walk away from the agreement is not the way to get the clarity required. The UK Government signed up to this less than 12 months ago, and talk in recent days does not exactly help build faith and trust in the current negotiations. So much for that great oven-ready deal that was sold last year. Only detailed technical and operational guidelines, negotiated and agreed with the EU, will provide the small and medium-sized businesses with the information that they need to make plans now.

There has been a lot of discussion here today around the issue of consent. I would add that the Alliance Party, alongside many other parties, campaigned to remain in the European Union, and the ultimate demonstration of consent was in the vote that took place, where the majority of people in Northern Ireland voted to remain in the European Union. We are now dealing with the consequences of Brexit, and it is important that we do all we can to assist businesses so that they get the clarity and support that they deserve.

**Mr Speaker:** I remind the Economy Minister that she will have 15 minutes.

**Mrs Dodds (The Minister for the Economy):** First of all, I want to thank Members for their participation in this very important debate. There is much in the motion that we can agree on. We can all agree that the local economy has both unique and complex characteristics. We are the only part of the United Kingdom with a land border with another jurisdiction, and we all recognise the complex nature of our supply chains across that border. I hope that we can also all agree that the UK's internal market, the proper functioning of that market and our full participation in it are absolutely vital to our economic well-being. They sustain jobs and family income in Northern Ireland and, as the Member for East Antrim said, are my top priority. Indeed, the benefits of belonging to the United Kingdom have been starkly demonstrated during the COVID-19 crisis, when the support for the local economy from the national Government has been unprecedented. Nevertheless, it is a challenging time for business.

I will take this opportunity to commend the business community, which has shown such resilience over the last number of months. I have been working closely with business organisations since taking up office on the COVID response and through my Department's EU exit stakeholder forum. I have consistently said that my top priority is to seek to ensure that Northern Ireland firms have unfettered access

to our own internal market in the United Kingdom and that we do not have any competitive disadvantage within that market.

In recent weeks, our Government have published a White Paper on their vision for the United Kingdom's internal market and have included unfettered access and a trader support service in that vision.

**Miss Woods:** Will the Minister give way?

**Mrs Dodds:** I would like to make some progress and, then, I will give way.

I continue to engage with the Department for Business, Energy and Industrial Strategy (BEIS) on the matter and, in common with the motion, seek to ensure that it is aware of the need for great urgency and clarity on the issues. I also note the Sinn Féin agriculture spokesperson's statement that he, too, wants unfettered trade. I am, therefore, at a loss to know why he and his party persist in supporting a withdrawal agreement and a protocol that would endanger that trade.

I also want to reassure the Member for South Belfast — who, unfortunately, clearly did not want to hear the response to his own debate or his amendment, since he has left the Chamber — that I am direct and blunt with the Ministers in London and in my frequent quad calls with other devolved Administrations across the United Kingdom. For his information — perhaps he will read Hansard if he is not here to hear the debate.

**Mr Catney:** Will the Minister give way? I am sorry, but I just want to ask you about one point that you made.

**Mrs Dodds:** No; in a moment. I also suggest that he should read the short and medium-term plan for economic recovery that was published by my Department in June, setting out our plans for the Northern Ireland economy. I have been consistent since then in my work in the Executive and in the bids that I have made to the Finance Minister in relation to that published paper.

I share the concerns of business and, through my stakeholder engagement forum and regular meetings with all aspects of our economy, I frequently discuss those issues with business. There is no doubt that absolute clarity on how businesses will be trading on 1 January is necessary. The sooner we have that clarity and the sooner businesses can understand the steps that they need to take, the sooner the

Executive can see where government need to step in to add support for businesses to adapt.

It is also right that internal UK trade should not be subject to any unnecessary administrative or financial burdens. That is the demand of business and its representative organisations and I support trusted trader schemes and the binning of exit summary declarations on Northern Ireland to GB trade. Of course, there is a negotiation and there is an onus on Michel Barnier on behalf of the EU to, as he would say, be flexible and imaginative. I am almost nostalgic for those meetings in Brussels.

So far, if the information that is coming from the negotiations is correct, there has been a maximalist approach on everything in relation to the protocol, including exit summary declarations and goods at risk. The EU should recognise that that is risking the incomes of families right across Northern Ireland. However, I also note the recent press speculation that the Government will pursue fallback measures under the internal market Bill to protect Northern Ireland's interests should a deal not be agreed that mitigates the threat of the Northern Ireland protocol. I did not vote for the withdrawal agreement and the Northern Ireland protocol. I have been consistent and clear, in my former role as an MEP and in this House, in saying that the protocol is damaging to trade within the United Kingdom. The responsibility for the protocol lies firmly with the Government and those who voted for and continue to advocate for its implementation.

Although I want to see the detail of the proposed clauses, I welcome this approach. The Government must continue to remove any disadvantages to Northern Ireland brought by their signing up to the protocol. Indeed, I will raise those issues directly with the Business Secretary, Alok Sharma, later today. It is about ensuring that the UK Government move to protect not only Northern Ireland's place within the Union but, in so doing, our trade with our largest market. They need to put those trading arrangements on a sustainable footing and cover the full spectrum of our economic interests. Again, for the benefit of the Member for East Antrim, this is not following London; this is challenging London and making sure that it understands the needs of business and families in Northern Ireland.

As the Minister responsible for issues in relation to international trade, I will write to Executive colleagues this week to make them aware that, at this stage, I will not be seeking to bring forward a motion to seek legislative consent in the Northern Ireland Assembly for the Trade

Bill, which is currently making its passage through Parliament. It is absolutely essential that Northern Ireland is able to be a full participant in future UK trade deals. So far, the Minister for International Trade has been unable to provide the necessary legislative assurance that that will be the case, and there are still too many uncertainties around the implications for internal UK trade. Although there are important provisions in the Bill for the trade remedies authority and the rollover of existing EU deals, there remains uncertainty in those important areas. Of course, I will continue to engage with the Department for International Trade and the trade forum set up between all constituent parts of the United Kingdom on these vital issues.

**Mr O'Toole:** I am really grateful to the Minister for giving way. I apologise; I just came back into the Chamber, but I was listening to her remarks. Has she made representations, and, if not, will she, either through London or directly to Brussels, about the possibility of Northern Ireland benefiting from continued access to EU trade deals in the spirit of, as she and her colleagues have talked about, having the best of both worlds in relation to access to EU and UK markets? Is that something that she will take forward?

**Mrs Dodds:** The Member has advocated that subject for some particular time, but that will be a matter for negotiation. For my part, Northern Ireland's place is within the United Kingdom. Northern Ireland needs to be able to benefit fully from UK trade deals and not just be a named participant in them. That is vitally important for Northern Ireland businesses, families, jobs and prosperity. However, the greatest help to business will be when the Government provide clarity.

There are an important range of interventions in the meantime, including services to local businesses that are being provided at local council level and by many of the business organisations themselves. Invest NI offers a range of support services to companies, including a Brexit preparation grant, information workshops, an online assessment tool and online tutorials that provide access to specialist advisers in customs, tariff, taxation, strategic sourcing, people movement and immigration.

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

**Mrs Dodds:** If you just let me finish this point, I absolutely will.

I welcome the various online webinars scheduled for September and October on key aspects of the post-transition environment, including the EU settlement scheme and preparing for the post-immigration system, VAT implications and data-transfer issues. We should not underestimate the scale of that work, nor the issues still to be resolved, to enable businesses to understand their areas of biggest exposure and what to do next.

**11.45 am**

**Mr Catney:** I thank the Minister for giving way. As, I am sure, you realise, my colleague and friend, as he stated, was sitting outside in the Lobby. We are moving in and out of the Chamber, as we are allowed only four Members in at a time because of the COVID restrictions. There is no doubt that he would have been glad, like the rest of us, to sit here and listen to all that you have had to say. Thank you, Mr Speaker.

Minister, when you were a Member of the European Parliament, you had your office in Lisburn, in my constituency, and not far from where your office was there is one of the biggest employers in Lagan Valley: Coca Cola. Coca Cola makes its syrup in Ballina in County Mayo, in the west of Ireland. It brings it up to the North of Ireland for packaging and distribution round the whole of Ireland. Also, whiskey is a growing industry here now, and all the malt whiskey is made in County Antrim. Can you tell me how those businesses, not to mention many more examples, will operate and how they will find crossing the border numerous times? To me, it is impossible.

**Mrs Dodds:** I thank the Member for his intervention. I understand, of course, the COVID regulations, but I am also insistent that those who challenge the Minister should be here to actually listen to the Minister's response on those issues.

I had a wonderful experience in my office in Lisburn. I visited Coca Cola many times during that period. Of course, the protocol facilitates cross-border trade. I acknowledged, at the start, the complex supply and manufacturing chains in the Northern Ireland economy.

If I may continue on the initiatives to help business, I am also supportive of InterTradeIreland helping businesses to continue to trade across the border and to encourage businesses to take their first steps into export trade across that border. InterTradeIreland's Brexit advisory service

provides financial support and professional support on customs, supply chains and rules of origin, with online learning supplemented by specialist webinars targeted at the cross-border market. InterTradelreland is also exploring the development of a cross-border trade information centre and a new supply-chain programme. Both initiatives will help firms across the island to benefit from the growth that cross-border trade brings.

As we have seen during the debate and from my earlier comments, full clarity on the trading arrangements for 1 January is not here. However, businesses can take action to understand how the issues play and how they could impact on their trading model. I encourage them to go to the Invest NI and InterTradelreland web pages, utilise the online Brexit tool, enrol for the webinars and, if appropriate, apply for the support vouchers.

We have, today, talked about important interventions for businesses, but I believe that success for business will also depend on a holistic approach to a wide-ranging set of issues that the economy faces in Northern Ireland. We need to see the timetable for legislating for unfettered access to trade between Northern Ireland and GB. I hope that the internal market Bill will provide that. I hope —.

**Miss Woods:** Will the Minister give way?

**Mrs Dodds:** I will, and I apologise: I forgot.

**Mr Speaker:** The Minister's time is almost up.

**Miss Woods:** I thank the Minister for giving way. Does she agree that, given the UK Government's aims, it is simply impossible to satisfy both the internal market Bill proposals and the NI protocol, unless the UK remains aligned with the EU internal market regulations for goods?

**Mr Speaker:** The Minister's time is almost up. It actually is up.

**Mrs Dodds:** Thank you for your indulgence, Mr Speaker. I apologise: I had forgotten about the intervention.

I acknowledge that there are difficulties. What we need and what I am absolutely insistent on is that the Government give us the clarity that, they say, they will give us around unfettered access for Northern Ireland goods in the UK market.

**Mr Speaker:** Minister, time is up. Sorry about that.

I remind Members that the courtesy of a Member in taking an intervention should not be abused by people to make lengthy interventions, which have caused a difficulty.

**Mr McGrath:** The remarks that we have heard today about the east and the west being better or the north and the south indicates one thing for business: Brexit is bad for business. Remain was the only way for us to be truly supportive of businesses and enable them to carry out all of the trade that they were doing.

I thank Members for their contribution today to the debate. Brexit has been a slow-moving car crash with Northern Ireland's economy and society at greatest risk. People across my constituency, South Down, voted strongly to remain and have backed pro-Remain parties at each election since. They are deeply concerned about the impact of leaving the EU on their businesses, their community and society. Despite the efforts of the SDLP, others in the Chamber and at the Executive table, the British Government dogmatically refused to extend the transition period and are forcing the North to crash out of the EU in just a few short months. People across the House and our community had some hope that, when the Assembly returned, they would finally get some clarity, but, unfortunately, they have been badly let down. People demanded clarity and have been met with denial, obfuscation and outright silence, and it is not good enough. People deserve better.

Our amendment seeks clarity around reality; it is about real timescales. Timescales that businesses need to know and consider to deliver. Businesses need certainty. My colleague, Matthew O'Toole, in moving the amendment highlighted how the British Government had made many promises about Brexit, many of which businesses had accepted, interpreted and were preparing for, but, in the last 48 hours, they may be railroaded. A British Government who cannot be trusted means that our Executive must step up to the mark. I speak after the Minister, but I would like her to detail for us in other ways how long the Brexit discussions were at the last Executive meeting. It is four months before the cliff-edge deadline, and I wonder if it lasted more than 10 minutes. Matthew highlighted the irony that the extension to the transition period would have helped prepare, especially, for trade north-south but also east-west. It was in everyone's interest, but many in the Chamber voted against that extension. They voted

against helping businesses. That means that, right now, we must do all that we can to help.

Mr Aiken discussed many of the very uncertainties about the process with reference, for example, to state aid. He again highlighted the confusion and the uncertainty that we have to face. We do not even have a timetable for the legislation that we need to pass.

Mr Dickson highlighted the confusion over the press speculation about the potential railroading of the protocol and the heavy frustration felt by senior members of the legal team for the British Government if they have resigned: again, confusion, uncertainty and no detail and an agenda from our Executive that may not have even lasted 10 minutes. We need detail, we need timing, and we need to know what the processes will be.

Given the chaos that we have seen this week alone, the continued silence and passivity of the joint leaders of our devolved Government is nothing less than inexcusable. Since January, they have largely remained silent on vital pressing issues from the delivery of the protocol to the protection of citizens' rights and the undermining of the principles of devolution. I appeal to the joint First Ministers not to let Boris Johnson and his cronies recklessly force us out of the EU on 31 December and leave our businesses and communities in chaos. This place is back after three long years of silence. However, there is no point in being back at work if we are not using the Assembly to speak up for people across our society.

**Mr Stalford:** Will the Member take an intervention?

**Mr McGrath:** I made the mistake the last time. I will get to the end of my remarks.

The joint First Ministers must use the Assembly to explain what actions they are taking to minimise the harm to our economy and our society. In Wales and, particularly, in Scotland, the devolved legislatures have robustly stood against Boris Johnson and his reckless agenda. We must do the same, or do the First Ministers really think that we should blindly follow the Tories in one act of bad faith after another?

**Mr Speaker:** I call Martina Anderson to make a winding-up speech on the motion. You have 10 minutes.

**Ms Anderson:** I recognise the fact that all the parties here support the motion and the amendment. People should bear it in mind that

you do not get an extra minute if you let people in, and, like the Minister, I want to get through my speech and all your contributions.

I acknowledge the work that has been done by Sinn Féin's Dr Caoimhe Archibald as Chair of the Economy Committee throughout the entire process. As she clearly stated in the debate, with the scale of Brexit difficulties facing SMEs — she has been saying this for such a long time — there needs to be training and support, with the added confusion caused by the provocative and shameful attempt, as she said, by the British Government once again to play fast and loose with the Good Friday Agreement, the all-Ireland economy and the peace process. She outlined a number of measures that you, Minister, need to bring forward, and I did not really hear much of them, to be honest with you, in your contribution. She has talked to businesses and is clear on what businesses want. Some people listening to you, Minister, today might fear that you and the Department are maybe snuggling up asleep. At this time, we are hearing from businesses that they need not just clarity but support and action. Therefore, I fear that one might be behaving like a Brexiteer as opposed to a Minister. Are SMEs to read from the responses that you and the British Government are using your inaction to undermine a legally binding international treaty? That is crucial.

Sinn Féin's Declan McAleer, who is also Chair of the Committee for Agriculture, Environment and Rural Affairs, spoke at length about the 25,000 farm workers and the 60 questions that, he said, he had put to the Minister and to which he still awaits an answer. That is Minister Poots, by the way, not you. He is still waiting for an answer. I think that it might have the Committee that put those questions.

Regardless of whether there is a deal or no deal, the British Government are obliged to ensure that there are border control posts and checks and controls on goods entering the North of Ireland. They confirmed that they would do that in only a few weeks' time. The protocol is an ugly compromise. No one said it was perfect, but businesses and farmers will pay the price for, unfortunately, what you on the opposite side have cost them.

MLA Liz Kimmins, who lives close to the border partition in Ireland, indicated the disaster of Brexit for the thousands of people who cross the border every day to work and to study. She rightly focused on the impact on financial services for her constituency and others and the danger of businesses relocating to places that will have access to the largest market in

the world — the EU market — with 440 million customers. There has been agreement, without doubt, that there should be no diminution of rights, and she pointed out the importance of the recognition of qualifications for workers. She recognised that, despite the statement that there will be no diminution of rights, workers' rights, environmental rights and consumer rights are all potentially under threat.

Mr Gary Middleton, MLA for my constituency, asked Members to speak to business. I respectfully suggest, Mr Middleton, that you listen to business, particularly businesses in your community. If you listen to the Derry Chamber of Commerce and the report that it gave us all, you included, it will tell you, like me and others, that it is unprepared and uninformed, and it needs help and assistance. We hear them loud and clear.

Mr Gordon Dunne, you do not like the protocol. I understand that. It is a —.

**Mr Stalford:** On a point of order, Mr Speaker, is it in order for a Member to refer directly to other Members as "you" and "your"? Surely, all remarks should be directed through the Chair.

**Mr Speaker:** I remind Members that they should speak through the Chair.

**Ms Anderson:** I will speak through the Chair. That is not a problem.

## 12.00 noon

Mr Gordon Dunne does not like the protocol. He said, as we have all said, that it is an ugly compromise. However, the DUP made a statement last night and, when I listen to Mr Stalford reporting, he talks about being very confident in his Minister. Of course, you would say that anyway. Of course, you would be. You have always rejected the protocol. That is what the Member said. The DUP's statement last night boasted that the DUP had stopped Theresa May's version of the withdrawal agreement. Well done the DUP. What they ended up with was, from their point of view, something much worse than what they wanted. The DUP, I believe, and Brexiteers want to keep the North in Britain's internal market, and we all know the importance of unfettered access to markets for business, and many agree with that. However, they will do that if it means a harder border in Ireland. They will do that if it means re-enforcing partition. They will do that if it means discarding the Good Friday Agreement and all its parts, and they will think that that is a job well done.

Boris Johnson once said, "Over my dead body will there be a border in the Irish Sea". Well, he was alive and kicking when he did just that and signed up to a border down the Irish Sea. Those were the changes that the DUP made to Theresa May's protocol.

Only 24 hours before we had the British Government's latest fiasco about Brexit unfolding, we heard from the leader of the DUP, Arlene Foster — some businesses thought that they were getting reassurance — that she had reached the point of realisation that there would be a trade border in the Irish Sea. A regulatory border and a customs border is a long way from Nigel Dodds's insistence that the integrity of the UK was more important than Brexit. I have to say, having listened to what has happened over the last couple of days, that the DUP seems to be all over the place.

I thank the SDLP for its amendment. We acknowledge the amendment and the fact that it adds to the motion. All the pro-Remain parties are on the one page. They have already contacted the British Government and Boris Johnson about the latest fiasco.

Mr Matthew O'Toole is right that we need to cushion the impact for workers and businesses. I do not think that the SDLP should be surprised. I do not think that the pro-Remain parties should be surprised, given that they are the majority in the Executive, when they find out that the rest of the Executive do not agree with us and we cannot get a shared position. Do the maths: of course, we are the majority in there with that view, but the Brexiteers will not agree with us, and that is not news to you.

Mark Durkan said that the warning signs have been heard. I think that they have been made; I do not know whether they have been heard. He said that people need to listen to them, and he is absolutely right about the devastation that Brexit will cause to his constituency, which is my constituency, in Derry.

Colin McGrath talked about needing more information and about confusion and uncertainty. Some people might think that the SDLP's high horse is not a safe place for them to rest on, because 23 of the Brexit common frameworks to be sorted before the end of this year reside with its Minister, Nichola Mallon. I asked for the kind of clarity that Members such as Colin McGrath talked about from the Minister on transport, rail passengers, rights and EU driving hours, all of which have to be worked through before the end of the year. However, she was not able to enlighten me one iota.

I want to acknowledge what Stewart Dickson said and particularly his exasperation. I share that. He accused the Minister of slavishly following London, and, I think, a lot of people would concur with that.

Andrew Muir reminded us that the majority of people in the North voted to remain in the EU.

When Steve Aiken spoke, I made an intervention about state aid, and he will not be surprised to learn that Sinn Féin has been very clear about Apple and tax and all that happened in the South. We talk about harmonisation across the island. When we get to that point, that will be a different place and a different country for everyone.

The Member also mentioned constitutional status and the Good Friday Agreement's principle of consent. The principle of consent refers to the constitutional question. If we are all so concerned as we are about the various aspects of the constitutional question, let the people decide. What union do we want to be a part of?

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

**Ms Anderson:** Do we want to stay in a union with Britain, or do we want to reunite Ireland? That is the constitutional question —

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

**Ms Anderson:** — and that will answer the principle of consent question. Thank you.

**Mr Speaker:** Thank you. Thanks to all Members.

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

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

*Resolved:*

*That this Assembly notes with concern recent comments from the Northern Ireland business Brexit working group regarding the lack of technical and operational details available to local businesses concerning the changes that will come into force post-Brexit; recognises the very complex and unique characteristics of the local economy; is concerned by the precariousness of many of our small and medium enterprises at this time; and calls on the Minister for the Economy to establish urgently educational and training opportunities*

*to enhance the capacity of local businesses to prepare for post-transition trading arrangements and, along with her Executive colleagues, to bring forward urgently details of legislation this Assembly will be required to pass before the end of the transition period, in order to give businesses certainty.*

**Mr Speaker:** Members, take your ease for a few moments while we change the personnel at the Table.

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

## **Public Inquiry into Muckamore Abbey Hospital**

**Mr Deputy Speaker (Mr Beggs):** Members, resume your seats, please. Order. Resume your seats or leave the Chamber.

The next item on the Order Paper is a motion on a public inquiry into Muckamore Abbey Hospital. I call Paula Bradshaw to formally move the motion.

**Ms Bradshaw:** Thank you, Mr Deputy Speaker, and thank you, Minister, for joining us in the Chamber today. I rise —

**Mr Deputy Speaker (Mr Beggs):** I am asking you to formally move the motion.

**Ms Bradshaw:** Sorry. I beg to move

*That this Assembly calls on the Minister of Health to establish a public inquiry, under the terms of the Inquiries Act 2005, into Muckamore Abbey Hospital in support of the families of residents who have campaigned for justice; and, in the interim, further calls on the Minister of Health to progress urgently the recommendations of the recent review of leadership and governance at Muckamore Abbey Hospital.*

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

Before we begin, I advise Members of the need to take care in their contributions today. I am sure that you are aware that there have been a number of arrests related to alleged offences at Muckamore Abbey Hospital. I do not want to

inhibit discussions on the motion, which clearly relates to a matter of public interest, but, in accordance with my responsibility under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contribution that might prejudice the outcomes of the criminal proceedings. That is a very serious responsibility. Members who deliberately flout the sub judice rule will be asked to resume their seat.

**Ms Bradshaw:** Again, thank you, Minister, for being here. I propose the motion not on my behalf or on behalf of the Alliance Party but on behalf of the parents and loved ones who have campaigned for many years for a public inquiry into Muckamore Abbey Hospital in their quest for truth and justice. I pay tribute to the families, whose dedication and determination have brought us this far. This is an extraordinarily difficult and sensitive issue, as the Deputy Speaker pointed out. We cannot applaud enough their efforts to get us this far.

