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Hunter, Ms Cara (East Londonderry)	Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Tuesday 8 December 2020

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: I have been advised that junior Minister Gordon Lyons will be moving the motion to approve a draft statutory rule on behalf of the Minister of Agriculture, Environment and Rural Affairs. The motion was relaid by the First Minister and the deputy First Minister to facilitate that arrangement. A revised Order Paper was issued this morning.

Mr Buckley: On a point of order, Mr Speaker. I am sure that you, and the House, will be aware of this being a hugely significant day, with the roll-out of the first COVID-19 vaccinations across Northern Ireland. I commend all those who are involved with that triumph.

Can you advise, Mr Speaker, on Standing Order 18A(5) on oral and written statements? I find it bizarre that the Minister of Health is not before the House today to make an oral statement. I am sure that, like me, Members have many questions on logistics, storage, communications and addressing vaccine hesitancy, to which they rightly deserve answers.

Mr Speaker: I thank the Member for his point of order. It is always the Minister's prerogative to come to the Chamber, and I would always encourage Ministers to do so as often, as early and in as timely a manner as possible, given the importance of all their business. The Minister has not come here to make a statement, and that is his choice. In fairness to him, however, it was only last week that he was here in response to the debate in the House, and the issue was thoroughly aired at that time.

The Member has made his point. It is a very good news story and an important development for all of us in how we combat the virus. There will be debates on the health regulations later today, as the Member will know. I dare say, given the wisdom and intelligence in the Chamber, that Members will find opportunities to raise that very important and positive

development. The Member has made his point, and I thank him for that.

Mr O'Toole: On a point of order, Mr Speaker. Can you advise on the best way in which MLAs can secure a debate, given the gravity and urgency of the Brexit negotiations and their effect on Northern Ireland? I have submitted two Matters of the Day that, as is your right, you have not granted. It is really important, however, that we have a debate, given that civic society and business groups across Northern Ireland came together yesterday to urge the UK and the European Union to do a deal, which is in the vital and solemn interests of everybody whom we serve. I was wondering whether the Speaker could advise on how we can, given the week that is in it, with the European Council meeting at the end of this week, secure a debate in order to make our voice heard on how important this is for all the people whom we represent.

Mr Speaker: I do not think that the Member expects me, in response to that point of order, to rehearse arguments on Matters of the Day. I know that you recognise that it is the Speaker's decision to do that.

There are opportunities at all times for Members to raise these matters. It would be wrong to suggest for one second that that matter has not been addressed repeatedly in the Chamber, as is appropriate, given its importance. The Member should reflect on other opportunities to raise the matter in the House on an appropriate basis. Thank you for that.

Executive Committee Business

The draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

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

That the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

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

Mr Lyons: I send my best wishes to the Agriculture Minister, and I am, obviously, standing in for him. I know that many Members have passed on their best wishes already, but I want to pass on mine and, I am sure, the best wishes of everyone in the Chamber.

I am seeking the approval of the Assembly to make the Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020. I am bringing this draft legislation before you under the affirmative resolution procedure, as the statutory rule (SR) gives the Department a legislative power.

The proposed legislation would transfer to DAERA powers that would allow the provision of legislative functions from two EU directives that are not in annex 2 of the Northern Ireland protocol to be exercised by DAERA. One relates to the marketing of propagating material of ornamental plants, and the other relates to the marketing of vegetable-propagating and planting material other than seed. The SR will ensure that domestic legislation can be operated in propagating material and plant-propagating material, ornamentals and vegetable plant material after the EU exit implementation period (IP).

To give some background, as a result of those directives not being in the Northern Ireland protocol, the EU powers that are used to make and amend legislation relating to the directives will not be available to DAERA post-implementation period completion day, which is, of course, 31 December 2020. If no action is taken, the Department will not have sufficient

powers available to make domestic legislation in propagating material and plant-propagating material.

The transfer of functions to domestic legislation can be done under section 2(2) of the European Communities Act 1972, provided that it occurs before the IP completion day. The powers are used in the SR to transfer the legislative functions from the two EU directives that I referred to, which are not in the Northern Ireland protocol, in order to give the Department the powers to make and amend the relevant domestic legislation.