In her review of safeguarding at Muckamore, Dr Margaret Flynn stated:

*"Our overarching observation is Muckamore Abbey hospital is a 'high-risk setting' — there are high risks for patients who are placed at MAH. We think of hospitals as healing environments, we think of hospitals as places where we stay for a limited period and then we are discharged — this is not the experience of patients at Muckamore Abbey hospital."*

The motion is about an inquiry into what turned Muckamore into a high-risk setting rather than a healing environment but it is more fundamental than that. In supporting the motion, I am asking MLAs to make a commitment to never again place vulnerable people in high-risk settings. Therefore, the motion is not about bricks and mortar or even one location. It is about how we care for vulnerable patients and how we ensure and commit to their loved ones that they are being cared for appropriately.

It is clear from what the families said in various reviews and reports over the years that Muckamore was felt to be a place of out of sight, out of mind. Some cases of the denial of information about the care of family members, particularly about serious incidents, were and are alarming. It could take days for families to be informed about those incidents, and it could, and still can, take years for complaints to be investigated properly. The Assembly must commit to never allowing that situation to develop again.

Let us look at the background. Professor Roy McClelland, chair of the Bamford Review, warned that what we have heard about Muckamore, particularly in the past three years or so, constitutes systemic failings requiring a full inquiry. He also warned that that may be just:

*"the tip of the iceberg".*

That re-emphasises the fact that an inquiry is not about just ensuring justice, although that is essential, but about enabling us to take urgent action to ensure that such a situation never occurs again. The most urgent action is that we now implement the conclusions of the review of leadership and governance, and the safeguarding report. The latter, of course, requires the closure of Muckamore Abbey Hospital. On top of that, however, we must ensure that we never again see any place of care within the health and social care system become so peripheral that the highest standards of leadership and governance are not implemented.

Muckamore was once seen as a model for good delivery, but that was many decades ago. Already, by the mid-1990s, focus in public policy and academic research was shifting towards community care from the outdated concept of institutions. From October 2002, we saw the publication of the Bamford Review of Mental Health and Learning Disability and the implementation of at least some aspects of the review. Those included the relocation of children's services and a more general emphasis on moving on from Muckamore as it was at that time.

It was in November 2012 when two staff members were charged with assault for abuse in the Ennis ward. The fact that the subsequent report was not acted upon is one reason why families will, with justification, accept nothing less now than a full and transparent public inquiry. Years after the Ennis report, CCTV was, finally, installed in two wards at Muckamore but no policy was put in place to finalise its use. Nevertheless, we then heard about the CCTV footage, and the subsequent introduction of the police looking at that. We know that that is ongoing, and I respect that process. No policy being in place was evidence of there being too great a distance between the operation of the hospital and the management of it. We have heard of many arrests and suspensions for alleged abuse over the years, so we will not go into that.

In December 2018, Dr Margaret Flynn's report outlined failings including a lack of safeguarding

protocols, the harming of patients and the use of an unmonitored seclusion room. She made public her view that the hospital had to close. The resettlement of those at Muckamore was promised but remains incomplete. The report was leaked rather than published. That lack of transparency is one reason why the Alliance Party and others made clear their view at that time that only a public inquiry would suffice. It was even later than that when the RQIA took action against the trust in regard to standards of care. It is unclear why it took so long.

**12.15 pm**

This is a deeply alarming litany of adverse incidents, poor governance and, most importantly, alleged harm caused to vulnerable people.

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

**Ms Bradshaw:** Go ahead.

**Mr Clarke:** I accept everything that the Member has said in her opening remarks. However, does she accept that politicians also had a responsibility? When Muckamore went to some lengths to rehabilitate people and get them into the community, the very adverse reaction left the trust on the back foot. Some people were kept in Muckamore longer than they should have been because politicians in some communities rejected them.

**Ms Bradshaw:** It is possible that that was before my time as a full-time politician, but I will note your remarks.

When simply put on the record like that, I am unsure why we have not, to date, had a public inquiry.

As I mentioned, a review of leadership and governance was carried out earlier this year, and it provides recommendations for immediate implementation. The culture of resolving matters on-site rather than enabling challenge at board level regarding the discharge of statutory functions; the lack of clear direction, in any sense, from board management through even to the plans for the future of the site; and the fundamental failure to implement governance arrangements are clearly defined problems that need to be rectified.

On top of this, we see that our regulation system simply does not work. The entire system of oversight, but not the actual regulation, of Muckamore by the RQIA is a nonsense. There needs to be specific

regulation of mental health and learning disability services similar to that carried out by the Care Quality Commission in England.

We should already have seen a review of staffing, both numbers and training, if we are to become increasingly reliant on day care for patients, and a comprehensive package of emotional support for the families of those who suffered at Muckamore should be in place.

The Minister has met the families in the past. Indeed, he did so at a recent Health Committee meeting. The families are very clear about what they want. They have demanded a full public inquiry under the Inquiries Act 2005. Indeed, when they made this clear around, I think, 2018, the Minister, in his previous role as leader of the Ulster Unionist Party, signed up in support. There is no harm in the Minister continuing in the role of engaging with the families. However, he must know what is required. Now, it is about getting on with what he signed up to. Endless delays mainly suggest that people are trying to hide something. What we need is absolute transparency. Specifically, a public inquiry is required to meet the families' justifiable demands and address their concerns, and to compel witnesses. We saw in the recent review of leadership and governance that not everybody who should have taken part in that did so. We need to get the answers. We need to get the information from the people who were there and were responsible.

Before I draw my remarks to a close, I want to acknowledge that many fine employees at Muckamore have provided, and still provide, health and well-being support to the patients with professionalism and integrity. A public inquiry would separate those who did wrong from those who did right by their patients. We owe it to them to provide a mechanism for marking out that distinction.

In conclusion, the motion is not just about a public inquiry. It is about meaningful change emerging from such an inquiry. It is about justice for families, past and future. It is about transparency about what went on historically, but it is also a call to action to improve, meaningfully and permanently, the future experience of people with mental health problems, learning disabilities and autism. Those in care, and their families, must always be assured, regardless of what form that care takes, that they are being looked after properly, with appropriate safeguards and leadership in place. I will support the Sinn Féin amendment, and I commend the motion to the House.

**Mr Deputy Speaker (Mr Beggs):** Colm Gildernew will move the amendment. He will have 10 minutes to propose it and five minutes to make a winding-up speech. All other Members who called to speak will have five minutes.

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

*Insert after "urgently":*

*"a bespoke plan to stabilise and support the current delivery of services, as well as implementing"*

I want to start by thanking the Members who tabled the motion. It is extremely important and probably one of the more important things that we have discussed. I would like to thank the Members — Paula and John — who tabled it. I would also like to thank the press and legal teams who have supported the families throughout, but I call into question why that has been necessary when families are struggling to get answers about the care that has been provided by a healthcare system. In the first instance, healthcare should provide that support on an ongoing basis.

One of the first meetings that I attended after I became an MLA was in Belfast City Hall. I met some of the family members: Glynn Brown and Catherine Fox. I was absolutely rocked at the impact of what had happened on those families. It was horrendous and I was totally taken aback. I was also deeply impressed by their stoicism, dignity and quiet determination to protect their loved ones and to get answers about what had happened.

Along with party colleagues, I then engaged in a series of meetings with different organisations and started to get a flavour of what the families were dealing with in trying to get information. Members should bear in mind that, throughout, there were times when families had to put in freedom of information requests to get basic information about what had happened. I met representatives of the Belfast Health and Social Care Trust and the PSNI on numerous occasions. I also met representatives of the PPS, the Human Rights Commission, sectoral groups, the Safeguarding Board, Mencap and Positive Futures. They were all of one mind: that the issues had to be addressed and that the people who were being cared for in Muckamore deserved better and deserved answers and improvements.

I also visited Muckamore and was struck by it. It is a challenging environment; there is no doubt about that. I felt all over again for the families. Having to put your son or daughter into any of those facilities when they are so vulnerable is bad enough, and, despite the efforts of staff, Muckamore is a difficult environment. I was in the seclusion rooms and those really show the starkness of that setting. I also observed what seemed to me to be a lack of facilities to train and prepare people for more independent living. I was struck by that and it is important that we recognise that.

My colleague Pat Sheehan has also met staff, and we recognise that the staff are working in a very challenging environment and have struggled to maintain high levels of care. There has been a huge reliance on agency staff and, while they also do a good job, that reliance stands in the way of developing the relationships that are so needed.

A public inquiry is needed and I think that all parties in the Chamber would agree with that. It is a stated Sinn Féin Ard Fheis policy, and I know that the Minister would also agree that a public inquiry is needed because of the extent and gravity of what has happened in Muckamore. What has compounded that difficulty is the fact that some of the worst abuse was piled on some of our most vulnerable people, some of whom cannot even speak for themselves. That places a duty on every one of us — on the healthcare system, on us and everybody else — to speak on their behalf. Families have been carrying the burden for too long to try to speak out and deal with it.

There have been issues with governance and accountability in the health and social care world. It is not acceptable to place blame at a ward or hospital management level only; we need to look at the structures right up through the piece. There have already been multiple reports on Muckamore. We had the serious adverse incident investigation by Margaret Flynn, who I met in Muckamore, the leadership review and a series of other reports, such as Bamford, that called for a change in services. The recognition of how it needs to be developed is there.

We need, absolutely, to find out why there were failings in providing learning disability workers of our own, whom we could develop as valuable staff and with whom the people in Muckamore could develop meaningful staff relationships.

A significant number of staff have been suspended. There are arrests ongoing and that is appropriate. When I spoke to the other

agencies, they all said that it is possible to conduct a public inquiry and to allow any police or criminal investigations to continue.

The complexity of this has highlighted similar issues across the system. We have seen this in neurology, SAI processes and in joint protocols. There is a difficulty here in responding quickly and effectively to situations, and communicating properly and openly with families in a timely way, so that they are not having to constantly dig out information. They sometimes hear of it in the press — that has happened in Muckamore and that is totally unacceptable. That piece should be able to be dealt with.

The findings in 'A Review of Leadership and Governance at Muckamore Abbey Hospital' that the Belfast Trust had appropriate governance structures in place, I find absurd. Governance should be about ironing out human frailty. We all recognise that serious abuse has taken place in Muckamore and that serious mistakes have been made. Therefore, to me, the governance failed. We need to establish what happened and what caused that failure.

As mentioned earlier, the fact that the learning review has not spoken to some of the key people involved is an absolutely major issue that needs to be addressed by way of a public inquiry.

Families have carried this burden and they have fought a lone battle in speaking for their children. I call on and appeal to the Minister: families have waited long enough, please give them the public inquiry that they deserve and the inquiry that the system needs in order to improve learning for the future.

**Mrs Cameron:** I rise to support the motion and the amendment and to thank the Members for bringing this very important subject to the House.

I am sure, like all Members, my thoughts are, first and foremost, with the families for whom the words "Muckamore Abbey Hospital" bring hurt, pain, and a sense of betrayal and trust. We speak as those who have been informed of only some of what has happened in that place but without that personal connection. My deep sense of anger can count as nothing when I think of the emotions that the families must feel today and every day.

Muckamore represents a failure of the system, personal accountability and leadership, and the duty of care that society has for those who have suffered. I am still absolutely astounded by the sheer scale of what we are dealing with in this

hospital. This is the largest adult safeguarding case in the entire United Kingdom.

I am still horrified by the events that happened. The PSNI have identified some 1,500 separate criminal cases for investigation with a timeline of around five years for that process to conclude. Institutional abuse was investigated in 2012, but steps were not taken, which allegedly resulted in further harm to other vulnerable patients. The cases of physical and mental abuse were not isolated. It was not the actions of a lone worker, it was systemic in scale. Here we had the supposed sanctuary for adults with learning difficulties, but where they suffered personal torment by being physically abused and assaulted by nursing staff.

It is a scandal and, as such, I see no other appropriate mechanism by which to investigate it other than by a public enquiry. However, I do welcome the commitment given by the Health Minister last month that he intends to create an inquiry, but it is the shape of such an inquiry and the powers that are available to it that will be fundamental to its credibility and the weight of its investigation.

That is why we are backing today's motion. A public inquiry is essential and nothing less will do. I urge the Minister to press ahead on that basis.

Witnesses and evidence must be compelling with no place to hide in the quest for truth, for justice and to learn from this horrendous case. I recognise the caution on allowing the police investigations to conclude, but five years is too long for families to wait.

I believe that the families should be at the centre of any discussion on the form that an inquiry takes. This is about getting the truth, first and foremost, for those affected. It is also about ensuring that no other family faces anything like what happened in any other place within our health system.

### 12.30 pm

We have learned much from the review and subsequent report that was commissioned by the Department and published last month. The record of the Belfast Trust and its handling of Muckamore is nothing short of shameful. We have seen nurses having their suspensions overturned without the Belfast Trust having provided evidence and CCTV to the Nursing and Midwifery Council, senior managers have refused to cooperate with the internal governance review and trust officials have admitted delays in the reporting of incidents from staff management and onward referrals. It

is unacceptable for senior management in the Belfast Trust to say that they were unaware of the issues at Muckamore.

Why should a family have to rely on freedom of information requests to establish whether risk assessments have been carried out on their loved one's care. Why is candour so hard to find? Why has the trust adopted a closed, defensive, dishonourable stance with families? Such behaviour, coupled with the scale and seriousness of the alleged abuse and failings in governance, makes the case for a full public inquiry irrefutable.

We all want the truth and those responsible to be held to account and brought to justice. We support the motion and the amendment.

**Mr McGrath:** I support the motion and the amendment. Should the motion and amendment pass, for the SDLP, nothing less than a full and independent public inquiry into the systemic failures of leadership and governance at Muckamore Abbey Hospital will be sufficient.

The findings of the review into the governance and leadership at Muckamore Abbey make for some of the most disturbing and heart-wrenching reading that I have encountered in as long as I can remember. This has been a moment of abject shame and disgrace for us. The review revealed institutional abuse of the most indefensible nature, with basic human dignity discarded for some of the most vulnerable members of our society. It revealed a systemic failure by the Belfast Trust and the Health and Social Care Board. Furthermore, it raised major concerns about how previous Health Ministers did not have Muckamore on their agenda and did not challenge the happenings in the hospital.

It is clear from reading the report that, for too long, Muckamore was regarded as being something that just was not talked about and operated just under the radar. It is also clear that the directors and managers were able to operate with autonomy in a culture where matters were settled on-site. They had loyalty to each other and not the trust, never mind the patients whom they were caring for.

This is a monumental scandal, as has been referenced, and all the more galling is the fact that the investigations were launched almost eight years ago but were not escalated to the executive team or the trust board. That we may never know the full scale of the abuse that took place at Muckamore — new CCTV recording equipment was installed in 2013 and older

recordings were overwritten — will only cause further outrage and justified righteous anger.

We need to get to the root of this disgrace, hence why the Health Minister must begin proceedings to open an fully independent public inquiry into the leadership and governance at Muckamore Abbey Hospital. There were retired members of staff who did not respond to the review team. That is not good enough; witnesses must be compelled to bring forward their evidence. All Health Ministers since 2012, some of whom are still MLAs, must give an account of how marginal Muckamore was on their agenda.

Our health service failed the residents of the hospital for too long; it is time to bring the truth to light. While that may be uncomfortable for many, it is critical that we get to the truth and get the full facts and all the information so that we can determine how to ensure that such events do not happen ever again.

I, and my colleagues in the SDLP, will not rest until their story is told, until their truth is spoken and acknowledged and until they receive the satisfaction that they deserve. I support the motion and the amendment and sincerely hope that all right-thinking and compassionate Members will also do so.

**Mr Chambers:** No words of condemnation are strong enough for what is alleged to have happened in Muckamore Abbey Hospital. Patients, many of whom were the most vulnerable in Northern Ireland, were failed. They were allegedly abused. Patients were allegedly verbally and physically assaulted. They were treated as if somehow they were not equal citizens, and somehow it was all inflicted on them by fellow human beings, people who were charged with both the privilege and the responsibility of caring for them. It was disgusting. Regrettably, it could unfairly compromise the reputation of all those professionals who provide dedicated and loving daily care for the most vulnerable in our community.

Muckamore Abbey Hospital should have been a place of safety; it should have been a therapeutic place to which patients could have gone for loving support and care. While I suspect that, over the years, some patients received exemplary treatment, unfortunately, the shocking scale of abuse subsequently revealed has understandably overshadowed all that.

As the Deputy Speaker has cautioned, we should remain especially careful as a live police

investigation is under way. It is important that we let it take its course. However, there are many other unanswered questions about Muckamore. How did it happen? How could staff who were trained to look after vulnerable patients cruelly inflict such harm and distress on the very same people? How was it allowed to go on for so long? How did the Belfast Health and Social Care Trust seemingly not know what was going on? Those are four basic questions to which the Muckamore patients and families deserve answers. Just as importantly, we all need assurances that such depravity will never be allowed to happen again.

While the abuse came to light in September 2017 with the game-changing discovery of CCTV recordings, there were earlier warning signs. The Ennis ward safeguarding investigation, a full five years earlier, should have been enough to raise concerns. However, time after time, opportunities were missed, and the abuse was allowed to go on. While the responsibility for any abuse should always rest, foremost, with the individuals inflicting it, there was clearly a systemic failure in the leadership, management and governance of the facility.

I noted the publication of the report into that issue last month. While the findings do not make for a pleasant read, I was glad that the Minister, once again, affirmed his intention to hold an inquiry. I also welcome the sensible approach that he has adopted since coming into office. He has avoided any knee-jerk decisions or statements on an issue that warrants the utmost attention and consideration. He said that he would visit Muckamore; he did. He said that he would engage with the families; he did. It is the families and patients who should remain to the forefront of our minds. This should not be a party issue. All political parties should be equally disgusted at what happened at Muckamore, and all parties, I suspect, have an equally strong appetite to get answers as to how and why it happened in the first place. Those answers will not be easy, and there may be more difficult revelations ahead, but, if we are to ensure that it never happens again, we need total truth and transparency about what took place on the wards of this hospital.

I recall an elderly and frail widow, whom I knew well, who devoted her life to lovingly caring for her severely disabled adult son. He depended on her for every aspect of his day-to-day care. Just before her death, she had to commit her son into the care of Muckamore Abbey Hospital. She died, reassured that her son would receive the same care and attention that she had lavished on him. That poor lady would

spin in her grave if she knew the potential for her son to have become a victim and a punchball for some sadistic person who was supposed to supply care. That poor man could not have resisted or articulated the treatment that he may have been receiving.

I wish the harrowing police inquiries well. My party fully supports a timely public inquiry into this dreadful scandal. We owe it to the patients and their families, and to those family carers, such as the widow whom I mentioned, who are no longer with us, to provide answers, to hold those guilty of any criminal offences to account and to ensure that such a shameful episode never happens again.

**Mr Clarke:** I thank the Members who tabled the motion and the amendment. We will support both, as my party colleague said earlier. The proposer of the motion used words that struck me: out of sight, out of mind. For many of us, that is what this issue seems to be.

We all support the families, and indeed the staff, many of whom are innocent and doing an excellent job. Sometimes, that is lost, because there is this blanket approach to the staff. Many excellent staff will continue to work there, and I know that we will all agree with that. I also feel for the police, who are called to Muckamore Abbey Hospital more often, because the staff are cautious about what actions they can take with those vulnerable patients. The local police are there more frequently than they would like to be, because they are used, in a sense, to protect the staff and prevent them from getting into any further danger, given some of the historic nature of what has been said.

There are historic cases and, at the Policing Board, I have the opportunity to raise them with the police. I have heard that there are hours of tape. I am confident that the police will get to the bottom of that investigation, and I am not going to touch that, as the Speaker advised. Only yesterday, we heard about another arrest. Of course, that does not necessarily mean that someone is guilty, but it is a part of the investigation.

I listened to the Member who spoke previously, who talked about the woman who placed her son in care and now, he said, she would be spinning in her grave. I will talk about another family. The grandmother, mother and father are still alive and well, and they visit their son on a weekly basis. The amendment touches it better for me, as it includes the words "the current delivery of services". We can focus on the past, and the things that we know, but let us focus on the future and on today.

The family went down to Muckamore Abbey Hospital every week to visit the young fellow, who is in his 20s. Picture that young fellow. He is over 6 foot tall, and he has the best of clothes. The family brought him clothes on a regular basis. However, they came down one Friday afternoon to see him in clothes that were unfit for him to wear, because they were too small. That was not years ago, but only months ago. This is today, and this is what is happening. They would come down and see their son in clothes that were unfit for him. The young fellow goes through periods when he is not lucid, so the family came to me for support, and approached other elected representatives as well.

For me, this goes to contact with the trust and its responsibility and how difficult it made it for elected representatives to support families. First off, you need a consent form. The mother signed the consent form and thought that it was adequate. However, the trust said no: it had to be the patient who signed. The patient signed the form, and the trust said, no: the patient would not have known what he was signing. The trust did everything that it could to obstruct and prevent anyone from supporting that family. Eventually, thankfully, the trust granted a meeting, and we went through various aspects of the care of that young fellow. The trust changed his care, and the young fellow became more lucid and was more able to cooperate with the family.

If we roll on to a few months ago, backward steps had been taken. The family contacted the hospital, but the staff said that he was sleeping, although it was the middle of the day. They arrived down to see him but they were unable to because he was sleeping. They asked to go to his room so that they could see him, but the hospital would not let them do that. The family were unable to go to the room to see their son. This young fellow is in his 20s. There is a mental health issue, and that is why he is there, but prior to his problem, he was fairly lucid with his parents. Indeed, I have met him in Muckamore, and I could hold a conversation with that young fellow.

Suspicion grows within families when they are unable to meet a family member. They asked when would be the best time to visit their son. They asked to see him during the day, but he was in bed. Should they go at night? Should they telephone? On every occasion, they were unable to see him. Only a few weeks ago, the father arrived on another visit, to see his son being physically restrained and handled in a manner that was disturbing to him and questionable. The father raised a complaint on

that occasion, and a member of staff was removed. Roll on another few weeks, and that member of staff was back on the ward, but the family and the father had not been updated.

I support the motion and the amendment. In particular, I support "the current delivery of services". I appreciate that the Minister has said all the right things in the past.

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

**Mr Clarke:** I appreciate what the Minister has said, and I am confident that he will take whatever action is necessary to bring this to a close.

**12.45 pm**

**Mr McHugh:** I am privileged today to speak in support of the motion in every respect. Like other Members, I am totally outraged by what has happened in Muckamore. That outrage is a result not just of all the incidents that have happened in Muckamore but particularly of the experiences of families. When what was happening in Muckamore was revealed and they attempted to raise questions and issues about that, they experienced inherent resistance, not only in the Belfast Trust but in the wider health and social care system, to being open and transparent and answering some of the basic questions of families about the quality of care. The previous speaker also referred to the same issue.

It is also worth noting that Muckamore Abbey Hospital is a regional facility and is part of a regional pathway of care for the assessment, treatment and support of those with learning difficulties. Yet, such abuses occurred. Some of my colleagues have spent considerable time engaging with the relevant bodies and agencies to try to get to the centre of this, and, indeed, my colleague Colm Gildernew has named a few of the organisations. That highlights the need for an inquiry. It is necessary and important and will help to identify not only the individual failings but the wider systemic failings and the culture that existed in that provision.

The motion refers to the leadership and governance review. An article today in 'The Irish News' quoted a comment made as a result of an independent review that found that Muckamore was "a place apart" managed by

*"a 'dysfunctional' team who missed opportunities to prevent abuse identified years earlier."*

That in itself is a very damning statement in every respect. As a result of that, I come back to a point made by my fellow party member Pat Sheehan in a question to the Health Minister. The Minister stated:

*"I have sought detailed advice in relation to an inquiry; further advice is still being received. I also need to ensure that any process that is put in place does not interfere with the current PSNI criminal investigation."*

Will the Minister provide some clarity on what further details he is seeking, so that, as has already been stated in the Chamber, that type of public inquiry, which is so necessary — we can all identify with that — does not interfere with a police investigation running concurrently. Who has the Minister asked for those details, and when does he expect some answers?

Finally, I make the point that it is so important, in the event of the inquiry happening, that all the people — the families, the residents and the staff, because we all know that there are many good members of staff at Muckamore — are given their opportunity to be open, transparent and honest about what has happened in that provision.

**Mr Easton:** I support the motion and the amendment and thank the Members for tabling them.

The PSNI and the health authorities are still investigating allegations that vulnerable patients were physically and mentally abused by staff at Muckamore Abbey Hospital. The hospital, on the outskirts of Antrim, is run by the Belfast Trust and provides facilities for adults with severe learning disabilities and mental health needs. As allegations of abuse began to emerge, a number of people were arrested, and staff have been suspended from their jobs. The PSNI said that it was working with the trust on an investigation of the allegations, and Detective Chief Inspector Duffy said that police were examining a series of traumatic events seen in more than 300,000 hours of CCTV footage. It is clear from some of the evidence that vulnerable patients were assaulted by staff at Muckamore Abbey Hospital between 2014 and 2017. CCTV footage revealed 1,500 crimes on one ward alone, which is extremely serious. CCTV footage from the psychiatric intensive care unit showed a patient being punched in the stomach by a nurse. That is truly shocking. Footage taken over a three-month period also showed patients being pulled, hit, punched, flicked and verbally abused by nursing staff. The Belfast Trust confirmed that, at

Muckamore, between 2014 and 2017 there were more than 50 reported assaults on patients by staff. The chair of Northern Ireland's biggest review of mental health services, Professor Roy McClelland, said that the allegations emerging from Muckamore:

*"could be the tip of the iceberg".*

Professor Roy McClelland, who led the 2007 Bamford review, also said:

*"this is not just ... bad apples in a barrel".*

The then chief executive of the Belfast Trust, Martin Dillon, said:

*"Some of the care failings in Muckamore are a source of shame, but my primary focus is on putting things right."*

The Northern Ireland health regulator took action against the Belfast Trust over standards of care at Muckamore. Three enforcement notices were issued by the Regulation and Quality Improvement Authority over staffing and nurse provision, adult safeguarding and patient finances. The then Northern Ireland Secretary of State, Julian Smith, apologised for the pain caused to families by the situation at Muckamore Abbey Hospital. Mr Smith then agreed to look into the matter further and to take advice about ordering a public inquiry.

Dr Flynn, the co-author of a damning review of Muckamore, said on 23 January this year that the hospital "needs to close". In her damning 2018 report she identified a series of catastrophic failings and found that patients' lives had been compromised. Dr Flynn said that Muckamore residents had been manhandled and slapped on some occasions and that she was disappointed that the facility was still open.

It was revealed that Belfast Trust had spent £4 million on agency staff in order to cover vacancies at Muckamore because so many members of staff have been suspended during the abuse probe. The Belfast Trust has confirmed that 40 employees have been placed on precautionary suspension while investigations continue. In addition, so far, five people have been arrested and questioned about the ill treatment of patients. That is how serious this is.

Northern Ireland's health regulator announced the results of a three-day unannounced inspection of Muckamore, including an overnight visit. The RQIA inspection found that there had been significant improvements, but it

still has concerns about financial governance and safeguarding arrangements. Muckamore patients' families met the Health Minister, Robin Swann, following the restoration of the Northern Ireland Assembly. Also at that meeting was Glynn Brown, a representative of the campaign group Action for Muckamore, who said that he was disappointed that Mr Swann could not give them assurances that a full public inquiry would take place. Minister, in light of the seriousness and the extent of what has been going on at Muckamore, on this occasion, that is not acceptable, and I know that you have talked in the past about supporting a public inquiry. It is my view that there should be no more reviews and no more inquiries. There has to be a full independent public inquiry. Nothing else will do or suffice.

There must be a public inquiry. Nothing more or nothing less will do. I support the motion and the amendment.

**Mr Durkan:** It is now three years since the wide-scale abuse that took place at Muckamore Abbey Hospital came to light. The intervening years have not diminished the horror of the events that have been recounted here today; in fact, they have only made the need for accountability and justice more acute. The very people entrusted with the care of vulnerable residents dehumanised them and abused the trust that residents and their families put in them. Any individual who subjects a vulnerable adult or any vulnerable individual who relies on them to attacks and mental abuse is despicable, but they were enabled to do so by the Belfast Trust's oversight failures. The depth of violation and distress that those people have suffered is unimaginable.

I have said in the past that this should prompt a wider review of the safeguarding system across our health and social care sector, so I am extremely alarmed by a more recent report of a safeguarding incident just in July of this year in Muckamore. We should be under no illusion that this is purely an historical issue, a point also made by Mr Clarke.

Apologies for the failures that allowed the institutional abuse and cruelty to take hold have certainly been forthcoming. I very much welcome the Minister's apology in August, when the departmental review was published, and I note his intention to set up an inquiry. I do not doubt his commitment on this. I commend him for doing his best to get to grips with this in the midst of the pandemic dominating his and officials' time and efforts, but I urge him to take the next step and establish a public inquiry under the 2005 Act, as the families have

consistently called for. The SDLP has always taken our lead from the families, and I take the opportunity to pay tribute to them for their dedicated and dignified work, striving to secure truth and accountability and trying to ensure that no other family is subject to what they and their loved ones have been subjected to. Their calls for a public inquiry have our full support.

The terrible abuse at Muckamore has led to the biggest criminal safeguarding investigation that we have seen in Northern Ireland. That this would not be complemented by a public inquiry is, to my mind, bizarre. The departmental review makes for devastating reading:

*"a place apart which operated outside the sightlines and under the radar of the Trust."*

That is recognition, I am sure, that the families will welcome, but the report also reveals that the since-retired staff member who could shed some light on the CCTV issues did not respond to the review team's request to meet. Only a public inquiry could compel witnesses to attend to gather all of the evidence needed for thorough investigation and recommendations. The scandal has not only uncovered the shameful systemic abuse of some of our most vulnerable citizens but rocked and shattered confidence in our whole care system. What is more, only a public inquiry can provide the independence and authority that are a prerequisite for the residents and their families to trust in its proceedings and findings.

The Minister rightly said last month that the families deserved answers. Today, they are still waiting for those answers. A public inquiry is now the only credible means left to secure the accountability and scrutiny that the scandal demands. I urge the Minister to commit to that full public inquiry and, if he cannot, to explain why he would resist it. I support the motion and the amendment.

**Mr Deputy Speaker (Mr Beggs):** Members, the Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time, and this debate will resume after Question Time, when the next Member to speak will be Stewart Dickson.

*The debate stood suspended.*

*The sitting was suspended at 12.58 pm.*

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

2.00 pm

## Oral Answers to Questions

### Agriculture, Environment and Rural Affairs

**Mr Principal Deputy Speaker:** Before I call the first Member, I advise Members that question 13 has been withdrawn.

#### Climate Change Bill

1. **Ms Ennis** asked the Minister of Agriculture, Environment and Rural Affairs whether he will commit to introducing a climate change Bill to address the climate crisis, as agreed by the Assembly on 21 July 2020. (AQO 578/17-22)

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** It is imperative that we build the evidence base and ensure government policymaking has climate and the environment at its core and that future policies and strategies can demonstrably deliver the outcomes that people expect. We need to fully understand the unique characteristics of the make-up of Northern Ireland emissions and determine what is our equitable contribution to net zero. That is why I have written to the independent expert UK Committee on Climate Change (CCC) for advice on what would be our equitable contribution to the UK's net zero emissions target, to ensure that our emissions reduction targets are credible and evidence-based. Unfortunately, the CCC is not in a position to respond to my request until after it has provided advice on the UK's sixth carbon budget, which will be published in December 2020. In the interim, my officials have commenced work on scoping the options for the introduction of a Northern Ireland climate change Bill. I will consider those options along with the advice provided from the CCC and will present my findings to the Northern Ireland Executive to agree a way forward.

**Ms Ennis:** I note the Minister's response, and I thank him for the actions that he has outlined thus far. Minister, given that you have acknowledged that there is a climate crisis and a need to follow the latest scientific advice on climate change and given that we are the only place on these islands without a climate change Act, how can you justify your heel-dragging on

the issue and your reluctance to bring forward a climate change Act?

**Mr Poots:** I can assure you that there is no heel-dragging taking place in my Department. We are working on actions, as opposed to Acts. Actions actually deliver things; Acts put a form of words in place. Action speaks louder than words, always.

**Ms S Bradley:** Minister, with all respect, you have not really given an answer to the question. I do not think that you have to wait for a CCC report dated December 2020 to gather evidence that a climate change Bill is required today.

**Mr Poots:** In producing a Bill, one will want to have the best and most credible evidence available. We are doing courses of work in conjunction with gathering that evidence. A Bill will not be what delivers real and significant change; it will be the actions that flow from it or, indeed, the actions that we can take prior to developing a Bill. What is important is our actions, as opposed to legislation. I assure you that my Department is working extensively on what actions it can take to reduce Northern Ireland's carbon footprint and make a significant contribution to ensuring that Northern Ireland's effort in reaching net zero is significant.

**Mr Blair:** I acknowledge the answers given by the Minister and the work done by the Department and, indeed, others to achieve net zero. To frame this specifically in relation to the original question, can I ask whether there is an exact date or even a general timeline in the Department or the Minister's office for when a climate change Act might become a reality?

**Mr Poots:** No, there is not an exact date, because we are working towards gathering the appropriate information. We have been in correspondence with the Committee on Climate Change, because it has the most expertise and the best qualitative information to work from. We will continue to work closely with it to identify what the issues are, what contribution will be expected from us and how best we can achieve that most expeditiously at the best value for money.

2. **Ms Anderson** asked the Minister of Agriculture, Environment and Rural Affairs to outline the support he will provide to meet import and export costs not covered under the Trader Support Service, such as sanitary and phytosanitary checks and export health certificates. (AQO 579/17-22)

**Mr Poots:** I have already sought assurance from the UK Government that they will meet any associated costs placed on Northern Ireland business as a result of the implementation of the protocol, including as a result of sanitary and phytosanitary checks. I will continue to press them on the matter.

**Ms Anderson:** Minister, thank you for that answer, brief though it was. As you will know, farmers and rural businesses face the loss of millions of European funding post Brexit. Are you telling me that there is not an estimated cost for the number of businesses that will be made unviable as a consequence of the implementation of this disastrous Brexit? Have businesses been made aware of what they face, particularly with checks?

**Mr Poots:** The Member assumes that the funding that came from Europe will not be replaced, and that is not something that we have accepted. Her party might have accepted that, but I will fight to make sure that we have that funding available and that we distribute it. Given that the UK was a net contributor to the European Union and that we were getting back only about 50% of what we were paying into it, it is entirely reasonable that my ministerial colleagues and I make the case that that funding should be fully replaced. That is the case that we will make.

**Mr Allister:** No later than last night, the Minister's political party affirmed opposition to Northern Ireland's economic place in the UK being compromised by the protocol and proclaimed opposition to any new customs infrastructure in Northern Ireland as an immovable foundational pillar. Why, then, is the Minister continuing to be ready to provide infrastructure at our ports in Northern Ireland to create an Irish Sea border?

**Mr Poots:** The Member will find that the Minister has always opposed infrastructure at the Irish Sea ports, as have his colleagues at Westminster, who have voted consistently against any such proposals. We have resisted such proposals in Northern Ireland. The protocol is an imposition that has been put upon us. It was not put through the Assembly. We sought to have that be the case, but it was refused.

We will have to wait and see what the Government do next, because legislation is going through this week. At this point, we do not even know what will be required at ports, because nothing has been agreed between the

European Union and the UK on those matters. That is the flux that we find ourselves in.

**Dr Aiken:** Does the Minister have any details of the goods and products that can avail of the free Trader Support Service? Can he publish a regular updated list and information?

**Mr Poots:** Again, all those things are being continually negotiated; I think that we are in the eighth set of negotiations. Therefore, we do not have the clarity that, I suspect, the Member would like and that all of us would like. Consequently, we will continue to lobby. We will continue to make the case that Northern Ireland have unfettered access from NI to GB and from GB to NI. After all, 53% of our goods go from Northern Ireland to Great Britain, and 65% of goods imported into Northern Ireland come from Great Britain. It is entirely illogical to create barriers or create tariffs or fetters between those internal markets. Let us see what comes out of the internal market Bill. It is fundamental that Northern Ireland's place is appropriately recognised in the United Kingdom and that we are not treated differently from other places.

### Climate Change: DAERA Initiatives

3. **Mr Catney** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of what initiatives similar to the UK Government's nature for climate fund should be implemented to address climate change and the promotion of natural habitats. (AQO 580/17-22)

**Mr Poots:** My Department is committed to the continued protection and improvement of the environment as we move into this new decade. I agree that initiatives are required to address climate change and the promotion of natural habitats. I have already initiated a number of measures to address these matters. In March, I announced the Forests for our Future programme, which will involve the planting of 18 million trees over the next 10 years. I also recently outlined in the Assembly my concept to transform and grow the Northern Ireland economy whilst protecting our natural assets and reducing our carbon emissions through use of a green growth approach. I have committed resources in my Department to progress this approach. A delivery framework will be developed that will consist of a range of programmes that together will contribute to the key environmental and climate change targets and commitments in the Programme for Government and 'New Decade, New Approach' by transforming to a greener, low-carbon economy. Some, like Forests for our Future, are

already in motion. We will also seek to continue to deliver measures to conserve and restore our natural habitats such as those delivered through the Department's environment fund. I look forward to obtaining support from Executive colleagues to enable further implementation of these measures.

**Mr Catney:** We can also use sustainable farming practices to promote the restoration of natural habitats. I know that companies such as Jordans have good initiatives. What is the Minister doing to promote sustainable farming practices to help restore our natural habitats?

**Mr Poots:** We are working closely with the farming community to identify how we can deliver carbon-neutral farming. Carbon-neutral farming is entirely achievable because a lot of farming practice in Northern Ireland is already very environmentally friendly. In Northern Ireland, there is a considerable amount of carbon sequestration, which does not take place in many parts of the continent. Where there are feedlots et cetera or ground is ploughed continuously and machinery is cutting and drawing that material in, that is not as environmentally friendly a way of farming as would be the case in Northern Ireland, where we have animals outdoors in our green fields.

We need to identify what we are doing in carbon sequestration. We need to identify what we can do to reduce the amount of nutrients that go into our soil and the amount of ammonia and greenhouse gases that go into our atmosphere. There is a lot that we can do. There is low-hanging fruit that we want to identify quickly. There are things that will be a little trickier, but, nonetheless, we can work together and overcome those issues.

**Mr Givan:** I commend the Minister on the work that he is doing to drive forward this agenda and, in particular, the forestation plans that he has announced. In the schemes and initiatives that his Department is considering, will the Minister undertake to look at what potential there is to capitalise on the many outdoor opportunities that exist with organisations that need capital support to bring those into realisation in light of the past number of months, when increasing numbers of people have enjoyed the outdoors? Capital schemes need to be put in place so that these can be developed and organisations supported.

**Mr Poots:** As someone who had the privilege of being brought up in the countryside, I am delighted to see people who live in cities and towns have the opportunity to come out and

enjoy the countryside. As a body, through our Forest Service, we have been working with councils to develop and enhance a lot of our forest parks. I know that there are a lot of urban-based organisations that bring young people who live in urban areas into rural and forest settings. The young people get a better appreciation of our countryside. They get a better appreciation of habitats and of the good that they do. It is important that we look at that to see how we can encourage and support organisations that bring young people into rural settings.

**2.15 pm**

**Mrs Barton:** Minister, thank you very much for answers so far. Do you accept that agricultural development has been restricted significantly in recent years, particularly in County Fermanagh, due to policy implementation of Shared Environmental Services (SES) and the Northern Ireland Environment Agency? Have these directives been based on Northern Ireland, UK or EU legislation?

**Mr Poots:** I do accept that that is the case, Mrs Barton. It is EU policy; let us put it out there. EU policy has restricted a lot of farm development over the last number of years. It has restricted growth in the economy. It has restricted job growth. Let us be very frank about it. However, these are laws that we will continue to live with for some time and, consequently, it is important that we seek to mitigate where we can. That is why I am looking at how we can reduce a lot of the emissions that come from farms and manage a lot of the nutrients in a better way so that we can develop a win-win situation where we do not restrict the growth that needs to happen in agriculture — otherwise it will die — whilst not doing environmental damage. That is achievable. It will require investment and it will require commitment; you will get both those things from me. I will take those issues to the Executive at an appropriate point to drive forward.

**Ms Bailey:** The Minister will be aware from his own departmental figures that, in most areas of special conservation in Northern Ireland, we have unacceptable breaches of ammonia levels; in some of those areas, it is up to 300%. Will the Minister give us some detail of what he will do to address this critical issue?

**Mr Poots:** In the past, we have had SES, for example, recommending refusal to applications where people wanted to demolish older buildings to replace them with newer buildings. That would have reduced the ammonia but they

were still recommending refusals, which is entirely unacceptable and illogical. A lot of the newer developments, particularly for pigs and poultry, can be done in a way that will reduce the ammonia levels that are produced. We need to be rational as to how we do this. In doing so, we can ensure that we protect the environment — it is critically important that we do that — but, at the same time, allow people who want to invest and grow their farm to do so and, consequently, create jobs and produce precious food to be put on people's tables right across this country and beyond. We can allow both to happen simultaneously; that should be the goal of all of us in the House, not just me.

### **Cranswick Country Foods: Closure**

4. **Mr Irwin** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the closure of the Cranswick pork processing plant. (AQO 581/17-22)

**Mr Poots:** A number of people at Cranswick Country Foods, Ballymena have recently tested positive for coronavirus. During the week of 17 August, a decision was made by the Public Health Agency (PHA) to declare all workers on-site to be close contacts. This required all workers to undergo coronavirus testing and then self-isolate at home for 10 or 14 days, depending on test results. The ultimate decision on the actions required to manage this COVID-19 incident in Cranswick and the wider Ballymena community lies within the remit of the Chief Medical Officer and Minister for Health. DAERA has facilitated, and will continue to facilitate, communication between all parties involved and provide expert advice on our areas of competence as required.

The last day of processing was Thursday 20 August, and the site as a whole closed on Saturday 22 August. On Friday 28 August, a site visit was carried out by PHA, Health and Safety Executive and DAERA officials, and all bodies were content with the measures in place to protect the health and safety of staff. The factory reopened on Friday 4 September and the food business operator is planning measures to deal with the backlog of pigs which has built up on farms.

**Mr Irwin:** I thank the Minister for his response and also for his endeavours in relation to this issue. He mentioned the backlog of pigs. I am fully aware of this and have had constituents contact me in relation to it. Has the Minister had any discussions with processors about trying to clear the backlog?

**Mr Poots:** We were speaking daily with Cranswick through the Public Health Agency for at least a week about managing the closure and, indeed, the reopening. I welcome the fact that Cranswick has committed to clearing the backlog, and it is working closely with the farming community. We will offer all the support that we can to ensure that Cranswick can carry out its processing. We will also seek to assist it in getting the approval to go back into the Chinese market, which is critical to ensuring that the price rises to where it was at before this happened.

**Ms Ennis:** On the issue of processing plants, the Minister, I am sure, will be aware of the huge fire that happened in Kilkeel in my constituency last evening, in which up to 2,000 pigs unfortunately were destroyed. Can he confirm whether his Department has been in contact with the farmer in question to see what supports it can offer?

**Mr Principal Deputy Speaker:** I think that we veered from the question there a bit, but all politics is local, so if the Minister wants to answer it, I am sure that the 'Mid-Ulster Mail' will be interested in his response.

**Mr Poots:** Absolutely. I have asked Veterinary Service to get in contact with the owner. It is an absolutely awful thing to have happened. I hope that it will be able to ensure that it can give qualitative advice and support to the individual on animal welfare and all of that.

**Ms Bradshaw:** Minister, for the safety and well-being of employees of meat processing plants, can you confirm whether you are going to move towards more regular testing at this plant and others, given the prevalence of the spread of the virus in such facilities?

**Mr Poots:** I think that we need to be very careful. First, I will say that Cranswick as a company has behaved very responsibly throughout the COVID period. It has put in place mechanisms and measures to avoid the spread of COVID, and it is fairly evident that a lot of the COVID that appeared in the plant came inwards, as opposed to its going outwards. A lot of it came from the community into the plant, just as it came into Antrim and Newtownabbey police stations and just as it came into Craigavon Hospital.

People therefore need to take responsibility for themselves outside of their place of work. When they are in their place of work, personal protective equipment (PPE) and the Perspex separation are there. A lot of work has been

done to ensure that separation takes place in the canteens, as people enter work and as people leave work. There has therefore been a massive amount of work done by food companies. Given that the agri-food industry supports around 10% of our employees, it is incredibly important that we support our processing plants, because they are providing jobs. Many of the people who work in them come from outside of Northern Ireland, and we need to support those people as well. There are major challenges there, however. I commend the work of Cranswick, and I trust that, very soon, it will return to the Chinese market and that the plant will get back to full normality as early as possible.

**Mr McGlone:** In the interests of protecting customers and staff alike, I ask the Minister to expand on the level of collaboration that exists between his Department and the likes of the HSE and the Public Health Agency around such matters.

**Mr Poots:** Our veterinary division in particular provided massive support to the Public Health Agency. In giving advice on PPE, Perspex and all the separation that should take place, it played a leading role in all the meat plants across Northern Ireland. Its staff supported the meat plants with expertise beyond their veterinary expertise. If you were to speak to any of the meat companies, I think that they would indicate to you that the support that they have got from DAERA's veterinary division has been massive, and I commend the division for that.

**Mr Chambers:** Is the Minister in a position to detail the number of pigs that would have been processed through this plant during the time that it was closed? Is there evidence of how many of those pigs remain on the farm, and how many have been processed through other plants?