The draft regulations confer powers to DAERA through a transfer of legislative functions that would not be available to the Department after completion day. That will enable DAERA to make and amend relevant legislation in the areas that I mentioned. The making of the SR does not make or amend policy in those areas.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to speak as Chairperson of the Committee for Agriculture, Environment and Rural Affairs and to outline the views of the Committee.

The European Union (Withdrawal Agreement) Act 2020 means that it has been necessary to review plant health legislation in order to take account of the protocol. DAERA currently uses section 2 powers of the European Communities Act 1972 to make legislation on the marketing of plant-propagating and planting material. Those powers will not be available after the end of EU exit implementation period.

While powers are available under the European Union (Withdrawal Agreement) Act for matters that are in annex 2 of the protocol, Council directive 98/56/EC, which regulates ornamental plant-propagating material, and Council directive 2008/72/EC, which regulates vegetable-propagating and planting material other than seed, are not in annex 2 of the protocol.

The AERA Committee considered a written briefing on an SL1 for a statutory rule on the Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (NI) 2020 at its meeting on 22 October. It is that SR that we are considering today. At the meeting, the Committee indicated that it had no concerns or objections to the rule. The Committee has been advised that this instrument will allow DAERA, as the appropriate authority in this jurisdiction, to exercise legislative functions here after the end of the

transition period equivalent to legislative functions exercisable by the Commission and the Council.

The instrument sets out DAERA's powers to set conditions with which ornamental planting material must comply; set labelling and document requirements for plant material; modify the regulated species of vegetable plant materials; set conditions with which vegetable plant material must comply; and derogate in the event of temporary supply difficulties. These regulation-making powers will enable the Department to amend marketing requirements after the end of the transition period to ensure that those statutory requirements can keep pace with scientific and technical knowledge and be responsive to market conditions.

The Committee considered the draft SR at its meeting on 3 December and was advised that no public consultation had taken place. The SR has been screened for equality impact, and there is no impact on business, charities, voluntary bodies or the public sector. A regulatory impact assessment has not been prepared. The regulations will have no financial implications for businesses. It has no human rights implications, nor is it incompatible with EU law. The order is, therefore, deemed to comply with the requirements of section 24 of the NI Act 1998. The report of the Examiner of Statutory Rules did not identify any issues in relation to the statutory rule. Therefore, the Committee was content with the proposals from the Department and recommends that the statutory rule be confirmed by the Assembly.

Mr Irwin: I send my best wishes to Edwin Poots and wish him a speedy recovery. The two motions before the House represent the latter stages of the Brexit transition process as we accelerate towards 1 January. It is important that we have these regulations before the House. In respect of the draft Marketing of Plant and Propagating Material motion, the Committee had its opportunity to discuss these points. There was a general acceptance that what is before the House is necessary, as is much of the legislation coming from DAERA, given the approaching deadline.

Powers being transferred include setting labelling and documentary requirements for plant material and derogations in the event of temporary supply difficulties. As the clock ticks down towards the deadline, I note that efforts are intensifying. At this late stage, there is still time for the Prime Minister and his negotiating team to ensure that, post-transition, our economies across the United Kingdom are

protected and that trading arrangements remain frictionless and without costly barriers.

I have raised in recent weeks the issue of seed potatoes and ware potatoes and the absolute necessity for the east-west supply route to remain open and frictionless. I would welcome the Minister's update in that regard. I know that his Department has been in direct contact on the matter. I welcome his continued work on that front, given the importance of this market to, for instance, the hundreds of fast-food outlets across the Province that utilise potatoes from the south of England.

The Minister may also want to spell out to the House the wider implications of not progressing the legislation on plant and propagating material. As I have stated, we have little option, given the countdown to 1 January, which is just a few weeks away.

Mr McGlone: The SDLP accepts the amendments to the regulations on the marketing of plant and propagating material. The Chairperson has gone into the processes at the Committee in quite a bit of detail. The amendments are some of the many required by Brexit that the Assembly has had to scrutinise in a limited period. Indeed, there is a limited period for some of this stuff. The pace at which we were expected to scrutinise the statutory instruments, with the limited detail that we had, and return them to Westminster was, frankly, a disgrace. Those who think that Brexit was a good idea in allowing us time to scrutinise should reflect on that.

The regulations will transfer functions to the Department to allow for legislation in those areas after the end of the transition period. As the amendments are largely technical, we do not see a problem with agreeing to them; in fact, they are practically necessary. However, those powers should not be left in limbo or surrendered to Westminster at any stage. It will be for the Assembly to scrutinise any future legislation that the Department chooses to bring forward as a result of these and future amendments.

10.45 am

Mrs Barton: The SR is required in Northern Ireland to transpose EU law into domestic legislation and ensure that the UK fulfils its obligations. It deals with regulations for the marketing of ornamental plants and propagating material and the marketing of vegetable-propagating and plant material other than seed.

The SR does not introduce new policy. Therefore, the Ulster Unionist Party supports it.

Mr Blair: I thank the junior Minister for laying out the detail of what is before us. I will speak initially as a member of the AERA Committee.

As has been explained, the statutory rule was laid before the Committee. It was content with the merits of the policy and agreed that it should move to the next legislative stage. The SR contains provisions relating to the marketing of ornamental plants and propagating material and vegetable-propagating material other than seed.

The statutory instrument will allow DAERA, as the appropriate authority in Northern Ireland, to exercise legislative functions in Northern Ireland after the end of the transition period. It sets out DAERA's powers to set conditions with which ornamental plant material must comply, including set labelling and document requirements for plant material. It also modifies the regulated species of vegetable plant material, sets conditions with which vegetable plant material must comply and allows the Department to derogate in the event of temporary supply difficulties.

The statutory rule is mainly technical; nevertheless, in the run-up to Christmas, it is a useful opportunity to thank DAERA officials for all the work that they have done on our behalf to make legislative preparation for the EU exit process, often in the face of much uncertainty.

In closure, speaking on behalf of the Alliance Party, I have no objections to the rules or regulations.

Mr Speaker: No other Members have indicated that they wish to speak on the matter. I invite junior Minister Lyons to conclude the debate and make the winding-up speech on the motion.

Mr Lyons: Thank you very much, Mr Speaker. I thank Members for considering the motion. It appears that the House is in broad agreement with what has been proposed, and I do not intend to go over the points that have been made. To summarise, the regulations will transfer legislative powers to DAERA and do not make any policy changes. It is important that the SR be made before the implementation period ends to ensure that the Department takes powers to make and amend legislation in that policy area. I commend the motion to the Assembly and ask it to approve the draft Marketing of Plant and Propagating Material

(Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020.

Question put and agreed to.

Resolved:

That the draft Marketing of Plant and Propagating Material (Legislative Functions) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

The draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Mr Speaker: I have been advised that junior Minister Lyons will move the motion on behalf of the Minister of Agriculture, Environment and Rural Affairs. The First Minister and the deputy First Minister relaid the motion to facilitate that arrangement. A revised Order Paper was issued this morning.

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

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

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

Mr Lyons: The draft regulations are to be made under powers that were conferred by the European Union (Withdrawal) Act 2018. They will ensure that Northern Ireland's primary legislation that governs plant health and animal health and welfare continues to operate effectively at the end of the transition period in a way that aligns with the Northern Ireland protocol.

The draft regulations are one of a number of SRs that will be laid before the Assembly over the coming weeks to ensure that Northern Ireland has a functioning statute book on and after 1 January 2021. As the draft regulations amend primary legislation, the 2018 Act requires that they are subject to the draft affirmative resolution procedure. That means that they cannot be made until the Assembly approves them.

The amendments that are made by the draft regulations are technical in nature. Before I explain what they do, it may assist Members if I provide a brief overview of the legislative

background. In 2018 and 2019, a number of statutory instruments (SIs) were made at Westminster to ensure that domestic legislation could operate in the event that the UK left the European Union without an agreement. Some of those SIs amended Northern Ireland legislation for which the Department has responsibility. They were taken forward at Westminster to ensure transparency and scrutiny in the absence of a fully functioning Assembly and are due to come into operation at the end of the transition period.

While there are some provisions in those SIs that are still needed because they reflect the fact that the UK is no longer a member state of the European Union, some changes that are made in them do not take account of the Northern Ireland protocol. The draft regulations revoke some of those provisions. They also make some technical amendments to primary legislation relating to plant and animal health and welfare to ensure that it aligns with the Northern Ireland protocol. The draft regulations amend three separate pieces of primary legislation: the Plant Health Act (Northern Ireland) 1967; the Diseases of Animals (Northern Ireland) Order 1981; and the Welfare of Animals Act (Northern Ireland) 2011.