**Mr Poots:** There are 12,000 pigs a week that go through Cranswick. It closed two weeks ago and it opened on Friday. Some 2,000 pigs went through on Friday. In the meantime, there are two other key plants in Northern Ireland, one in Cookstown and one in Cranston in Londonderry. They were hoping to be able to pick up around 4,000 per week, which left a backlog of roughly 8,000 each week. That is significant and many farmers contacted me directly to indicate the problems that they faced. Young pigs were being born and would then normally move into an area, the weaners move into another area and the fattening pigs move into yet another area, so that was causing a

backlog and considerable problems on those farms.

5. **Mr Clarke** asked the Minister of Agriculture, Environment and Rural Affairs whether he has plans for additional support for farming as a result of ongoing COVID-19 circumstances. (AQO 582/17-22)

**Mr Poots:** In my written statement to the Assembly on 30 June, I outlined the allocation of £21.4 million of the £25 million support package to support farmers and growers in the dairy, beef, sheep, potato and ornamental horticulture sectors, which have been hardest hit financially as a direct result of the COVID-19 pandemic. I also stated that I wanted to be prudent with the funding as we cannot rule out the possibility of further market disturbance as a result of the pandemic with the need for additional support to farmers and growers.

For that reason I have retained a budget of £7.2 million based on the residual funding of £3.6 million — which is from the £25 million agreed by the Executive — and £3.6 million that was reprioritised from within my own Department. This would allow me to address the additional issues and challenges that COVID-19 may present in the weeks ahead. My officials and I are monitoring the situation and continue to consult with industry stakeholders to assess the impact of COVID-19 across all sectors.

Should any future support schemes be required, their development would require a robust business case and an available budget, and follow the same design principles as the current schemes. These include ensuring good governance; that support is for evidence-based losses caused by market disturbance; that it is targeted at those impacted most financially; and avoids unnecessary bureaucracy and complies with legal requirements, including state aid rules.

**Mr Clarke:** I thank the Minister for that answer. When I tabled my question I was unaware of the scheme that was coming forward. I congratulate the Minister for the very full package that has been announced. However, in looking at that there is probably one area that has been missed out, namely the broiler breeders. Will you give any consideration to that area going forward given that you have captured most of the other areas in the very generous scheme that you have announced?

**Mr Poots:** I thank the Member for the question. My Department has been meeting with industry stakeholders and we are aware that COVID-19

has had a significant impact on hatching egg producers. Many of those eggs would have been sold to the Middle East and to the Far East, for example. The standard of Northern Ireland chickens is rated right across the world therefore the demand for the hatching eggs is something which is sought by many people. However, those markets have dried up as a consequence of COVID-19. State aid rules previously prevented me from supporting the sector because we were not looking at losses that had happened, but at projected losses. My officials are continuing to monitor the impact on the sector and losses are becoming more evident. Therefore, I think that in the future — certainly in this financial year — we will be able to give significant consideration to this.

**Mr Principal Deputy Speaker:** We have about 30 seconds left so a quick question and a yes or no answer.

**Mr McAleer:** The Minister has no doubt been lobbied by the wool industry. Will he be minded to look at supporting those farmers who have been affected by the collapse of the wool industry in the next round, or with some of the money that he has retained?

**Mr Poots:** I have certainly had the conversation. It is very complex with regard to providing support to that sector. The wool actually accounts for a very small proportion of the profitability in the sheep sector and the lamb prices have been remarkably good. I reserved the £7 million expecting a double-dip for lamb and beef, but they have been remarkably good over the summer.

**2.30 pm**

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

### **Lough Neagh Fishing Industry: Support**

T1. **Mr McGlone** asked the Minister of Agriculture, Environment and Rural Affairs whether support will be forthcoming for the fishing industry on Lough Neagh, given that he will acknowledge that Mr McGlone has written to him several times and has had a number of conversations with him about that issue. (AQT 321/17-22)

**Mr Poots:** We recognise that the Lough Neagh eel fishery has been affected, and we will be looking to provide some support for that sector.

We are looking at around £250,000 to implement a support scheme for inland fishermen who fish on Lough Neagh for the eel and scale fisheries. That course of work is not complete, but that is certainly the figure that we are looking at to provide support for Lough Neagh fishermen.

**Mr McGlone:** I thank the Minister for that. He has provided part of the answer to my follow-up question, which is whether he will give full consideration to providing support for the eel fisheries and the scale fishing industry on Lough Neagh.

**Mr Poots:** Yes, and I recognise that a lot of these people have a real love for going out onto that lough and fishing. It is not the most profitable thing in the world, and they have been significantly affected as a consequence of COVID. So, I trust that we will be able to offer them some support and help to enable them to keep their nets and boats in reasonable shape for future years.

### **EU Designated Points of Entry**

T2. **Ms Ennis** asked the Minister of Agriculture, Environment and Rural Affairs, after stating that she found his response to Mr Allister's question to be quite worrying, given the significant implications for Warrenpoint port in her constituency, to provide an update on the preparations for our ports and airports to become EU designated points of entry. (AQT 322/17-22)

**Mr Poots:** A submission was made to the European Union by the UK Government on that issue. It is not something that I did; it is something that the UK Government did. They have agreed a protocol that I do not agree with, quite frankly. That protocol has the potential to cost every home in Northern Ireland additional money as a consequence of adding checks, which will have a cost to business that will be passed to consumers. It is incredibly important that consumers are not impacted. The consequence of lorries that are bringing food from Britain to Northern Ireland, which we will consume, having to go through checks, has the potential to cost the people who you represent more money. You might be happy to sell that to them. You might be happy to tell people that it is a good idea that supermarkets and corner shops in Northern Ireland charge more for their goods because we have created barriers that are unnecessary. I am not in that position.

**Mr Principal Deputy Speaker:** Before I call the Member for her supplementary question, I

apologise most sincerely to her. I suggested that she send her press statements to the 'Mid Ulster Mail'. I of course meant to say the 'Down Recorder'.

**Ms Ennis:** Emma Sheerin is very annoyed that you got that mixed up.

I thank the Minister. Given that he is not prepared to give an answer to the question that I asked and that, in his previous responses today, he said that he is opposed to infrastructure at our sea ports, is he signalling his intention to put a temporary stop to the SPS point of entry controls? The Minister has to agree with me that any temporary stop to the work of his Department on SPS point of entry controls, which are, let us remind ourselves, an obligation to fulfil the protocol, would be detrimental and in conflict with the Executive's position on the matter.

**Mr Poots:** The decision that went to the European Union was made by DEFRA. We will just have to wait and see how things are taken forward. I can assure the Member that I am not one who wants to create any barriers, and I am not looking for barriers to be created between Northern Ireland and the Irish Republic either, for that matter. I am not looking for barriers to be put around Northern Ireland. I am looking for access to our markets to be as free as possible and for people who are bringing necessary goods to us to have access that is as free as possible.

### Tree Planting: Progress

T3. **Mr Easton** asked the Minister of Agriculture, Environment and Rural Affairs for an update on his pledge that 18 million trees will be planted across Northern Ireland over the next 10 years. (AQT 323/17-22)

**Mr Poots:** Considerable work has already been done on that issue, and I welcome the work in my Department by the staff who have been focusing on that issue. There is absolute commitment to ensuring that we take this forward. We have also been in contact with the Queen's Commonwealth Canopy as we look to develop through that programme and receive support from it. We will be looking to draw down funding from as many places as possible, and we will be looking to ensure that we use as much of the public estate as possible and get as much buy-in from people who own private land as well in terms of planting more trees and encouraging that development.

**Mr Easton:** I thank the Minister for his answer. Will the Minister consider broadening out the scheme to include forests that have been culled due to the ash dieback disease?

**Mr Poots:** In some senses, that is merely a replacement for what has been lost, but we are looking for new trees to be planted. I recognise the difficulty of ash dieback, but that is a slightly separate issue, if we were to identify support for it. I recognise that ash dieback has the potential to ruin a population of trees that has existed for centuries, not just in Northern Ireland or Ireland but right across the United Kingdom. Therefore, it causes me a lot of concern, but we need to move forward and plant as many appropriate trees as possible in the appropriate places, and we need to continue to identify a means of counteracting ash dieback, which is having terrible consequences.

### Salmon: Increasing Numbers

T4. **Mr Catney** asked the Minister of Agriculture, Environment and Rural Affairs whether he has any evidence that the number of salmon coming into our rivers has increased, which is something that he became aware of during his travels and his time spent at home when we could not go out, when he spoke to a lot of fishermen, who are known for spinning big yarns, who told him that the numbers are like they were 40 years ago, which they are putting down to the lack commercial fishing out in the Atlantic. (AQT 324/17-22)

**Mr Poots:** The Department has been seeking to stop net fishing for many years, and most of that is now done away with. The people who put the nets at the mouths of our rivers no longer do that, and that is positive because it allows more salmon to get back into our rivers. It is a hugely complex issue. Changes in water temperatures, climate change and all of that have been blamed for a lot of the issues around the lack of salmon. Our waterways in general are a lot cleaner than they were 20 years ago, and we need to continue to work on that to ensure that we have clean water systems, the appropriate spawning grounds and no netting and that we do the appropriate things to ensure that we reduce carbon emissions across Northern Ireland.

**Mr Catney:** Minister, this is slightly off the point that I made, but I heard about the 2,000 pigs that were killed on a farm. I want to thank, as I am sure you do, the Northern Ireland Fire and Rescue Service and the animal welfare rescue teams for dealing with what they came across.

**Mr Poots:** Absolutely. It is horrific, first of all, for the animals, and it will be horrific for the owner of the property. Representatives from that area have been in touch with me, and, as I indicated, our veterinary service will work appropriately to provide the support that it can for that place.

## Farm Business Improvement Scheme: Update

T5. **Mr T Buchanan** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the farm business improvement scheme. (AQT 325/17-22)

**Mr Poots:** The farm business improvement scheme is something that we wish to take forward. It has been held back as a consequence of some of the decisions that have been coming from Shared Environmental Services (SES). I have given some instruction to SES that it should stay with the 1% while we do a course of work that will ensure that ammonia will be reduced, and reduced significantly, across Northern Ireland and that, consequently, we can have a farm business improvement scheme that will allow growth and, at the same time, ensure that the environment is protected.

**Mr T Buchanan:** Thank you, Minister. Have you any plans for further tranches of tier 1?

**Mr Poots:** Yes, we intend to announce further tranches of the farm business improvement scheme. That is a course of work that we will continue to do, and hopefully we will make those announcements in the not-too-distant future. I did have to deal with some issues so that people would actually get the planning permission to carry out the developments that they are proposing. We need to recognise that these developments will ensure that people are able to stay in the countryside, that there are more jobs in the countryside, that there is more support for local towns and villages and the shops and businesses that are in those villages, and that there are more employment opportunities for the young people who are brought up in rural areas.

## Veterinary School for Northern Ireland

T6. **Mr M Bradley** asked the Minister of Agriculture, Environment and Rural Affairs whether he would support a business case to demonstrate the need for a veterinary school in Northern Ireland, given that he spoke earlier

about the importance of vets during the COVID-19 outbreak. (AQT 326/17-22)

**Mr Poots:** Yes, I would, particularly on the basis that a lot of our young people are having to go outside the UK to study veterinary science. In our veterinary practices, there are many people who have come from outside Northern Ireland — outside the United Kingdom and Ireland, for that matter. It is quite common to have vets from many parts of Europe, for example, working here in Northern Ireland. I do not have any issue with those people working in Northern Ireland, by the way, but I think that it is much more sustainable to have vets who have been trained at home, have stayed here and will carry out the work here. I am very supportive. The agriculture industry needs that professionalism and that skill base. We need a facility like that, even for qualitative research to happen, so I am very supportive of that.

**Mr M Bradley:** I mentioned this at an Agriculture Committee meeting not that long ago and also at a recent meeting with the new Ulster University vice chancellor, Professor Paul Bartholomew. It is my view that this needs to be explored in conjunction with the Department for the Economy. An initial proposal has mooted the Coleraine campus as a possible site. I am keen to progress this proposal to a reality.

**Mr Poots:** I am perfectly happy to support such a proposal, if it comes forward from the Department for the Economy. Coleraine is an entirely logical site. I know that it has been talked about for some time. There was also talk, certainly some time back, of private sector support. We have significant interests, both in production and on the agriculture side, in having such a facility and that qualitative training. It would be a major boost for Ulster University to have it, and it would really help to move things forward at the Coleraine campus.

**Mr Principal Deputy Speaker:** A 10-second question, Mr Buckley. The Minister will get a 10-second answer.

## Scale Fishing Rights: Lough Neagh

T7. **Mr Buckley** asked the Minister of Agriculture, Environment and Rural Affairs whether he and his Department are fully aware of the ongoing legal case over the ownership of scale fishing rights in Lough Neagh, with its potential implications for, in particular, the proposed new permit system, which would take responsibility away from his Department and

place it into the ownership of a particular cooperative. (AQT 327/17-22)

**Mr Poots:** I am aware of that, and, being legal matters, those things will be tricky. I will want to have full assurances on those matters and to know that we are fully compliant with the law in how we conduct ourselves.

2.45 pm

**Mr Principal Deputy Speaker:** That concludes questions to the Minister for Agriculture, Environment and Rural Affairs. I ask Members to take their ease for a minute or so to allow Members and officials to get in and out of the Chamber.

## Communities

**Mr Principal Deputy Speaker:** Before I call the first person on the list, I advise Members that questions 9 and 13 have been withdrawn, as have topical questions 7 and 10.

### Domestic Violence: Support for Male Victims

1. **Ms Bradshaw** asked the Minister for Communities what support her Department has given to men fleeing domestic violence since the introduction of lockdown in March 2020. (AQO 593/17-22)

**Ms Ní Chuilín (The Minister for Communities):** The Member will be pleased to know that I am meeting Men's Alliance NI to discuss support for male victims of domestic abuse. Last year, a total of 1,088 households fleeing domestic violence were accepted as statutorily homeless and therefore were considered as full-duty applicants. Between 1 April and 31 August this year, 59 single males presented as homeless citing domestic violence, 41 of whom have, to date, been accepted as homeless.

From its 2019-2020 budget, the Housing Executive spent just under £13 million supporting households who were homeless or were threatened with homelessness. That funding enables the Housing Executive to support men suffering from domestic abuse through the delivery of its statutory duties such as the provision of temporary accommodation and furniture storage. Additionally, the Housing Executive supports a range of organisations that provide support and services to households who are homeless or are threatened with

homelessness, including men suffering from domestic abuse.

**Ms Bradshaw:** In the Housing Executive's list of housing-related support under the Supporting People programme, one of the categories refers to women at risk of domestic violence. Given what you have just said, it seems that practice is out of line with policy. Will you review the policy to bring it up to date so that it does not discriminate against men?

**Ms Ní Chuilín:** I will not be discriminating against anyone. The Member will probably appreciate that the Supporting People programme has been out for a long time now. That is not to say that there was no domestic violence against men — there was — but it certainly did not reach a number that allowed it to be included in Supporting People. I am happy to look at that, because it is about being inclusive.

**Dr Aiken:** Will the Minister undertake a review of the practice of the Northern Ireland Housing Executive, which, I understand from constituency work just today, seems to allocate only 20 points for domestic abuse issues. That figure is far too low, so I would like the Minister to make a commitment that that will be reviewed by the Housing Executive.

**Ms Ní Chuilín:** The Member's question is important. Actually, it is worse than that: anyone fleeing their home as a result of domestic violence is not even considered as being intimidated. That featured in the review of the allocation of social points for housing. I am looking at that, because, regardless of where we are as parties, we all felt, even in debates, that that was unfair and unjust.

**Ms Bailey:** Given that five women whom we know of so far have been murdered in their own home in Northern Ireland during the lockdown, does the Minister think that any further measures can be put in place by her Department to support the increasing need for emergency refuge space?

**Ms Ní Chuilín:** I absolutely think that there is a need, particularly in areas outside Belfast. For example, Caoimhe Archibald mentioned to me that, in Coleraine, in her area, there was no emergency accommodation and people from that area had to go to Belfast or Derry. When you are going through a trauma like that in the mouth of a global pandemic and you have to go somewhere outside your family support to get succour and refuge, it is horrendous. It is something that I am absolutely looking at.

The other aspect of it is the impact on children's schools. We take for granted all the connections that we have as families. For people who have been the victim of physical or psychological abuse or whatever it is that forces them to flee their home, we need to ensure that they get emergency accommodation that is as close to their family support or support systems, including schools, as possible.

## **Welfare Mitigation Schemes: Primary Legislation**

2. **Ms Hunter** asked the Minister for Communities whether she will introduce primary legislation to extend the welfare mitigation schemes. (AQO 594/17-22)

**Ms Ní Chuilín:** The New Decade, New Approach deal included a commitment to extend the welfare mitigation schemes that my Department currently delivers. That was to ensure continued assistance for vulnerable people who have lost their benefit due to welfare reform. I can confirm that I absolutely intend to introduce primary legislation to amend the Welfare Reform (NI) Order 2015 to provide for an extension of welfare mitigation payments for people affected by the so-called bedroom tax. A draft Bill has been shared with my Executive colleagues, and I am personally committed to securing agreement to proceed as a matter of urgency. I will also bring forward new regulations to provide for the extension of the remaining mitigation schemes. They will be draft affirmative, and I expect that they will be laid shortly after the Bill has been introduced. While the delay in progressing the legislation to extend the mitigation schemes is not ideal, I stress that my Department continues to make payments to people who are eligible. That is possible because my Department has agreed contingency arrangements with the Department of Finance so that payments are currently made under the sole authority of the Budget (No. 2) Act. Those arrangements will continue and will be kept under review.

**Ms Hunter:** Will the new regulations mentioned include additional mitigation for families affected by the benefit cap and the two-child tax credit rule?

**Ms Ní Chuilín:** They absolutely should. There are three issues that the Cliff Edge Coalition — not just them — have mentioned: the bedroom tax, the so-called two-child rule and the benefit cap. There are many other asks, but those are the three central points that we have met those coalitions on. It is absolutely something that I

envisage being included in any future legislation and regulations.

**Ms Mullan:** Minister, will you give a commitment to support the advice sector through the mitigation package, given the crucial role that it plays in assisting people in accessing their entitlements, particularly during this challenging time?

**Ms Ní Chuilín:** In short, yes. The advice sector has received money from the Department, and it will say it probably needs to receive more. I met a section of the advice sector not so long ago. I said it at the time, and I say it again now: I appreciate the role that the independent advice sector has played, particularly through COVID-19. A lot of people were isolated, and people in the community and voluntary sector were often the first responders for people who found themselves in really difficult circumstances. We cannot take that work for granted; we need to keep investing in it. Where there are opportunities — it is about where there are opportunities — to give additional support and do specific pieces of work, this Department, particularly on Deirdre Hargey's watch, has never been found wanting.

**Ms Armstrong:** I start by thanking the Minister for the planned extension of the welfare mitigations. That is very much needed. Will those welfare mitigations be reviewed to see whether they work and whether there are any gaps that need to be filled that are not already being considered? Will that review come to the Committee so that we can look at it and help you with it?

**Ms Ní Chuilín:** The Member will know that I have always brought any substantial changes to the Committee, even in my short time, and I will continue to do that. I still consider myself to be a member of the Committee, so I know the craic.

The issue is that there are gaps. There are always gaps and things we could do better, so, if we cannot get those reflected in the legislation, we most definitely need them to be reflected in the regulations. Certainly, the three issues that I mentioned in response to the question that Cara Hunter posed are raised with us time after time, and they need to be sorted. If we have the time and the money to sort out the rest, we will certainly look at them. However, those are three huge gaps that we must try to plug.

**Mr Allen:** I thank the Minister for her commitment to extend and strengthen the

welfare mitigations. They are important for mitigating the worst impacts of welfare reform.

Minister, social sector size criteria, the bedroom tax, will be around for a long time to come. It is not going away — we all know that — and we have all given a commitment to support those affected by it. Often, constituents have approached my office wanting to downsize from properties that are larger than they require, but the current system does not allow them to do that. Will you advise what work the Department, in conjunction with the Housing Executive and housing associations, intends to undertake to support those who wish to downsize?

**Ms Ní Chuilín:** We need to ensure that the mitigations are kept, first of all. For people who wish to downsize, it is not straightforward, because the stock is not there. That is the problem. Often, even housing associations that attempted to build small, studio apartments in preparation for the bedroom tax did not get support for that because families end up living in shoeboxes, and we cannot have that. The Member will know that, even through their reclassification, housing associations cannot — the right to buy scheme has ended, and we are looking at proposals for the Housing Executive.

Anyone who is leaving their family home, where they have probably reared their children and grandchildren, needs appropriate accommodation that is proofed as suitable for living out their best years and has all the necessary adaptations. I am just being straight with you: it is not straightforward. It is very cumbersome, but it is something that we absolutely have to look at, irrespective of the bedroom tax, such is the problem. The demand for social housing is increasing, but the supply is not. That will not be reconciled; it has not been. We need to be mindful of what we ask for, particularly in ensuring that we have homes that are fit for purpose. When it comes to downsizing, the experience across the board is that that is not always the case.

### **COVID-19: Voluntary and Community Sector Financial Support**

3. **Ms Kimmins** asked the Minister for Communities how the financial support provided by her Department has assisted the voluntary and community sector during the COVID-19 crisis. (AQO 595/17-22)

**Ms Ní Chuilín:** The voluntary and community sector has continued to play a front-line role over the past six months, particularly in response to the global pandemic. Very often, as

has been acknowledged in the Chamber, they were seen as the first responders.

In terms of financial support, £1.5 million was directed through councils at the outset of the emergency to support community-led programmes for people in financial stress, in need of food or experiencing isolation. A further £3.2 million was allocated to support that work: £1.7 million for the COVID community support fund; £750,000 for an access-to-food fund; and £700,000 for a financial inclusion fund. The COVID-19 charities fund — £15.5 million — was opened in June; and I will shortly open applications for a £7 million social enterprise fund. My Department is also providing a safe reopening fund of £2.5 million to support safe return of provision of face-to-face community services to all of our people.

**Ms Kimmins:** It is important to emphasise the impact of the measures taken by your Department now and when our colleague Deirdre Hargey was Minister. It is important to commend that. In the light of that, Minister, what are your plans to continue to support the community and voluntary sector as we continue to navigate COVID-19?

### **3.00 pm**

**Ms Ní Chuilín:** The Member and, indeed, other Members in the House will agree that the work initiated by Deirdre Hargey, on behalf of the Executive, to support community and voluntary groups has been exemplary. As we move with easements, hopefully out of COVID, that money and investment needs to continue, albeit in a different way. The Member will be aware, from her constituency, of the work of some of the neighbourhood renewal groups. They are already working along the lines of what they can do with regard to anti-poverty. One thing that government, right across the piece, cannot ignore is the way that the community responded to help their friends, families, neighbours and, indeed, communities that they would not normally work with throughout the pandemic. We need to protect that investment.

**Mr Buckley:** Does the Minister recognise the importance of community sport in a post-COVID environment and the need to financially support social sports to further build capacity in the system?

**Ms Ní Chuilín:** Yes, I do recognise the role that sporting organisations have and, indeed, will continue to have. Jonathan will remember that, when we were on the Committee, a lot of the sporting organisations were responsible for

delivering food and shelter and standing at people's garden gates and talking to them, particularly people in rural communities who were isolated, and that needs to be factored in. Even the presentation that we received from Sport NI showed that a lot of people were doing their best in a very difficult situation and that they made the best use of the small bit of money that they received.

We certainly need to ensure that, as part of community development, working in partnership, co-design and co-production, sporting bodies and small sporting groups are involved.

**Mr Butler:** Minister, you called many of those involved in the sector first responders, and, in many cases, with regard to poverty and mental health, they indeed are. Can you tell us whether a study is being done to identify what services may be lost, as a consequence of any lack of funding, and what further support may be required to ensure that groups will survive the crisis? In particular, groups such as Atlas Womens Centre and Via Wings in Dromore.

**Ms Ní Chuilín:** I am unaware of any group that has lost its funding, which is good news. If there are groups in the Member's constituency, he can come to me about them. If anything, most groups received additional funding because of the work that they are doing. I visited Via Wings in Dromore and it was an absolute pleasure. Via Wings, like many other groups from a community and voluntary background are involved in faith-based work. They took the food box and showed me how to make it stretch and do more with it. I do not know whether that is an urban/rural thing, but Departments certainly have a lot to learn from those groups. I commend the work that Via Wings and loads of other groups have done, and are continuing to do, to help people who are vulnerable.

**Mr Durkan:** I commend the community and voluntary sector for its invaluable work throughout the COVID-19 crisis and, no doubt, beyond.

The Minister referred to the fact that no groups have lost their funding. Will the Minister give a commitment to look at the community and voluntary groups — vital lifelines in their communities — that fall out of the normal funding streams of her Department? For example, Eglinton Community Hall in my constituency is not funded by DFC but it is an integral part of the fabric of the community, provides many services and has been a lifeline throughout the COVID period. However,

because it cannot generate any rental income, it has had to resort to crowdfunding efforts to generate funding.

**Ms Ní Chuilín:** From the two questions that have come up, I will certainly take it on board to find out what groups have lost out. The charities fund was exactly for that. It was for groups that did not have access to public funds, such as the group in Eglinton, that are doing a good job, and many others across the board. Will they need funding in the future? Absolutely. There are many others out there. From COVID-19, we have learnt what people have done with a small amount of money. Certainly, if the Member wants to write to me about anything specific, I am happy to receive that and, hopefully, reply to it. I will also undertake to try and find out whether any group lost out on any funds.

## Housing Executive: NDNA Proposals

4. **Mr McGuigan** asked the Minister for Communities to outline her Department's plans to help revitalise the Housing Executive, as outlined in New Decade, New Approach. (AQO 596/17-22)

**Ms Ní Chuilín:** I thank the Member for his question. The commitment in New Decade, New Approach (NDNA) to tackle the maintenance backlog for the Housing Executive's properties reflects a much wider revitalisation programme aimed at securing the long-term future of social housing stock.

The Member will be aware that the backlog of maintenance referenced in New Decade, New Approach is really significant. Estimates in 2018 showed that £7.1 billion of investment is required over the next 30 years, with £3 billion required in the next 11 years to deal with the urgent backlog. I appreciate that those are March 2018 figures, but they are still stark. The Housing Executive simply cannot afford that level of investment on its own. This is a strategic issue of long-term significance, and it will require broad political and social consensus. Part of the solution will ensure that rents remain affordable and sustainable to Housing Executive tenants, and we are looking through the NDNA process at other ways to try and meet that requirement.

**Mr McGuigan:** I thank the Minister for her response and for her commitment to affordable rents. What approaches is the Minister considering to provide more social housing and meet environmental protection needs?

**Ms Ní Chuilín:** Meeting social housing needs is a mammoth task. To be honest, I am looking at exercises that were undertaken, such as looking at the availability of land. I am meeting the newly formed partnership panel with local government to look at the whole local development plan process. I am asking officials to talk to officials from other Departments to see what land has been banked and what land is derelict because it is essential that we increase supply to reduce demand.

In relation to the environment, we have not been successful in getting the green homes grant scheme just yet, but I anticipate that we will get a Barnett consequential. That is looking at things like ensuring that we reduce fuel poverty, use new construction methods and so on, but we are committed to doing that anyway through what the housing associations do.

The challenge of increasing the supply of social housing and, indeed, affordable housing is one that we need to take for at least 10 years rights across this Executive to get met.

**Mr Beggs:** The Minister indicated that some £3 billion is needed over the next 10 years to maintain and modernise Housing Executive homes. Clearly, the current model is not working. What action is being taken to bring about change and improvement? Six months has passed since Stormont has returned. We need to have improvements, we need change, we need proposals. When are they coming?

**Ms Ní Chuilín:** It is £3 billion over the next 11 years. Even with our 2018 figures, it is probably reduced. The Member is right to ask: where are the proposals? The main proposals were in New Decade, New Approach, looking at the ability to remove corporation tax that the Housing Executive has to pay — the only social landlord that has to pay corporation tax — and also looking at getting rid of historical debt. I have already met my colleague Conor Murphy to expedite that. That, in itself, will mean that the Housing Executive can borrow money and build. That is really needed.

To be frank, we also need to stop blocking houses in each of our constituencies. There is some NIMBYism out there against people who have disabilities, Travellers and people who are one religion or another. That has held up the potential to develop sites. That needs to be knocked on the head.

We also need to ensure that the investment is there for a longer-term programme because, unless we seriously look at this and tackle this crisis in homelessness and housing, we will

ensure that three generations will be reared under one roof. I do not think that any of us wants that on our watch. You are right that we need those proposals. As soon as those are advanced through the NDNA piece, my Department will be working with other colleagues in local government and right across the Executive to try and get that restored.

**Ms Armstrong:** Minister, you have already mentioned the corporation tax issue. Will you give an outline of the guesstimate of how much money the Housing Executive will have to repay the Treasury because that will have an impact on the ability to maintain homes?

**Ms Ní Chuilín:** I have asked for those figures because the guesstimates are wild, to be frank, Kellie. Like me, you probably have a couple of different sets of figures, even from the Housing Executive on what it needs. Frankly, I hope that the debt is removed, for example, and that the corporation tax of over £13 million a year does not have to be paid. That in itself will ensure that Housing Executive reserves can be built up and used in a way that allows more houses to be built and more construction methods to be used — in answer to Philip's question — to make sure that those homes are energy efficient and are of the best possible standard.

**Mr Principal Deputy Speaker:** Members, I apologise. We have six minutes left, and we are still on question 4, so I have to move on to the next question.

## **PIP/ESA Appeals: Oral Hearings**

5. **Mr Frew** asked the Minister for Communities when oral hearings will recommence for personal independence payment (PIP) and employment and support allowance (ESA) appeals. (AQO 597/17-22)

**Ms Ní Chuilín:** Sorry, Paul, that was not at you; it was at the other Paul.

Oral hearings using technology options will commence with effect from 28 September this year. Face-to-face oral hearings are set to recommence from 28 September in the main hearing centre, subject to the favourable outcome of a risk assessment — that is always in brackets. Face-to-face oral hearings at venues are set to recommence from mid-October, again subject to the completion of risk assessments. I have asked that alternative accommodation options be sought to facilitate hearings in local towns and villages.

**Mr Frew:** I thank the Minister for her answer. Does the Minister agree that this is a critical aspect of getting support to the people who are most vulnerable? The fact that it has taken the Department so long, and it has not even completed the risk assessments yet, is failing the people who need the support the most. I have spoken to the Department of Justice, which has its court venues open and is waiting for the risk assessments. Will the Minister give the House a commitment that those risk assessments will be completed as soon as possible to allow those most vulnerable people the support that they require?

**Ms Ní Chuilín:** I have given the Member dates for when the hearings will commence, so the risk assessments are being done. I do not want a long process or for people who are waiting and may be due substantial amounts of money if decisions are overturned to be waiting any further. I have also asked them to go out to where people are. Anybody in receipt of the payments is suffering with a substantial level of disability. It is one of the most difficult benefits to get. I want to make it as easy as possible. I am not slowing anything down. I want to give the Member that assurance. If he has evidence that I am, he needs to come to the Department.

**Mr Carroll:** Given that the PIP application and appeals process was already traumatic for people and the fact that the Department is still contacting appellants to say that they can have appeals over the phone or by videoconferencing, which is very unsuitable for many people, has the Department considered extending the time frame for people being moved off DLA or appealing PIPs, so that they are not under any more undue stress at the time of a health pandemic?

**Ms Ní Chuilín:** Let me give the Member as much reassurance as possible. I have tried to be as flexible as possible in ensuring that people who are most vulnerable are not subjected to any further trauma or stress. That is what we are trying to do. If face to face suits people, that may be the process. If videoconferencing or teleconferencing does not suit and they feel that they are at a disadvantage, we need to work to address that. If that means an extension, I will certainly look at that. From the evidence that I have had up to now, and I have asked about it regularly, that does not seem to be the case. That comes from people working in the areas that suffer the highest deprivation with those who receive the highest levels of the benefits. If it turns out to be something else, I will look at it.

**Mr Allen:** As highlighted, the appeals process is very stressful and daunting for those who are going through it. Will the Minister highlight any actions or steps that her Department is taking to clear any potential backlog in the system?

**Ms Ní Chuilín:** As I am sure that the Member will appreciate, getting the system to go out to towns and villages has been a positive step. It is better. If you are not from Belfast and have to travel to Belfast for a hearing in a court setting, it is daunting. I would feel a bit daunted. Our trying to get the hearings brought out to people is, hopefully, one way of reducing stress — but it is only a bit of stress — and ensuring that whatever option they take is one that they are most comfortable with.

That is what we have tried to do in the Department for Communities to support people who may be entitled to a lot more money than they are receiving. I will look at anything that I can do to reduce the stress that people go through as they wait for an appeal.

### 3.15 pm

**Ms Bailey:** It has been brought to my attention that appellants for PIP and ESA are being sent multiple letters when they appeal to suggest to them that they should apply for a paper-based appeal, but those letters do not inform them that they have thirty times less chance of success with the paper-based appeal. Is the Minister aware of that practice?

**Ms Ní Chuilín:** I am not aware of the volume of it; I am aware that people have been offered a paper-based appeal as an option. I do not want to misquote or misrepresent what you have said, but it sounds like a paper-based appeal is of such a nature that it puts people off going for face-to-face. I do not know. I am happy to talk to the Member to find out exactly what is going on. I know that paper-based appeals have been used in my constituency and have suited the clients, but that will not suit everybody.

## Arts Sector: Support Measures

6. **Mr Givan** asked the Minister for Communities what measures are being taken to support the arts sector. (AQO 598/17-22)

**Ms Ní Chuilín:** At the outset of the emergency, Minister Hargey announced a £1.5 million creative support fund, recognising that further support would be required. I secured an additional £4 million in June monitoring to reopen the fund, first for individuals, including

freelances and self-employed in the sector, and then for organisations. The funding is in recognition of the importance of a vibrant arts sector for wider social and economic recovery.

**Mr Principal Deputy Speaker:** You have 20 seconds.

**Mr Givan:** I thank the Minister for her response, but the arts sector will be greatly disappointed. Through a Barnett consequential, we received £33 million, and, today, 36 signatories have penned a letter to all MLAs asking for urgent funding to be provided. As they put it, if they do not get it urgently, we will have a cultural wasteland. What action will the Minister take to deliver? Otherwise, those organisations will not survive.

**Mr Principal Deputy Speaker:** May I suggest to the Minister that, as her half hour is up, she writes to Mr Givan answering that question and outlining what actions she intends to undertake?

We move now to topical questions.

### **Universal Credit: Johnson Ruling**

T1. **Mr McNulty** asked the Minister for Communities when, to help low-income families here, she will take account of the Court of Appeal's Johnson ruling, arising from a successful judicial challenge by Danielle Johnson and the Child Poverty Action Group in London, given that universal credit is a complicated and unjust benefit and the fact that she will be aware of the situation in which, depending on a claimant's other income, some month's payments are lower than others. (AQT 331/17-22)

**Ms Ní Chuilín:** I will provide the Member with a written response, because it is very technical. When the legislation is devolved back to the Assembly, we will have the ability to ensure that, unlike in England, there are continuing mitigations. Therefore, unlike England, we will have mitigations on top, and we want to ensure that that happens. I will get the Member a fuller response on Danielle's case.

**Mr McNulty:** Can the Minister advise the House how many cases of people who have been impacted by the ruling her Department is dealing with? Can she give a time frame for resolution?

**Ms Ní Chuilín:** I will add that to the written response that I will give the Member, including, if possible, any resolution.

### **COVID Partnerships: Thanks**

T2. **Dr Aiken** asked the Minister for Communities to join him in thanking the many community groups, sporting groups and church groups across Northern Ireland, particularly South Antrim, that have made their facilities available to schools during the COVID pandemic. (AQT 332/17-22)

**Ms Ní Chuilín:** I certainly will. The Member was here throughout questions for oral answer, so he will know that I am genuinely delighted by the partnership that has developed across the community and voluntary sector, sporting groups and faith-based groups during COVID. I want that relationship to endure beyond COVID, and that needs to be recognised through investment from the Executive.

**Dr Aiken:** Thank you very much for your remarks. I would like the Minister to engage closely with the Minister of Education so that a list is made available of the facilities that have been supported by her Department and the Executive over the past couple of years and they are available for schools. Regrettably, we may be heading for another COVID spike, and anything that we can do to keep the maximum number of children in education would be much appreciated.

**Ms Ní Chuilín:** I am happy to write to the Minister of Education to see if we can take that forward. I have met no resistance whatever from the Department of Education or the Education Authority to using facilities and schools infrastructure such as buses to help communities. I am not saying that the Member is suggesting that, but I would be shocked. All the usual risk assessments and all the reasons why you cannot do something were overcome. People saw that the sky did not fall in when those partnerships happened, and they need to be supported for the future — hopefully, without a second spike.

### **Housing Allocation Scheme: Review**

T3. **Mr McGrath** asked the Minister for Communities for an update on the housing allocation scheme, given that although a review of the scheme was undertaken and reported back many years ago, albeit that its findings do not appear to have been introduced or published. (AQT 333/17-22)

**Ms Ní Chuilín:** I mentioned, I think, in response to Steve Aiken's question on domestic violence that intimidation points for people suffering from domestic violence was included in a lot of the responses that parties made. I am looking at those, and I will go to the Committee, because we need to change the way that allocations are made. We need to ensure that there is a fairer system.

I remember the debate in the House. We looked at intimidation points, and, as sure as whatever, as soon as the new scheme came, the levels of people claiming to be intimidated went through the roof. We need better and stronger verification of intimidation. The allocation process looks at many areas, and I give you and other Members a commitment that we are actively looking at that as we speak.

**Mr McGrath:** I welcome that. A large scheme of over 100 houses is being constructed in Downpatrick. There is concern that the latent demand in the Housing Executive identifies a need, but, when it comes to allocation, big numbers of people from outside the area are attracted. Could the idea of locality for a certain proportion of the houses in social housing schemes for local people to meet the latent demand that has been identified be considered?

**Ms Ní Chuilín:** That is actually illegal, but I hear what the Member says. If I understand the Member right — I do not want to put words in his mouth — local people languishing on a housing waiting list should have the aspiration, hope and, indeed, expectation to live locally. What happens is that people from other areas who claim to be intimidated come into an estate, get brand new houses and then move from one estate to another. I sympathise completely with the Member on that, and we need to ensure that that does not happen.

If local people have that area as their choice and they have the points that they need — it goes back to your first question — when will we look at the points to ensure that those people will get houses? Even a new system will not ensure that that happens. We need to look at better ways of testing genuine intimidation cases as opposed to those who, I think, across the House, were dismissed for what they were doing.

## Kickstart Scheme

T4. **Mr Muir** asked the Minister for Communities to explain the delay in delivering the Northern Ireland equivalent of the Kickstart

scheme, £2 billion of funding for which was announced by the Chancellor on 8 July, with the scheme being launched on 2 September. (AQT 334/17-22)

**Ms Ní Chuilín:** First of all, the scheme will be launched in November, and I want to get it right. I want it to be a bespoke scheme, not just a replication of, for example, Steps to Work or anything else. I do not want young people to be sanctioned. I want to include young people who have autism and are on the spectrum. I also want to ensure that employers include those youngsters and not doing so willy-nilly or piecemeal. I want to make sure that we learn the lessons learned throughout COVID about the response by the community and voluntary sector so that they, too, can be considered as employers.

That is the position. I had a meeting on it this morning. We are looking at a bespoke response to needs that we already know. I will also meet service providers, employers and the Children's Commissioner.

**Mr Muir:** What are the Minister's targets for participation in the scheme? Can she assure the House today that the Barnett consequentials that have been received and the money that will be allocated to her Department to run the scheme will not be surrendered at the end of the year as a result of inability to spend that funding?

**Ms Ní Chuilín:** No surrender, really [*Laughter.*] To be honest, I think that it is a mortal sin to send money back to the British Treasury. I want to ensure that the young people who, we now know, need the scheme get the best possible scheme. Lots could be said about previous schemes. I want to learn from what did not work. I want to look at the needs of young people now. I want to look at what we have come through during the pandemic and ensure that that experience and the partnership approach to getting young people meaningful employment, albeit for six months, are taken on board. That is where we are.

## Arts Sector: Financial Support

T5. **Mr Durkan** asked the Minister for Communities for an update on the £33 million Barnett consequential that was allocated to the Executive and her efforts to use it to help the arts sector here, given that when reference was made earlier to the plight of the arts sector and the impact of COVID on arts venues, practitioners and patrons, the Minister outlined the measures that her Department has

implemented to support those who are working — rather, not working at the moment — in the arts industry. (AQT 335/17-22)

**Ms Ní Chuilín:** I have made a bid for that £33 million. I know that it will be discussed this week or, at the very latest, next week. The bid is in, and I have communicated that. I fully understand where people are in the sector. Their livelihoods stopped overnight as a result of COVID. We have had discussions with the Arts Council and with lots of fora and consortia across the board. We want to make sure that we get the bid in, the bid is accepted and we get the money out as soon as possible.

**Mr Durkan:** Minister, I wish you well with your bid, and I will take Mr Givan's earlier question as an indication of DUP support for that bid. Getting the money into the Department is one thing; getting it out to those who need it is another. Can the Minister assure us that her officials have been working with the Arts Council and others to design a scheme that ensures that the money gets to where it is needed and does so as quickly as possible?

**Ms Ní Chuilín:** Yes, I will ensure that the money gets to people who need it. There are also lots of groups, individuals, freelancers and independents who do not get money from the Arts Council. We need to make sure, as best we can, that they are included. There is a lot of expectation. I have had no indication that there are any difficulties with the proposal. The Minister of Finance has taken a raft of bids, and mine is in the queue. He will not tell me where it is in the queue, but it is in the queue. I imagine that we will hear some announcements very shortly.

## Online Gambling: Withdrawal Reversals

T6. **Mr McGuigan** asked the Minister for Communities whether her Department has any plans to ban withdrawal reversals from online gambling accounts. (AQT 336/17-22)

**Ms Ní Chuilín:** We are looking at legislation on gambling and at all the options. What happened elsewhere took 10 or 15 years of work. Despite many attempts here, we need to take it to another level. Certainly, we need to look at online and problem gambling to protect people the best we can. We are looking at the different stages of legislation, starting as soon as possible in this mandate.

**Mr McGuigan:** I welcome the Minister's answer and her commitment to introduce legislation in

this mandate. We will, of course, work to ensure that that works. Obviously, regulation is key to reducing gambling-related harm, but this is also a public health issue. Is the Minister working with her Executive colleague the Minister of Health to ensure that Health addresses some of the harm that results from problem gambling?

**Ms Ní Chuilín:** I have met Robin Swann to discuss problem gambling and, indeed, the modernisation of liquor licensing. We discussed procedures for minimum alcohol pricing.

We have discussed it all. At the end of the day, it is everybody's business: mental health is every Minister's business. I want to assure the Member of the steps that we are taking to work together to try to support people with addictions whose families are going through crises. We will see what else we can do, very practically, across each of our Departments.

3.30 pm

**Mr Principal Deputy Speaker:** I call Ms Kellie Armstrong for a question. I warn you that you may not get to ask a supplementary question.

**Ms Armstrong:** Thank you very much.

## Post Office Accounts

T8. **Ms Armstrong** asked the Minister for Communities what work she is doing to calm people's nerves about the removal of their Post Office accounts, given that we are only six months away from the Department for Work and Pensions finishing its contract with the Post Office and the fact that it is incredibly important that, in rural areas, work is done with the Commissioner for Older People and the Department for the Economy to find out how banks will allow people to get access to their accounts (AQT 338/17-22)

**Ms Ní Chuilín:** The Member will know that that is a reserved issue. However, post offices are part of communities, so I will go back and ask officials what work we are doing with other Departments and take it from there. I will write to the Member with any response.

**Ms Armstrong:** Thank you.

**Mr Principal Deputy Speaker:** That concludes questions to the Minister for Communities. The next item of business is questions to the Assembly Commission. I ask Members to take their ease for a few minutes to allow the relevant people to exit and enter the Chamber.

## Northern Ireland Assembly Commission

**Mr Principal Deputy Speaker:** I remind Members that question 4 has been withdrawn and that questions 2 and 6, 3 and 5 and 7 and 8 have been grouped.

### Parliament Buildings: COVID-19 Safety Measures

1. **Ms Kimmins** asked the Assembly Commission for an update on the measures being taken in Parliament Buildings to reduce the risk of COVID-19. (AQO 608/17-22)

**Mr K Buchanan:** I thank the Member for her question. At the outset of the pandemic, the Commission established a COVID-19 response group to ensure that it could respond to developments in a timely manner. The group has continued to meet regularly and has sought to ensure that all relevant regulations and guidance is followed in Parliament Buildings.

The Assembly Commission decided to close Parliament Buildings to the public from 9.00 pm on 18 March 2020. In doing so, it decided that no public tours, events or visitor activities should take place and that members of the public would not have any access to Parliament Buildings until further notice. At that time, only permanent pass-holders and those essential to the delivery of Assembly business still had access to the Building. Shortly thereafter, the number of Members and staff attending Parliament Buildings was minimised, with homeworking facilitated through the roll-out of IT hardware and software.

Social distancing of 2 metres has been employed throughout the Building. That includes alterations to the layout of the Assembly Chamber that were agreed by the Business Committee, alterations to Committee meeting rooms, including the installation of the StarLeaf system to facilitate virtual or hybrid Committee meetings, and alterations to public access areas, such as the canteen. A strict cleaning regime has also been established to keep the Building clean, with a particular focus on contact points, such as handrails and door handles.

To ensure that all Building users maintain good hand hygiene, soap and paper towels have been made available in all toilets and at tea points throughout the Building. In addition, supplies of antibacterial wipes, hand sanitiser

and hand-sanitising stations have been provided.

For some areas where social distancing is less easily maintained, including the canteen, the search facility and the entrance areas, Perspex screens have been installed. Members may wish to note that in late March, the Commission restricted access to, and egress from the Building to the front entrance only. Access and egress is now available again via the east and west doors. Signage has been erected around the Building to remind users of the need to maintain social distancing, to ensure good hand hygiene and what they should do in the event of feeling unwell.

The Commission has sought to communicate with all Building users through the provision of regular updates on emerging COVID-19 guidance and on changes required in Parliament Buildings.

The Commission and the response group have monitored and reviewed — and will continue to — the measures in place, and will adapt those measures to meet any changes in the regulations and guidance.

**Mr Principal Deputy Speaker:** I would just like to make a point. Questions should be responded to in two minutes or less. I appreciate that I gave Mr Buchanan some leeway because he has not had to respond to questions before, to be fair, but Mr O'Dowd will get no such leeway when it comes to his turn because he has a lot of experience. *[Laughter.]*

**Ms Kimmins:** I thank the Member for a very comprehensive response. Would the Commission agree that the Assembly not only needs to follow public health advice but that it needs to be an exemplar in best practice in how it deals with COVID-19?

**Mr K Buchanan:** Yes, I would agree with that. My learned colleague Mr Stewart advised me earlier that the policy at the start of the pandemic was that the working group met twice a week. That meeting now happens once a week and there is a weekly review based on risk assessment and the continued guidance from the Executive.

**Mr Givan:** One of the measures to reduce the risk was that the Bill Office stopped printing legislation. Given that, for example, the Committee for Justice was considering that legislation, it is difficult for Members if they do not have a physical copy, although they can still work onscreen. Could the Commission look at

that and perhaps have the Bill Office print the Bill, given that the Commission's primary duty is to enable Members to carry out their job properly?

**Mr K Buchanan:** I thank the Member for his question. That is something that I will take away. I will put that on the agenda for the Commission's next meeting and will come back to the Member, if he is happy with that response.

**Mr Chambers:** What is the Commission's approach to homeworking by secretariat staff in the future?

**Mr K Buchanan:** The Commission continues to follow the guidance issued by the Executive, whereby homeworking is likely to be in place for some time. However, where attendance in Parliament Buildings by secretarial staff is required to service the Assembly and its Members, those staff will work safely in the building. Therefore, a blended approach to office and homeworking is envisaged.

**Mr Chambers:** Thank you.

**Mr Principal Deputy Speaker:** Questions 2 and 6 are grouped.

### **Commissioner for Standards: Remit**

2. **Mr Beggs** asked the Assembly Commission whether the incoming Commissioner for Standards has a role to investigate the conduct of MLAs who also hold a ministerial office. (AQO 609/17-22)

6. **Mr Chambers** asked the Assembly Commission what powers the incoming Commissioner for Standards will have to investigate complaints made against MLAs. (AQO 613/17-22)

**Mr O'Dowd:** I am going to give you a lesson now in speed-reading. *[Laughter.]* With your permission, Mr Principal Deputy Speaker, I will answer questions 2 and 6 together, and I thank the Members for their questions.

The Commissioner for Standards is an independent office holder and that independence is set out in law. The role, functions and independence of the commissioner are provided by the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011. The commissioner's functions include investigating

complaints that a breach of the Assembly's Code of Conduct has occurred.

The investigatory powers of the commissioner include the power to call for witnesses and documents. Section 31 of the 2011 Act makes it an offence in specific circumstances to refuse to comply with the commissioner's exercise of those powers.

The Assembly Commission has limited specific functions relating to the commissioner. Those include providing the commissioner with administrative and other support, including staff, services and accommodation. In addition, under section 19(5) of the 2011 Act, the Assembly has delegated specific functions to the Commission for the arrangement of the appointment of the commissioner.

The Assembly Commission has no role in assessing the circumstances in which complaints against Members who are Ministers may be investigated by the commissioner. The admissibility of any complaint is a matter to be considered by the commissioner. 'The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members', published under report number NIA 5/16-21 by the Committee on Standards and Privileges, sets out the scope of the code of conduct for Members.

As Members will be aware, yesterday the Assembly appointed Dr Melissa McCullough as the new Commissioner for Standards. I take this opportunity to congratulate Dr McCullough on her appointment and wish her well in her new role.

**Mr Beggs:** It is particularly important that MLAs who are Executive members set an example to the public and follow the guidance and regulations that they have set. I am surprised that they are not accountable to the Commissioner for Standards, if I have picked up the Commission member correctly. If the commissioner is not able to investigate such breaches, there needs to be a mechanism in order to give the public confidence and to deal with the issue seriously. Will the Commission member confirm that the Commissioner for Standards will have sufficient resources to deal with the backlog that has developed over the past three years and the administrative support to investigate those complaints?

**Mr O'Dowd:** I thank the Member for his question. Commission officials and the new commissioner will meet to discuss what resources are required and available to the commissioner to carry out her duties. It is in the

interests of the entire Assembly to ensure that the commissioner has the resources required to carry out her functions.

**Mr Chambers:** In light of the position of commissioner being vacant over the past months, will it be within the competency of the office of the Commissioner for Standards to investigate and rule on complaints relating to alleged serious breaches during the COVID-19 pandemic?

**Mr O'Dowd:** As emphasised in my original answer, the commissioner is independent. It is my understanding that she will be able to investigate complaints that were made during the previous period, relating to whatever matter. However, that is a matter for the commissioner.

**Mr Allister:** Mr Beggs identifies an obvious lacuna in the accountability provisions. In respect of there being no power in the Commission to investigate Ministers, no doubt the House will be delighted — I hope that the Assembly Commission will be delighted — by the shortly upcoming opportunity to fill that void by passing clause 5 of my private Member's Bill, which would make the Commission accountable for complaints against Ministers as well, and therefore complete the circle of accountability, which presently has that gap. I trust that the Commission will look forward to such an opportunity to fill that gap.

**Mr Principal Deputy Speaker:** Strictly speaking, I do not think that there was a question there, but if Mr O'Dowd wants to respond to the statement, it is entirely up to him.

**Mr O'Dowd:** I always look forward to Mr Allister's contributions. I find them interesting at times.

Let me re-emphasise for Members' information: it is up to the Commissioner for Standards to decide whether a complaint against a Minister fits within the commissioner's remit. The commissioner will decide whether a named person who happens to be a Minister, and the actions that they are accused of, falls under the investigatory powers of the commissioner.

## **Parliament Buildings: Public Reopening Strategy**

3. **Mr McGrath** asked the Assembly Commission for an update on the reopening, with appropriate safeguards, of Parliament Buildings to the public. (AQO 610/17-22)

5. **Mr Dunne** asked the Assembly Commission when public tours and events will resume in Parliament Buildings. (AQO 612/17-22)

**Mrs D Kelly:** With your permission, Mr Principal Deputy Speaker, I will group questions 3 and 5 together.

The Assembly Commission took the decision to close Parliament Buildings to the public from 9.00 pm on 18 March in light of the public health situation. The Commission decided that no public tours, events or visitor activities should take place and that members of the public would not have access to Parliament Buildings until further notice.

The Commission also recognised that the Assembly and its Committees would need to continue to meet to carry out certain political and legislative responsibilities, not least in relation to the response to COVID-19. As such, permanent pass-holders and those essential to the delivery of Assembly business have had continued access to the Building. In addition to that, arrangements have been put in place to ensure the live streaming of Assembly business and the publication of information on the Assembly website and other social media channels. There has also been increased interaction with stakeholders and the delivery of some services using virtual communication tools.

A secretariat-led COVID-19 response group was established to ensure that the Commission has planned for and is ready to respond to developments in relation to the pandemic.

That group has continued to meet regularly and, amongst other things, monitors advice from the Public Health Agency, the Chief Medical Officer, the Chief Scientific Adviser and others, and seeks to ensure that all relevant guidance is followed, not least to ensure the health, safety and well-being of those who use Parliament Buildings and, indeed, the wider community.

### **3.45 pm**

The issue of when Parliament Buildings can be reopened to the public, with tours, events and activities resumed, was considered by the Commission at its meeting on 29 July. Members agreed to maintain the current position and to reconsider this at its September meeting, which is likely to be held towards the end of this month. The Commission noted that no unnecessary risks should be taken that would increase the risk of exposure to staff,

Members and Members' support staff, particularly given the importance of the work of the Assembly, the already limited capacity of experienced staff, due to the high number of vacancies, and the likely increase in the volume of work anticipated in the autumn as a result of the EU exit.

**Mr McGrath:** I thank the Member for her answer. Will any consideration be given to Members who are carrying out work, who may need to meet with one or two individuals as part of that work? It is not always appropriate to do that via Zoom or telephone. Also, some Members' constituencies are quite a distance from Belfast and they do not always have the opportunity to meet up with people in person. Could some sort of rota or booking system be considered so that we could monitor the numbers of people. We have sent out a message to the rest of society that they should be opening and gently getting back to work, whereas our situation is the same as it was back in March. I think that it should be reviewed.

**Mrs D Kelly:** I thank the Member for his question. In my experience, if Members seek to hold meetings with stakeholders and constituents, provided that they have completed their own risk assessment in relation to hosting that meeting in an office, there is nothing to preclude a Member doing that, if they let the booking, admissions and door staff know that they are expecting a visitor. That can be accommodated.

**Mr Dunne:** We all recognise the importance of Stormont being open to the public. We have lost educational visits, schools, and there is loss to charities and lobby groups. Everyone wants to meet their MLA and greet them here in Stormont, if possible. Can you give us an assurance that the risk assessment will be reviewed on a regular basis, so that these visits can recommence as soon as possible?

**Mrs D Kelly:** I am happy to give that reassurance. A comprehensive risk assessment was completed and a report has been presented to the Commission for consideration at the next meeting, which will take account of all those findings. However, in the meantime, the Member and others are aware that the Assembly staff have put in place extensive interactive tools, including webinars. They are also looking at outreach and how they can provide an educational experience for schools. Work has also begun on extending the Assembly's website to include a virtual tour of

the Assembly. Quite a bit of work has been going on behind the scenes.

**Mr Givan:** The Members' Dining Room proved to be very popular, not among Members, but the public. We also have a duty to those who are employed through the private business that operates the catering. With that in mind, and our responsibility to those members of staff, when will the Commission look at reopening, for the public to access those catering facilities, which provide important employment to staff in the Building?

**Mrs D Kelly:** I thank the Member for his question. The issue of catering facilities, not just for members of the public but for staff in the Building, is something that I raised earlier with the Speaker, and I assure the Member that it is on the agenda for the Commission's meeting, with the Speaker's agreement, in two weeks' time.

## Centenary of Northern Ireland 2021

7. **Mr Givan** asked the Assembly Commission what plans it has in place to mark the centenary of Northern Ireland in 2021. (AQO 614/17-22)

8. **Mr Storey** asked the Assembly Commission how it will maximise the use of its buildings and resources to mark the centenary of the establishment of Northern Ireland in 2021. (AQO 615/17-22)

**Mr Blair:** With your permission, Mr Principal Deputy Speaker, I will answer questions 7 and 8 together.

In 2012, the Commission agreed an approach to how anniversaries that occur within the decade of centenaries would be officially marked in Parliament Buildings, including those that fall in 2021. This was motivated by a desire to ensure that how events were handled here set a lead to the wider community and were not the cause of controversy. This approach established the "Perspectives On..." series of events and is guided by a comprehensive set of agreed principles. These include that all events will be inclusive, of a sensitive tone and respectful of our shared history and differing views on it.

In October 2018, the Commission agreed the anniversaries that would be marked in this mandate. These include the centenaries of the creation of Northern Ireland or partition and the first sitting of the Northern Ireland Parliament in 1921. In line with the agreed approach, the Commission is required to decide, by

consensus early next year, the nature of the events that it will organise to mark these centenaries. The Commission is expected to commence discussions on this in the time ahead and will do so in the context of events that have already been held.

To answer Mr Storey's question on resources, the Commission's agreed principles include that proposals for events will take account of budgetary constraints and note that events within Parliament Buildings will not be the main events to mark these occasions within the wider community. However, the resources and facilities required will undoubtedly feature in the Commission's discussion on how to mark each centenary.

It is to be welcomed that a wide range of events have been held since 2012 to focus on different centenaries, without controversy. It is also extremely positive that the Commission has agreed by consensus to mark the centenaries this year. I anticipate that Commission members will similarly be constructive in deciding how that will be done.

**Mr Givan:** Obviously, 2021 is of huge significance, and whilst the Assembly Commission a number of years ago agreed the protocol for marking these centenaries, Members on this side are acutely aware of the views of Members on the opposite side who have referred to this place as a repugnant statelet and have used offensive language and so on in regard to it. What assurances is the Member able to give on behalf of the Commission that there will be no veto exercised in seeking a consensual approach to something on which Members opposite have demonstrated an inability to be respectful of the creation of this place?

**Mr Blair:** The Member should be aware that, as a corporate body, the Commission generally works by consensus to keep the party politics apart from its responsibilities. Consensus was specifically built into the approach on centenaries to acknowledge that dealing with them collectively allowed all parties to recognise the importance of marking any events in our history, even if there were different political narratives on individual events.

It is positive that all the events so far have been well-received and that there is a consensus to mark centenaries again, next year. The events are much more likely to be successful and to avoid controversy if they are approached in that way.

**Mr Storey:** I thank the representative of the Commission for his answer. Given that there is a considerable number of artefacts that are held outside of this Building, and that it would be of paramount importance that they have the opportunity to be brought back into this Building, and given that they are aligned with the history and significance of the centenary, will he ensure that this goes back to the Commission and that that will be looked at as an issue of importance?

Also, there are many who have concerns about the Building being subject to a "greening" process over the last number of years. Will he also take back to the Commission the problem with weeds outside the Building, because if we are going to have a centenary and a Building that is fit for purpose, could somebody take time to get the place tidied up outside? It is absolutely disgraceful to see where weeds are, at the front of this Building, and maybe, before 2021, that could also be addressed.

**Mr Principal Deputy Speaker:** Mr Blair, before you rise to your feet, Mr Storey asked two questions, so you have a choice of which one you want to answer.

**Mr Blair:** Mr Principal Deputy Speaker, I never shy away from answering questions of a greening variety, on environmental matters, of course. *[Laughter]* So I am sure that I can add a comment or two on that at the end.

In relation to the question on the involvement of the wider community, it is a point well made. There has been an opportunity for members of the public and representatives of community organisations to attend all the events so far, including church representatives and, of course, school groups. Representatives from other institutions have also been invited to attend some of the events. The events have been well-received by those who attended, and I have no doubt that the participation of others outside of the Assembly will also be part of next year's proposals.

In relation to the greening of the Building, which did not, I am disappointed to say, extend to environmental sustainability, it is a point well made, and I am sure that the Commission can feed back collectively in relation to the weeds and how they can be dealt with.

**Ms Sheerin:** I thank the Member for his answers so far. I am conscious that Members on the opposite Benches referred to some of the commentary from my party as "offensive". However, the fact is that the process that led to

the partition of Ireland was not democratic, and, as such, it is felt by many in the nationalist and republican communities that it was fundamentally unjust. The Six County-state was created in the midst of a frenzy of sectarian violence, and that happened, obviously, on the back of violence, North and South, whilst under threat from the British Government of the day of an immediate and terrible war. In that context, does the Commission agree that it is essential that any and all events marking the centenary of the imposition of partition and the creation of the Six County-state are inclusive and that they reflect the very —.

**Mr Principal Deputy Speaker:** The Member is —

**Ms Sheerin:** Tá mé ag teacht.

**Mr Principal Deputy Speaker:** — in danger of moving into speech territory rather than asking a question.

**Ms Sheerin:** My question is coming. Events should be inclusive and reflect the very different and conflicting political and historical perspectives of the time, ensuring that the violent sectarian reality of the period is fully referenced and remembered so that lessons can be learned for the future.

**Mr Principal Deputy Speaker:** OK. Right. That is not on. We are supposed to be asking questions. There will always be very different arguments on these issues, but I think that it is really important to remember that there are other Members who want to ask questions on other matters. We could speechify at each other across the Chamber, but this is an opportunity for questions to the Commission.

**Mr Blair:** I could refer the Member to the answers that I gave on consensus and collective decision-making, and the Commission, of course, tries to encompass the different views that there are. If I want to take it from the angle of a different approach to next year's commemoration, I will just say that the Commission's approach deliberately dealt with all the events during the decade of centenaries as a package in order to ensure that they were inclusive and consistent in recognition of the fact that some events would be more important to some parties and Members than to others. If there is to be any change to the Commission's approach at this point, that will also have to be agreed by consensus.

**Mr Carroll:** Thanks for the answers so far. Following on from Mr Storey's question, does

the Member agree that the buildings and resources of the state that was established in 1921 were exclusionary and discriminatory as they were based on gerrymandering and sectarian discrimination and were supported by state violence and that those facts mean that any look back at that history ought not to be a whitewash of those events — but should instead be an honest and balanced history of the period of partition?

**Mr Blair:** I thank the Member for his question and other Members for theirs. Of course, my view on this is of no consequence because it might not represent that consensus view of the Commission. I cannot possibly answer that question other than to refer the Member to previous answers about consensus, agreement and trying to strike a balance.

**Mr Allister:** Given what we just heard from Mr Carroll and Ms Sheerin, does the Commission agree that it will be a test of the capacity of some to show respect for how the centenary is marked? There are some who like to pay lip service to respect, but I think that today has been an illustration of how difficult that is for some. In that regard, could I bring Mr Blair back to Mr Storey's question, which was not answered? We have a rich history that is shown in artefacts that the Commission controls, including portraits of former Prime Ministers and military figures, all of whom contributed. Will the Commission ensure that, for the centenary, those are not hidden away and are shown as part of our history? Will the —

**Mr Principal Deputy Speaker:** OK.

**Mr Allister:** — Commission ensure that there is no humiliating insult whereby the flag of our nation is not even flown at the centenary?

**Mr Principal Deputy Speaker:** Order. One of the events that we may have is a panel debate, but this is not the occasion for that. These are questions to the Assembly Commission. The Member has made his point. Mr Blair, I invite you to answer.

**Mr Blair:** I thank the Member for the question. Similar to the position that I had to take on a previous question, I am not in a position to speak for the representative positions of others about respect or anything else. I can only refer the Member to the position of the Commission on reaching consensus and collective decision-making. Artefacts may be reflected in answers to other questions that are tabled on other occasions, and I believe that they will be.

4.00 pm

## Youth Assembly

9. **Ms Dillon** asked the Assembly Commission when it plans to convene the Youth Assembly. (AQO 616/17-22)

**Mr Butler:** I did not realise how small I was until I sat behind that Box. Thank you for your question. As Members will be aware, the Speaker, on behalf of the Assembly Commission, announced on 22 July a framework for the establishment of an Assembly-supported Youth Assembly. That framework now allows for detailed arrangements for the establishment of that Youth Assembly to be taken forward. The Assembly's Education Service has already started on that work, and it has also planned to recruit two youth sector workers to assist in the long-term development of the same Youth Assembly. That work will involve undertaking further engagement with the youth sector and young people, because it is the Commission's clear intention that the process and procedures of the Youth Assembly, including how its members are sought and chosen, should be co-designed with those young people in mind. The Commission looks forward to seeing the results of that input.

The Children's Commissioner has been extremely helpful in providing advice and support to the Commission, and she has accepted an invitation from the Speaker to join him on a steering group to guide the next phase of the engagement with young people. She is, in fact, meeting the Speaker this afternoon. Not surprisingly, the COVID-19 pandemic has impacted on progress to date and may yet slow our progress. However, the Commission is determined that the Youth Assembly will be established and operational as soon as possible, and the Speaker has said that he looks forward to hosting his first formal plenary of the Youth Assembly in the Assembly Chamber next year.

**Ms Dillon:** Thank you for your answer. I am delighted to hear that the Youth Services is involved in this because I very often say in the Justice Committee that, where young people are involved, the Youth Service should be involved. Can we do anything to ensure that the work of the Youth Assembly is actually relevant to young people, because that is going to be the best way to engage them?

**Mr Butler:** That is an excellent question, and I believe that every Member in this Chamber will

support that. The further engagement and the development has yet to be decided and is subject to further engagement, but the Northern Ireland Commissioner for Children and Young People, Koulla Yiasouma, has provided invaluable advice and assistance in shaping and informing the proposals that have led to the framework for the Youth Assembly. There will be further engagement with her office and with other stakeholders, and that is incredibly important. As I said earlier, the Commission's clear intention is that the processes and procedures of the Youth Assembly, including how its members are sought and chosen, are co-designed by young people themselves and that we have their voices well and truly heard in the design.

**Mr Principal Deputy Speaker:** That concludes the available time. I thank the Commission representatives for the answers that they provided. I ask Members to take their ease for a few moments before we move on to the next item of business.

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

## Private Members' Business

### Public Inquiry into Muckamore Abbey Hospital

*Debate resumed on amendment to motion:*

*That this Assembly calls on the Minister of Health to establish a public inquiry, under the terms of the Inquiries Act 2005, into Muckamore Abbey Hospital in support of the families of residents who have campaigned for justice; and, in the interim, further calls on the Minister of Health to progress urgently the recommendations of the recent review of leadership and governance at Muckamore Abbey Hospital. — [Ms Bradshaw.]*

*Which amendment was:*

*Insert after "urgently":*

*"a bespoke plan to stabilise and support the current delivery of services, as well as implementing" — [Mr Gildernew.]*

**Mr Dickson:** I support the motion in my party colleague's name. I place on record my thanks to both my colleagues for bringing this important issue to the House.

When people are under the care of our health and social care system, they should expect the highest quality of safe care and should be treated with the utmost respect and dignity. It is clear that, for so many vulnerable patients at Muckamore Abbey, that high-quality care was not being delivered. Indeed, there are criminal investigations ongoing, and patients and families have understandably lost confidence in the system.

I pay tribute to those patients and families who have campaigned on the matter; they definitely deserve justice. It is for that reason that nothing short of a public inquiry will do. The Health Minister has already issued an apology, but that is not enough. The failings in this respect are systemic. In the interim, we need to fully implement the changes, including those set out in the leadership and governance review, to address the failings. As mentioned in the proposed amendment, we need a bespoke plan to rebuild confidence in the services and, in the interim, I am very happy to support that.

Very briefly, I want to refer back to an earlier comment by, I think, Mr Clarke about the concern that, over many years, many in the community were not happy about residents from Muckamore Abbey coming into the community. I believe that that could not be further from the truth. As far back as 1984, I had the privilege to be on the board of Kilcreggan Homes, Carrickfergus, which is now Kilcreggan Urban Farm, under the inspiring leadership of Oliver and Amanda Shanks. The two doctors, who are now long retired, were involved in work in Muckamore Abbey and saw the urgent need to help residents there come into the community and be part of it.

**Mr Clarke:** I thank the Member for giving way. For a point of clarification, I think that it was before the Member came to the House a number of years ago that his party colleague spoke on the matter and in support of the very point that he is making, as did I and as did the Minister at the time. The point that I was making was that, when there was resettlement of some of those people in the community and when the planning applications were going through the system, some political representatives put up opposition to prevent them from coming into the community, but his party colleague at the time David Ford spoke in favour of it.

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

**Mr Dickson:** Thank you very much. I appreciate that.

As far back as 1984, when Kilcreggan Homes came into existence, there was community consultation and a wonderful, warm welcome for residents whom Oliver and Amanda Shanks worked with in Muckamore Abbey to integrate them into the community. Today, we have a wonderful and vibrant community in Carrickfergus known as Kilcreggan Urban Farm.

For too long, Muckamore Abbey operated without the appropriate, proper oversight or leadership. In fact, the review of leadership and governance stated:

*"The leadership ... was dysfunctional"*

and the hospital:

*"operated outside the sightlines and under the radar of the Trust."*

Sadly, we have seen that on many occasions in other parts of the United Kingdom in similar institutions. Sadly, on reflection, the reality is that something like that was going to happen and was happening here. We have heard too many horror stories about institutions like that in other parts of the United Kingdom.

How are people to be truly assured that health and social care for some of the most vulnerable in our society is safe, unless an independent and full public inquiry assesses what went wrong, sets out the standards that are now required and imposes the appropriate reform in the system? We need that to happen, and we need it to happen without delay. That is why I am supporting the motion and the amendment today.

**Mr Catney:** I am sure that I am not only the MLA who has lain awake at night horrified at the stories that my constituents have told me about the scale of the problems at Muckamore Abbey. The independent report makes grim reading of the systemic issues in the Department, the trust and the hospital. I know that the Minister has had a lot on his plate over the last few months, but the recommendations must be implemented as soon as possible so that this starts to be addressed and to ensure that it will never happen again. Specifically we need to support front-line staff. The review refers to staff feeling disconnected and unsupported. That cannot happen in a high-risk environment such as Muckamore. To do so puts everyone at risk; it is a cultural problem that needs to be changed now. The lack of learning from the data is of massive concern. We cannot treat reporting as a tick-box

exercise. We need to be constantly evaluating, learning from our mistakes, and doing our best to improve matters for all our patients.

The trust needs to act now to have accountability for directors and senior management. No one can be above scrutiny. The trust needs to put plans in motion immediately to do that. I have no doubt that our present Minister of Health will see it through. Most importantly, the victims, and the families of victims, must know that we are taking the issue seriously. Many of the problems came out in the independent review, but the only way to get all the information so that all the problems can be dealt with is a full public inquiry. Now is the time to act; now is the time to implement change; now is the time to tell all the victims and their families that this will never happen again. I support the motion and the amendment.

**Dr Aiken:** I will keep my remarks short. As an MLA for South Antrim, I know that many of my constituents have family members who are either patients or staff at Muckamore Abbey. The staff and patients at Muckamore, and their families, have been very badly let down by a lack of responsibility and accountability and by the lack of oversight that should have been the basic function of the Belfast Trust.

The Ulster Unionist Party will support the motion and the amendment, but we need to see action. Indeed, patients and staff at Muckamore Abbey need to see some restoration of trust for the sake of their future. That restoration can come through the leadership of our Health Minister, who has been doing a sterling job so far.

**Mr Carroll:** I thank the Members who moved the motion and the amendment. Quite rightly, we have spent a lot of time in the Chamber discussing COVID-19 and its impact on our communities. However, we cannot lose sight of all the other issues that face those who need and who rely upon our health service. Quite rightly, during the COVID-19 period, we talked about the need to protect those who are vulnerable in our society. I believe that we should apply the same principle to the patients in Muckamore, to those who are involved in the Independent Neurology Inquiry, and to all those who are seeking redress for mistreatment or alleged miscarriages of justice.

If the health service does not work for the most vulnerable and for the unwell, can we really say that it works properly at all? Whilst we must resolutely support those who are battling for answers and for justice, we have to ensure that

another Muckamore never happens. However, can we really rule that out if our health service is understaffed and under-resourced? I sincerely hope that it does not happen again, so I want to ensure that every action is taken now to ensure that it does not. I am concerned, like the Chair of the Health Committee earlier, about the over-reliance on agency staff in the care sector and in our health service generally, as people are unable to develop relationships with patients.

Of course, this issue should not be about workers versus patients, but about patients and their families up against an unfair system or a system that did not take their concerns seriously. One of the most alarming aspects of the investigation at Muckamore is that the Belfast Trust decided, in 2015, two years before the alleged abuse, to install CCTV cameras, because, in 2015, the number of adult safeguarding investigations was far too high. Installing CCTV was considered a way to protect vulnerable adults. If the reports were true then, it appears that abuse soared after CCTV was installed. I have to ask the question: how was that possible?

The recent Muckamore review into leadership and governance in the Belfast Trust seems to portray the CCTV operation as a complete fiasco. I cannot describe it as anything but a fiasco. It appears that nobody knew for over a year that the CCTV cameras were even turned on. If people do not know if the cameras are turned on in hospitals and care settings, are they really fit to play a leading role in delivering health and care services? Those are serious questions that need to be answered.

#### 4.15 pm

The RQIA held five serious concern meetings about Muckamore with the Belfast Trust between 2014 and 2016. How, then, was it possible for alleged large-scale abuse to take place in 2017? It appears to me, from this course of events, that either no action was taken or, at best, limited action was taken to prevent abuse from, potentially, recurring. I ask the Minister or someone who can answer this question, what happened in that two-year period?

Seanín Graham, from 'The Irish News', reported that it has cost millions to staff Muckamore because so many staff have been suspended pending an investigation. That is quite shocking and worrying. I ask the Minister directly: have any senior Belfast Trust staff, boards of directors or chief executives been suspended,

sacked or are there any ongoing plans or investigations about that matter?

This is a very serious scandal, as everybody has said today, and some would argue that it is more serious than RHI and should be treated as such. Over the last few days, we have heard that the Chief Medical Officer was visiting bars at the weekend, in his own time, to ensure that COVID restrictions were being maintained. Many would ponder why the Chief Medical Officer, and other senior health staff, did not make spot-check visits to care settings to, potentially, flag up these issues.

**Mr Deputy Speaker (Mr Beggs):** Can the Member draw his remarks to a close, please?

**Mr Carroll:** I will. My party backs the call for a public inquiry to ask what happened and why it happened for so long. We commend those who have campaigned to highlight this issue and fight for justice.

**Mr Swann (The Minister of Health):** I want to take the opportunity today to announce that I am calling a public inquiry, under the Inquiries Act 2005, into the abuse at Muckamore Abbey Hospital.

**Some Members:** Hear, hear.

**Mr Swann:** This is not how I had planned to make the announcement. I had wanted to communicate my decision to the families and patients, both current and former, before I announced it publicly. However, because of the Assembly motion today, and not wanting to be accused of withholding important information or my decision from the House, that was impossible. Therefore, I want to apologise to those families and patients who are hearing about this now for the first time. It was not the way I wanted you to hear, but I acknowledge and respect this Chamber and its Members.

I want to take this opportunity to once again put on record my apologies, on behalf of the health and social care system, to patients and families who have been let down by a failure to protect patients from abuse — a shocking failure that has affected some of the most vulnerable members of our society who should be protected. However, families and patients want and deserve more than apologies. They want and need answers as to why this happened and how it was allowed to happen. I hope that the public inquiry that I have announced today will give them those answers.

We have now had two reports into events at Muckamore: the serious adverse incident report and, most recently, the 'Review of Leadership and Governance at Muckamore Abbey Hospital'. The recent review of the leadership and governance does not hold back in stating very clearly that the Belfast Trust failed in its duty of care to those vulnerable adults.

I thank the review panel for their very frank assessment and conclusion. It highlights that, while the Belfast Trust had appropriate corporate governance and leadership arrangements in place, it failed to prevent abuse, identify the appropriate level of abuse that had taken place and adequately prevent further abuse from happening. The report concludes that those failures resulted in harm to patients. A previous investigation into abuse was a missed opportunity. The trust's focus on Muckamore, insofar as it had one, was on resettlement at the expense of ensuring safe, high-quality care for those who remained in hospital. That should never have been the case.

Even though the trust installed CCTV in the hospital and entered into a contract for its ongoing maintenance, no one seems to have been aware that the cameras were operational. Footage was recorded, stored and even deleted without anyone looking at the images. Indeed, they only viewed this material following the persistence of a parent who was desperate to get to the bottom of what had happened to his son. When the trust finally did look at the images from the CCTV, they revealed thousands of incidents of poor practice and the abuse of the most vulnerable in our society.

The fact that this situation was able to arise is probably indicative of another conclusion of the leadership and governance review. The report also found that, for years, at the top of the Belfast Trust, there was scant evidence of any corporate curiosity about the facility. It did not feature in the trust's annual reports and was not regularly visited by board members. Despite being the largest facility of its kind in the region and despite it being widely known that this type of facility carries an inherent risk of abuse given the vulnerability of its patients, it was not in their line of sight. It was, as Members have reported, a place apart from the rest of the trust. When that lack of interest collided with the failure of managers in Muckamore to escalate issues, a perfect storm was created whereby abuse was able to go unchecked. I cannot find words to adequately describe the scale of this betrayal of trust, this scandal.

Members will be aware that, whilst I was leader of the Ulster Unionist Party, I backed calls for a public inquiry into the appalling allegations of abuse. I signed the letter at that stage. I believed that a public inquiry was the only outcome. Whilst my opinion did not change from coming into this office on 11 January 2020, I made it clear that whatever decision I ultimately took as Minister would be informed by the views of the people who use the services at Muckamore and their families.

I visited the hospital on 22 January to meet patients, families, carers and staff and hear from them as early as possible. I also met the Action for Muckamore group on 17 February. I said that I wanted to wait to see the findings of the report of the leadership and governance review, which was due at the end of June, before I made my decision. Unfortunately, due to COVID-19, that report was delayed until 5 August. We now have the report.

I confirmed on 5 August that it is my clear intention to establish an inquiry but that I would take time to consider the report in detail to establish what questions remain unanswered and to consider all the options available for an inquiry. Since then, I have read the report and I was appalled. For the record, I confirm that I accept all the recommendations in the report and will progress them as a matter of urgency.

My officials examined the findings of the report and provided me with their advice last week. After considering their advice, the only option that I could see to get the answers that everyone is seeking is a statutory public inquiry. As I have outlined, I wanted to engage with families and patients at Muckamore on the best way forward and for them to be the first to hear of my decision.

My officials have a programme of work to get this inquiry up and running. That is likely to take time. It is not work that can be rushed. Families and patients, both current and former, will have the opportunity to influence the terms of reference of the inquiry, and I will be in touch with arrangements for that. I can, however, advise that, in anticipation of an inquiry, the Chief Social Work Officer and the Chief Nursing Officer wrote to all HSC organisations and to staff in the Department in early February. They were asked to take all necessary steps to preserve any documents, records and other relevant material relating to Muckamore Abbey Hospital and to ensure that those be retained and not be subject to scheduled disposal.

I understand the demands of those who believe that a statutory public inquiry under the

Inquiries Act 2005, with its powers to call witnesses and cross-examine them in public, is the only way in which to get the answers that they need, particularly as some retired Belfast Trust managers did not engage with the leadership and governance review. I do not just understand those demands; I agree with them. I am keen to ensure that we find a way to take forward an inquiry process that will address the unanswered questions and the crucial issue of how we ensure that this never happens again. What led to a significant number of staff either to participate in or to turn a blind eye to abuse of the very people whom they were employed to care for? Why did the systems designed to identify and put a stop to abuse when it did happen fail? How could the leadership of the Belfast Trust go for so long without understanding the risks inherent in that type of facility?

We need to ensure, however, that the process does not duplicate the work already taken forward by the external, independently led, level 3 serious adverse incident review and by the independent leadership and governance review. We must also take account of the ongoing major police investigation, because I want to ensure that any process that is put in place does not jeopardise this investigation and allow those who deserve to be prosecuted for their crimes to be let off the hook.

As I said, the police investigation into the abuse at Muckamore is ongoing and is likely to continue for some time. I understand that eight individuals who worked in Muckamore have been arrested, with the most recent arrest only yesterday. Files on seven of those individuals have been submitted to the Public Prosecution Service (PPS) for it to consider charges. To date, 62 members or former members of staff have been placed on precautionary suspension. I anticipate that there will be more arrests and more suspensions going forward.

I understand that families and patients want to know what is planned for the future of Muckamore, and I can assure them that no decision has been made to close the hospital. Let me be very clear: the immediate priority for Muckamore remains the safety and stability of care provided there. There will continue to be a focus on resettlement, but not at the expense of those who require to be in hospital. When resettlement happens, it must always be for the betterment of the individual concerned and never simply to meet a target, no matter how well intentioned that target may be.

Looking to the long term, I can say that there is a clear need to transform services for adults

with learning disabilities in Northern Ireland. Work is being taken forward through the transformation agenda to develop a new service model for learning disability services. The reshaping of services will cover different aspects of care, including inpatient assessment and treatment of patients with learning disabilities, respite care, outreach work to support community placements and provision in circumstances in which placements might break down. Identifying the best long-term location for inpatient and respite care will form part of the work. The best interests of patients will be the paramount consideration at all times, because any changes will be taken forward in detailed consultation with patients, with their families and carers and with staff.

This is a sad chapter in the history of health and social care services in Northern Ireland, in particular for the Belfast Trust and Muckamore Abbey Hospital. They have failed in their duty to protect those patients.

They have failed in their duty to the family members. This abuse should never have happened and, as the Minister, I will do all that I can to make sure that it never happens again. That is why I am announcing a statutory public inquiry into the events at Muckamore Abbey Hospital.

**4.30 pm**

**Ms Flynn:** First, I warmly welcome the Minister's announcement, and I also concur with comments that were made by numerous Members throughout today's debate. I do not see this motion as being contentious or as being party political. Obviously, I thank Paula and John for bringing it to the Floor.

The motion and discussion was all about the families. It is about all the families who have been fighting for truth and justice into how their loved ones were treated in the health and social care system. We cannot forget that there are families and patients at the centre of this scandal who are simply trying to get to the truth of what has happened to their loved ones: their sons, daughters, brothers and sisters. It is right that a shining light is cast into the quality of care and governance. That is not only in Muckamore Abbey Hospital but, as the Minister said, in the wider health and social care system. I fully support the decision that has been made around a public inquiry to get to the truth. Hopefully, this will make sure that nothing like this can ever happen again.

I am fairly sure that the Minister will agree me that no one, regardless of their condition, should ever have to call an acute hospital or a ward their home. Those who can live in the community must be fully supported to do so, and that means completing the programme of resettlement and building sustainable packages of care in our community.

On the topic of community care, one of the first questions that I asked in this mandate was about the number of admissions and discharges from Muckamore Abbey Hospital. At the time, I was concerned that the sustainability of care in the community was at breaking point. A package of care can be many things but it is essentially about people and services and, when it breaks down, it can be for many genuine reasons. However, it can also be because a family or a carer can no longer cope, and the stress and the pressure that that can cause can be devastating.

I remember hearing the families at the centre of the abuse talking about the difficult choices that they had to make, and hearing from families who were struggling to cope when things were not working out, and particularly hearing about the fear and the anxiety of sending their loved ones to a hospital that was at the centre of one of the largest safeguarding probes in these islands. That is why I am still concerned about the sustainability and delivery of services in Muckamore Abbey Hospital today. This does not take away from supporting the Muckamore Abbey families and their quest for answers and justice, which we all fully support. However, it is about ensuring that, going into the future, the public have access to high-quality, safe and reliable services that support staff and patients.

I welcome the Minister's decision and I sincerely hope, as do all the Members who have spoken today, that this decision and move will bring answers, closure and, more importantly, meaningful change for the future.

**Mr Blair:** I cannot start in any way other than to thank the Minister sincerely for coming here to make an announcement on the decision that has been made and the action that he intends to take, and I am sure that all Members will join with me in thanking him for that. I also thank my colleague Paula Bradshaw for bringing the motion to the Chamber in the first place and for bringing me on board with it. In the light of the relevant points that she made in her speech and the points raised by Members during the debate, I want to say that I understand the huge public concern surrounding this facility, which is based, as some Members will know, in my

constituency. Indeed, other South Antrim Members spoke during the debate.

Before I respond to the points raised by Members — I thank them for those — I will briefly make a couple of observations and points of my own. First, I draw Members' attention to a very serious consequence of the outworkings of recent reviews and, indeed, of other reviews, which is the spiralling cost of the Muckamore abuse scandal. It has been revealed that millions of pounds have been spent on keeping the hospital operational. The reported cost to the health service is £12 million, incorporating issues around suspended staff, paying agency nurses and sick leave at Muckamore Abbey. The list is much longer than that. The cost of £12 million from what we can only term an abuse scandal that broke three years ago is to the detriment of other public services and, crucially and specifically, to the detriment of much-needed health service resource and facilities. I do not need to remind Members or the Minister of that reality.

Secondly, I take the opportunity, as a Policing Board member, to commend the sterling work done by the PSNI investigation team on this matter and for its extensive examination, which has been separate to any health- and care-based reports, that has involved hundreds of hours of CCTV footage. I know some of that through my membership of the Policing Board, and I should inform Members that we have been updated there on a regular basis.

Finally, I want to mention staff. We are aware — it has been mentioned today — that staff have been continuing to do their job shrouded in controversy and wary of suspicion. It is not good, positive or productive for people to continue to do their tasks in those circumstances.

I now want to respond to Members. I will not do it in detail, but I want to do it. The Minister's announcement and those events have kind of overtaken the debate, but I would like to do it in a way that brings out the consistent cross-party concern that has been expressed today.

I will start with the Committee Chair, Colm Gildernew, who clearly highlighted the plight of families and talked about meetings that he has had with the police and others about this. That was followed by comments from the Health Committee Deputy Chairperson, Pam Cameron, who also referred to families and mentioned the scale of the provision and the issue. Colin McGrath, on behalf of the SDLP, said that the findings of the reviews were so disturbing.

Trevor Clarke spoke, as I mentioned before, as a South Antrim Member, and my colleague Stewart Dickson spoke about previous experience of good examples of resettlement in the community. Steve Aiken spoke as a party leader and, before the announcement from the Minister, expressed his party's support for the motion, for Paula and I and for the amendment. We are grateful for that. Gerry Carroll spoke towards the end of the debate and emphasised that we must do what we can to ensure that a similar set of circumstances does not arise again.

Those comments broadly reflect that we were justified in our call, through the motion and the amendment, for a public inquiry. Today, the Minister has ensured that that will happen, with the support the House. I formally urge support for the motion and the amendment.

Before I close, I again thank the Minister for his announcement that there will be a public inquiry and for his acceptance of crucial report findings. We understand and respect that he came to the House to announce the inquiry. We know that, in different circumstances, he might have done it differently so that families, agencies, Members and others were informed in order, but we are grateful for that, and I urge support.

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

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

*Resolved:*

*That this Assembly calls on the Minister of Health to establish a public inquiry, under the terms of the Inquiries Act 2005, into Muckamore Abbey Hospital in support of the families of residents who have campaigned for justice; and, in the interim, further calls on the Minister of Health to progress urgently a bespoke plan to stabilise and support the current delivery of services, as well as implementing the recommendations of the recent review of leadership and governance at Muckamore Abbey Hospital.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments before the Adjournment debate.

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr McGlone).]*

## Adjournment

### Recurring Flooding in the Newcastle Area

**Mr Deputy Speaker (Mr McGlone):** In conjunction with the Business Committee, I have given leave to Ms Emma Rogan to raise the matter of recurring flooding in the Newcastle area. She will have 15 minutes. Just so that Members realise the timing of it, the total allocated time for this is one hour, and the Minister will have 10 minutes to respond. For Members who want to slot in around that and cover their colleagues, it will probably be in and around four or five minutes, but we will try to keep it managed as well as we can.

**Ms Rogan:** On Tuesday 25 August at approximately 9.15 am, the Shimna river again burst its banks and flowed through streets and gardens into homes. This is not the first time that it has happened in the area. The same devastation occurred in 2008, almost to the day, when homes, gardens and streets were flooded and havoc was created for local residents. Personally, I can think of nothing worse. The impact on the residents of Newcastle has been immeasurable. They have been left to deal with homes and contents that were ruined in a matter of minutes. The longer-term implications will be far-reaching — displaced and homeless for months ahead. What has resonated with me is the unseen damage to their homes: the sheer destruction that was caused to anything that got in the way of the raging floodwaters.

On that Tuesday morning, I stood alongside my Sinn Féin colleagues, unable to comprehend the scale of the disaster that was unfolding before my eyes. There was a need for quick thinking and reactions to help people prevent any more flooding to homes and to help those who had already been flooded. There was a realisation that accommodation was going to be needed for those who could not return to their home. The scene that greeted us was like something from an action film. The water was up over the windscreens of cars that were completely submerged. The emergency services and specialised teams arrived on the scene to rescue those in danger and make the area as safe as possible. Agencies were on the ground, working together to provide sandbags

and pump out what they could to limit the damage to homes.

People were in a state of high anxiety, fearful of another deluge of water. You could clearly see the water flowing down the mountain at great pace.

#### 4.45 pm

Residents had to leave their waterlogged homes with little time to pack a small bag of essentials. The key workers from DFI Roads and DFI Rivers worked tirelessly on the ground, for which they must be commended greatly. However, some might say that the flooding could have been better prepared for. Forward planning might just have been the key to avoiding situations like the one that we witnessed in Newcastle. Could sandbags have been delivered before the onset of the storm? Could the Shimna and Burren rivers have been surveyed for any potential flooding issues, such as falling trees and debris? Could greater measures have been put in place to alleviate the potential threat of the flooding?

Now that we are facing a climate emergency, it is essential that the Department for Infrastructure puts the necessary provisions in place to protect communities such as Newcastle from recurring flooding disasters. The flood alleviation plan needs to be carried out now; it cannot wait until next summer, because residents are living in fear of what this winter will bring. Measures need to be put in place now to remedy some of the flooding issues. For example, the Burren River flood defence wall created a dam effect and the water could not get away. Garden sheds, summer houses and garages were all flooded. The wall has double valves to let the water into the river but they are too low. When the water is high, it cannot get back into the river, so the valves need to be raised; that could be done now.

The culvert under Shimna Road has collapsed and the water backs up and has nowhere to go; that needs fixed now. The sewerage system in Newcastle mixes river water and sewage in the same system and that needs fixed now. Homeowners, businesses and schools are living in fear of the next storm, the next high tide or the next flooding incident. Homeowners find getting home insurance almost impossible. I witnessed the aftermath on the ground in the days after the flood. The contents of people's homes were being taken away in skips or were lying in front gardens. Homes were being fumigated and children's toys were being put

into bin bags; everything was contaminated. People's lives were turned upside down.

Minister, your Department received the most money after the Department of Health throughout the pandemic. The people of Newcastle need robust measures to be put in place now. Another disaster like that should not happen again. People are wondering why it will take until next summer for flood alleviation schemes to be put in place. Will the Minister provide clarity on that issue and elaborate on how the Department is looking at ways to accelerate the process as a matter of urgency?

**Mr Wells:** I support the sentiments that have already been expressed. Like many other MLAs, I was in Newcastle following the flooding and witnessed for myself the dreadful damage that had occurred. It reminded me of the situation in 2008, when similar devastation happened. At that time, there were calls for remedial action to be taken immediately.

I applaud the Minister for coming down to Newcastle; that was appreciated by all of the local residents and I thank her for that. She heard at first-hand what was going on and about the amount of damage and suffering that had been inflicted on the residents of Shimna Road and Bryansford Road in particular. I am sure that the same points will be made time and time again by the Members for South Down and others as to why the flooding happened so, therefore, I am going to take a slightly different tack.

First, I would like the Minister to address an allegation that was made that, although systems were in place to prevent a reoccurrence of the 2008 situation, various controls that are operated from a central control room and which would have diverted water away from the Bryansford Road and Shimna Road area into the Burren River — I believe that that system is located somewhere up in the vicinity of Tollymore Forest Park — were not operational. That allegation was made to me by several individuals on the day. I have no idea whether it is true or otherwise, but it would be very useful in the debate for the Minister to deal with that.

Secondly, as has already been mentioned, there are residents in the area who have made insurance claims. Indeed, the assessors have been out, the damage has been totted up and claims are already beginning to be paid. Indeed, I applaud the action of Newry, Mourne and Down council, which has been out and has already authorised the payment of £1,000 to each person affected by the flood. The speed

with which it moved, and the very flexible approach that it showed to the residents, is to be applauded. However, the bulk of the damage will have to be covered by insurance. There is a system in place called Flood Re, which is a fund of £180 million that has been set up by all the major insurance companies in the United Kingdom. I have two questions for the Minister. I looked up the conditions for Flood Re. First, it said that the dwelling has to be domestic, which is fine. Secondly, it has to be on mainland UK. I am always worried by that phrase "mainland UK"; I think, "Does it include Northern Ireland or not?". Maybe that is aimed at the Hebrides, Orkney, the Isle of Man or whatever. I want clarification that it includes Northern Ireland.

The condition of the Flood Re scheme that I found the most difficult to understand is that it precludes a claim coming in for any house built after 2009. I cannot understand the logic of that exclusion. A house built after 2009 is as likely to flood as a house built before 2009. I am dealing with a case at the moment involving a house that was built in 2013; it looks, on the face of it, as though the Flood Re scheme, which would have been a godsend to that particular family, does not apply in that situation. I want to know — I am trying to get an answer from the Association of British Insurers — the reason for that very unusual stipulation. There are houses that have been rebuilt since 2010 in situ; why should they be left out of that scheme while others are not? I want to hear from the Minister what she intends to do, through the Rivers Agency, to ensure that we do not get a repeat of that.

Some people believe in climate change and some do not. I do. I believe that it is man-made and that it is having a profound influence on the weather systems in our country. People talk about global warming. It is not so much about global warming as it is about erratic weather and extreme weather conditions. Newcastle has had three once-in-100-years floods in 22 years. That is a clear indication of where we are going. Those situations will continue to arise. Therefore, I think that we are all waiting with bated breath to hear what the Minister is going to say about how she believes that that awful situation can be prevented in the future.

**Mr McGrath:** I welcome the opportunity to discuss this topic today. A number of questions were posed to the Infrastructure Minister over the last number of weeks, and a number were posed yesterday, so, I welcome the fact that, today, we will get another opportunity to get those answers and the reconfirmation that the

flood alleviation scheme will be delivered in Newcastle.

I was present in Newcastle on Tuesday 25 August and witnessed at first hand the devastation that the flood caused. It was horrendous. It was heartbreaking to witness cars abandoned, furniture floating in people's living rooms, and people and pets having to be rescued by our heroic emergency services. People were in real danger. It was difficult for me to watch, but it was far more so — unbelievably so — for the residents who had to experience that. After all, cars, furniture and possessions can be replaced, but the fear of injury, and even the fear for one's life, are the sort of thoughts that do not go away easily. There were real heroes on that day in Newcastle from not just our Fire and Rescue Service, whose members were there from Newcastle, Belfast and Armagh, but ambulance staff, the Police Service, Search and Rescue Dogs Association Ireland North, and our coastguard team from Newcastle and Kilkeel. There were teachers from local schools. There were local businesses that went the extra mile to help. Individuals and families offered help and support. Truly, Newcastle had a vast army of true heroes in its midst on that day and that was great to see.

There is no doubt that the flood alleviation scheme has taken too long to deliver. It must now be delivered. People knew that the flood was on the cards. Just six days before the flood, I was sitting in a constituent's house talking about the scheme and the delays. We discussed how the next flood could be very soon as it had been 12 years since the last one. Little did we know that it would be just six days later.

Newcastle has a complicated topography. There are mountains with watercourses and high ground to one side and the sea to the other. When you couple heavy rain with high tides, the ingredients are there for flooding. The question is not will there be a flood, but when. That can be quite frightening for people. However, no one could have foreseen the amount of rainfall that fell when the tide came in and water levels rose, and we had all the ingredients for that perfect storm.

Some will ask, "Why were all the necessary precautions not in place?". It is harsh, but on that night the weather warning was for the whole eastern half of the North, so no-one knew exactly where or when it would strike. When it did strike, it happened at a frightening pace. People told me that it took just 30 minutes for their living rooms to fill with water, for their

entire downstairs area to be flooded. So people are rightly to be asking questions. They do not want to see some cheap point-scoring taking place. They want to see that, the flood having taken place, there is a resolution, and they want to know when that resolution will take place.

There have been delays in the scheme, not least because we did not have this place for three years. I understand that it is going to take some Ministerial oversight to hurry this scheme up. The fact that we did not have a Minister for Infrastructure for three years meant that it was very difficult for decisions to be taken to hurry that scheme along on the ground. People were asking and asking for the scheme, and they looked up the hill to Stormont, but the Executive was not here for three years, and that made it very difficult to get delivery on the ground.

Residents wanted to see action, and, thankfully, action is what they got from Minister Mallon on the day. Minister, I am very grateful and thankful to you for coming down on the day and going round, meeting the people, looking them square in the eye and seeing their pain and suffering. You looked into their houses to see the devastation that was caused, and I know that you took resolute action that day that you were going to deliver for the people of Newcastle. I know, from conversations that I have had with you since then, that that was what you went back to the Department to do. I hope that, in responding to this debate, you will be able to update people on the action that will take place. The residents definitely need to hear that reassurance. As I said, I thank you for coming down on the day to give us the information.

I welcome the opportunity to seek and get reassurance about the delivery of the scheme. I welcome that people will now know that an end to this matter is close at hand. I want to see the scheme commence as soon as possible and to know that, once it is complete, nearly £6 million of investment in Newcastle will be welcome and will provide the protections that are needed. I hope that we do not see a repeat of such flooding between now and the completion of the scheme, and I hope that there will be no delays in its delivery. As Ministers, MLAs and Departments, here in Stormont, we must all be on the side of the residents. Delivering for them is crucial, so let us get this scheme delivered.

**Ms S Bradley:** I, too, thank the Member for bringing this topic to the Chamber today. It is timely because, although the flood arrived and, thankfully, moved away, the aftermath is quite raw, and the residents are, rightly, now living with concerns. Having followed and spoken with

residents in the area, I was alarmed to see the volume of water that could arrive in one area in such a short time. It was devastating to watch homes being absolutely ruined. There is no other word that I could use to describe what happened that day.

What also happened quickly — and I must thank her — was that the Minister arrived. In a moment of chaos and in the confusion that follows it, it is reassuring to see somebody with ministerial portfolio arrive on the scene to let the residents know that we are with them and that we understand fully what is happening. On behalf of the residents, and as a representative of South Down, I want to record my thanks to the Minister.

Plenty of people stepped up, as is often the case in Northern Ireland. In a moment of crisis, we see heroes rise. That is true, and my South Down constituency colleague Colin McGrath referred to it.

It was reassuring to see community spirit, even in the midst of a pandemic, as active as ever: local businesses taking in residents, offering a much-needed cup of tea and a reassuring ear from a neighbour or friend in that critical moment. Teachers, individuals and people everywhere were doing everything that they could, and it was everything that is good about Newcastle and Northern Ireland.

### 5.00 pm

It is ordinarily an absolute privilege to live in Newcastle and that area, but, on that day at that moment, it was chaos. Residents are now left with trying to deal with the insurance and how they can resolve the matter; that is in the immediacy. I take on board the comments made by Mr Wells about the insurance companies. That is a valid question for investigation. I really cannot understand the 2009 stipulation; it makes absolutely no sense. It only adds to the concern and worry for those households. Does that year move with time? As houses become older, do more and more people fall into that category? There is no logic to it, and it is important that we understand further how that ever came about and work with the Association of British Insurers and others to find out that that is not the case.

Going forward, Members will assist residents to get through the chaos. They will then be confronted with the reality of how easy it will be to get insurance until the flood alleviation scheme is in place. The clock is ticking. I appreciate the Minister's commitment to this, but it is really difficult to say to somebody that

we live in hope that there is no other flood before the alleviation scheme is in place. Whilst I thank the Minister, I urge her to do everything in her power to bring forward the scheme as early as possible, because people are depending on it and will not rest easy in their bed at night until they know that it is in place.

**Mr Beggs:** As the Ulster Unionist spokesperson, I welcome the opportunity to speak in this important debate. The flooding of homes is devastating for the individuals affected. Many priceless possessions are destroyed; their lives are turned upside down; and they may not get back into their houses for months, even a year in some instances. It takes a lot of time to put right the wrong. Frequently, raw sewage is in the mix as well, and that causes much of the damage. It is important that we do all that we can to prevent this happening.

In 2002, my colleague, Dermot Nesbitt, commented on the relatively new principle of climate change, and I am sure that he had County Down in mind, being a representative of South Down. He highlighted the issue of higher levels of rainfall and the potential for increased flooding and said that this would particularly affect coastal communities. My colleague, Harold McKee, who was a councillor for the area, was working on a site in the area. He has advised me that sandbags would not have solved any problems there. It was a wall of water that came. Some five feet of water hit the site where he was, so a few sandbags would not have done anything. Long-term changes and investment are needed, perhaps managing some of the water upstream, which has been of benefit in other places, and compensating the farmers involved etc and looking at structural improvements in the areas that have flooded.

I understand that the Shimna river flooded in 2008. There is also the issue of the Burren river, where a flood alleviation scheme has been carried out. There has been significant time, and, as others have said, it could have been reasonably well predicted that this could happen again. The 100-year storms are happening very frequently. They are happening every 10 or 20 years, if not more often. It is important that, as a community, an Assembly and an Executive, we try to manage the process as much as possible. It is not good enough just to blame civil servants who were there on the day to provide sandbags: long-term change needs to happen, and the Assembly and Executive need to get involved in that.

Until recently, the Rivers Agency was part of the Department of Agriculture. An interesting

thing about that is that, whilst criticism has been directed at our administrators, the Minister of Agriculture from 2011 to 2015, if I am right, was Michelle O'Neill. What happened during that period since 2008 when we had that flooding? Subsequently, in 2016, we had Chris Hazzard, and then the whole Executive were disrupted and a further two years passed. It is important not just to shove the blame onto someone who happens to occupy the seat at this time. There is a responsibility on everybody concerned to recognise the failings that happened and to put them right.

I hope that we can work together constructively. There may well be a need for intensive discussions with landowners to bring that to a conclusion. I hope that they and the Department will act reasonably and accommodate reasonable solutions to enable this important work to happen, but we have to be realistic. This will be expensive and will be very disruptive to the environment, but are we going to protect people's houses? It is vital that we do. In Newcastle, major construction work will be required. As I and others have said, the risk of high tides and the geography of the area, with the unpredictability of intensive rainfall, the extent of the catchment of the Shimna river and the height that the water falls from, means that there is considerable risk of large movements of water. It would take considerable investment and much planning to give badly needed protection to the people of Newcastle, and I hope that that will happen as soon as possible.

**Mr Muir:** I thank the Member for bringing this important issue to the Assembly today. I speak as the Alliance Party spokesperson on infrastructure.

I was in Newcastle visiting my grandparents when the floods of 2008 struck. I will never forget the scenes of that day. On our return home, we were lucky not to get stranded. I remember the amazing generosity of the local people, who went out of their way to clear water. They could easily have sat back and not offered assistance. There were terrible scenes. As Roy Beggs outlined, often the floodwater contains sewage, and the clean-up has a long-term impact on properties. I remember that, in the aftermath, there was talk of a once-in-a-generation event and of how a forthcoming flood alleviation scheme was being rolled out to ensure that locals would never again have to suffer that flooding. It is incredibly worrying but, sadly, perhaps not surprising that "once in a generation" in Newcastle has sadly turned into a much more regular event.

The impact of climate change means that extreme weather events are becoming increasingly frequent in Northern Ireland and across the globe. Climate change is the greatest challenge of our times, and the Assembly recognised that fact in declaring a climate emergency earlier this year. The scenes in Newcastle on 26 August and other areas in Northern Ireland were frightening. I join colleagues across the Assembly in commending the amazing work of our emergency services and local volunteers. In rescuing dozens of people and animals from their homes and cars, they prevented an awful situation getting much worse. They are an absolute credit to our community.

The serious shortcomings in the local flood defence systems were clear from the events of 2008, and Storm Francis brutally exposed them once again. I, like other Members, want to see the flood alleviation scheme in Newcastle brought forward as early as possible. In the meantime, we need to hear from Ministers whether all the actions that can be taken in the short term to alleviate the threat of flooding have been taken. Locals have reported water from the overflowing Shimna river travelling over the bridge across the Burren river when a simple drainage mechanism on the bridge might have provided some relief. We also need to know whether DFI and DAERA are actively working together so that upstream land management in the area has been fully investigated as a way of alleviating further flooding. Furthermore, we need to ensure that, as well as preparing for recurring flooding in the future, the devastating effects of last month's floods have been fully addressed. Local paths and footbridges that were badly damaged need to be repaired. People in the area will need help and support with their home and contents insurance claims. Many of them have businesses that have already been pushed to the brink as a result of the pandemic.

I have even heard reports of local people who do not want to make a claim on their insurance now for fear that they will not be able to rely on an insurance claim in the event of future flooding that may be worse.

I will end by making two general points about flooding in Newcastle and across Northern Ireland. The lack of an Assembly for three years prior to New Decade, New Approach meant that MLAs could not hold the Minister to account for the inaction on the flood alleviation scheme. That is shameful. It is more evidence of why we need these institutions and the Infrastructure Committee to hold the Minister and the

Department to account for bringing forward the scheme.

The infrastructure budget in Northern Ireland has been consistently cut over the past decade, and, in spite of a small increase this year for day-to-day running, it remains well below what it was in 2010 and far below what is required to address Northern Ireland's infrastructure backlog. Many of the issues that fall under the Department for Infrastructure, such as flooding, Northern Ireland Water and roads, do not regularly command the attention of the media or politicians, but, as we have seen, if infrastructure in those areas is not properly funded and actioned, local people bear the costs. We should not accept that situation.

**Ms Mallon (The Minister for Infrastructure):** I thank Ms Rogan for bringing the debate to the House, and I have listened with interest to the comments made and the issues raised by Members. A number of Members addressed issues of a similar type, so I will address them generally, and then I will drill down into some of the specific questions and Members' concerns.

Since I was appointed Minister for Infrastructure nine months ago, I have made it clear that my focus is on doing what I can to improve the lives of people here. An important part of that focus is the flood risk management activities of my Department. Those activities are aimed at reducing the potential adverse consequences of significant floods on human health, economic activity and the environment. Without continued investment in infrastructure, as Mr Muir pointed out, and in the face of the climate emergency, which Mr Beggs and other Members referred to, many of the services that we provide will continue to be under extreme strain. For example, approximately 45,000 properties here, which is equivalent to 5.2% of all properties, are currently identified as being at flood risk from rivers, the sea or surface water. Investment in flood risk management expertise and infrastructure is required to reduce the risk of flooding.

As Jim Wells pointed out, I was in Newcastle, on Tuesday 25 August, with party colleagues and others. I visited homes and met residents, and I could see for myself the extent of the flooding, the damage, the disruption and the very understandable upset for people.

My Department continues to work with multi-agency partners in the recovery phase following the flooding. In relation to support for those impacted by the flooding, which a number of Members raised, the Department for Communities' scheme of emergency financial

assistance was activated. Under the scheme, which is administered through councils, householders could potentially receive £1,000. That financial assistance is to help to make a home fit to live in as quickly as possible.

I thank Ms Rogan for acknowledging the tireless work of Roads and Rivers staff and Members for their acknowledgement of the efforts of those in our emergency services.

My Department has developed very effective emergency planning arrangements. We are always very willing to learn from experiences, and our analysis has shown that the systems worked well during the recent flooding. Following the weather warning issued by the Met Office, my Department's operational teams and multi-agency partners were in a heightened state of awareness from Monday 24 August and were ready to respond to the threat of flooding. My Department also carried out its usual preparations, including placing staff on standby throughout the North, to ensure that we were in a state of readiness and able to respond quickly. Subsequently, on the Tuesday morning, a multi-agency response in Newcastle was quickly established, with operational teams present from the early morning. It is important, given the tireless efforts of staff in this incident, to say that staff were on site even before we received the first flood call for assistance. They distributed 4,000 sandbags and, with four pumps, provided assistance to property owners. It is believed that approximately 40 millimetres of rain fell in just under six hours. That is roughly 50% of the monthly average. As a number of Members have highlighted, it was unprecedented. It was very difficult for anyone to foresee the level of flooding that occurred in such a short time.

#### 5.15 pm

I understand why Members, including Ms Rogan, have asked, but the thousands of sandbags and pumping equipment required to respond to the flooding in Newcastle could not have been deployed well in advance of the flooding. That is because the severe weather warning covered all of the North, and to pre-deploy to one area could significantly disadvantage another if the flooding does not occur as anticipated. Therefore the approach of my Department and our multi-agency partners is to be in a state of readiness to deploy to any area that may be affected. We believe that that is appropriate.

Given the prolonged period of intense rainfall that fell in the Mourne mountains and Newcastle area, the run-off, as Mr McGrath

pointed out was, by all accounts, excessive. My Department is mindful of the need to provide and maintain its infrastructure. Unfortunately however, it is not always possible to ensure that all flooding can be avoided as, during severe weather events, the volume of rainfall can exceed the design capacity of drainage infrastructure and, on occasion, flood defences. At this stage, a partial blockage to a bridge on the Bryansford Road that occurred as a result of the high water levels in the Shimna river carrying debris down the watercourse is also thought to have been a contributory factor to the flooding. That debris was removed around 6.00 pm on Tuesday 25 August. It was removed after the PSNI closed off the road because it was a significant operation. Once the flooding began to subside, many gullies were blocked. However, that was due to floodwaters depositing debris on top of gully gratings, which restricted the flow of water into the drainage system. The majority of gully pots were not blocked prior to the flooding and, other than the surface gratings being covered, they were generally clear of obstruction.

Ms Rogan is right to point out that this is not the first time that residents in Newcastle have had to endure such flooding. In 2008, there was a flooding incident. Mr Wells asked me what I am going to do to try to make sure that this does not reoccur. We need to move to a long-term solution. That is why I have committed to delivering on the Shimna flood alleviation scheme. The detailed design of the scheme commenced in September 2017 and is now complete. The scheme, which was due to start on site in the 2020-21 financial year, has encountered some slippage in the programme, not least due to protracted land agreements. However, my Department intends to use its powers of entry under the drainage order to proceed with the scheme, and it had commenced that process prior to the flooding. The flood defences will be 1,400 metres in length and will require some £6.5 million of investment. The scheme will include a back-drainage system that will allow surface water to drain to the river at suitable outlet points.

Ms Rogan asked why we cannot have the scheme up and running now. Why can we not make it happen today? I understand that, and I understand residents' frustrations, but we have to follow processes with detailed design and contractors going out to procurement. That work is ongoing. When I was with the residents, I gave them my commitment — in front of officials — that we would do everything that we could to expedite that scheme and to get delivery on it at the earliest opportunity.

**Mr Wells:** Will the Minister give way?

**Ms Mallon:** Of course.

**Mr Wells:** I think the question on everyone's lips, particularly in Newcastle, is this: when will she as Minister come and cut the ribbon to announce that that scheme has been completed?

**Ms Mallon:** I thank the Member for his question. The scheme is due to commence next summer. I have asked for that to be expedited. We expect that the works will take around 12 months to complete. I will be very keen to be on site to cut that ribbon, not for the photo opportunity, but because this is a long-term solution to preventing this from happening again to the residents of Newcastle.

I turn now to points that were raised by Members. Mr Wells mentioned the system of controls that people had shared with you. That is not the case. There are no systems of controls to divert flows, but there is a water-level alert system, which is what prompted and informed my Department's swift action, and that of our multi-agency partners. You rightly asked about Flood Re. I can confirm that Flood Re, a UK Government scheme, applies to Northern Ireland. You are right about the exclusion of development after 2009. My understanding of that, and it is a UK Government scheme, so we have not been involved in its design, is that that decision was taken after more-detailed information about flood risk emerged, so planning and development have responded.

I want to reassure you that planning policy in relation to flood risk in Northern Ireland is strong. It supports my Department's work in prevention and managing flooding. I encourage Members to raise concerns about the scheme with the UK Government and I would be happy to support those and make representations.

Andrew Muir and Mr Beggs mentioned the climate emergency. The reality of the climate emergency, coupled with significant underinvestment in infrastructure over many years, has presented us with the reality that, unfortunately, flooding incidents have occurred and more and more homes will be affected. As the Minister for Infrastructure, I am saying clearly that this is a priority for me, and I hope that it is a priority for the Executive. We have a collective effort to make here in policy changes, in investment and in our action. I am giving my clear commitment to this project and to see the scheme delivered so that residents in the area

do not have to undergo that horrendous ordeal again.

I want to end on the point that was raised by Mr McGrath and Ms Bradley. It was a horrendous scene, Ms Rogan. You are absolutely right, the level of the water was like something out of an action film. Also apparent was the strong sense of community spirit in Newcastle. In even that distressing situation, people were doing what they could. When even their own homes were flooded, they were helping their vulnerable neighbours.

**Mr Deputy Speaker (Mr McGlone):** I just advise the Minister that we have gone slightly over. I have given a wee bit of latitude because others did not take so much time. *[Laughter.]*

**Ms Mallon:** Yes, I thank you for your latitude. I just want to end on that point, and to say that, even during those distressing scenes, I took great heart from the strong sense of community spirit and pride in Newcastle.

*Adjourned at 5.22 pm.*

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