I will now speak briefly to the amendments to be made to each of those pieces of primary legislation. I will turn first to the amendments to the Plant Health Act (Northern Ireland) 1967. Sections 2 and 3 of that Act currently provide the Department with powers to make legislation to prevent the introduction of plant pests to Northern Ireland and their spread within or from Northern Ireland. The Department can exercise those powers if it believes that it is necessary or because it is required to do so to implement an obligation under EU law, referred to in the 1967 Act as a "Community obligation". Following the end of the transition period, those EU laws relating to the spread of organisms that are harmful to plants or plant products specified in paragraph 41 of annex 2 to the Northern Ireland protocol will continue to apply here. It is, therefore, important that the Department continues to be able to exercise its powers to make legislation under the 1967 Act to implement any obligations that may arise under those EU laws. The draft regulations achieve that by making technical amendments to sections 2 and 3 of the 1967 Act. They replace the references to "Community obligation" in those provisions with a reference to:

"retained EU law or relevant Protocol"

obligation. For clarity, they also define what is meant by "relevant Protocol obligation". In a

nutshell, the draft regulations ensure that, at the end of the transition period, the Department continues to have the powers necessary to fulfil its obligations.

The draft regulations make similar changes to the Diseases of Animals (Northern Ireland) Order 1981 and the Welfare of Animals Act (Northern Ireland) 2011. I will speak to those amendments together, as they are almost identical in nature. Article 46A of the 1981 order and section 28 of the 2011 Act provide powers for inspectors to enter premises to investigate alleged breaches of European Community obligations relating to animal health and animal welfare respectively. Following the end of the transition period, those EU laws relating to animal health and welfare listed in paragraphs 36 to 40 of annex 2 to the Northern Ireland protocol will continue to apply to Northern Ireland. The draft regulations ensure that the powers that inspectors need to investigate compliance with those EU laws can continue as they do now at the end of the transition period. Again, that is achieved by replacing the phrase "Community obligation" in the relevant legislative provisions with a reference to:

"retained EU law or relevant Protocol"

obligation. Given those changes, it is necessary to revoke some provisions in one of the no-deal statutory instruments that I mentioned earlier: the Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. The 2019 regulations amended article 46A of the Diseases of Animals (Northern Ireland) Order 1981 and section 28 of the Welfare of Animals Act (Northern Ireland) 2011 to reflect the UK's departure from the EU. They did not, however, take account of the Northern Ireland protocol. The amendments to the 1981 order and the 2011 Act, and these draft regulations, mean that the changes made by the no-deal SI are no longer needed.

Finally, the draft regulations make a very minor amendment to a reference to the phrase, "other member States", in schedule 2 to the 1981 order to reflect the fact that the UK is no longer a member of the EU.

The Examiner of Statutory Rules has considered the draft regulations and has not raised any issue with them in her report. They have also been approved by the Office of the Legislative Counsel and were scrutinised by the Agriculture, Environment and Rural Affairs Committee on 22 October 2020. The Committee agreed that the regulations should proceed to the next legislative stage, which is the approval of the Chamber.

In conclusion, the changes contained in the draft regulations are technical and do not represent a change in policy. They ensure that the relevant legislation can continue to operate at the end of the transition period as it does now.

I commend the draft regulations to the Assembly.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): At the outset, I add my best wishes to those being sent to the Minister. Yesterday, I recorded my best wishes and was also in contact with him. I wish him well and commend Mr Lyons, who is looking very comfortable at the Dispatch Box as the replacement Minister of Agriculture, Environment and Rural Affairs.

I welcome the opportunity to outline the views of the Committee. Plant health and animal welfare fall under the protocol. Primary legislation in this jurisdiction is required to align with EU obligations in accordance with the protocol so that it can continue to operate effectively at the end of the transition period.

I want to be clear that the primary legislation that we are referring to is the Plant Health Act (NI) 1967, the Diseases of Animals (NI) Order 1981 and the Welfare of Animals Act (NI) 2011. The AERA Committee considered a written briefing on an SL1, the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (NI) 2020, at its meeting on 22 October. It is that statutory rule that is subject to debate now. At that meeting, the Committee indicated that it had no concerns or objections to the rule. The rule amends the primary legislation that I mentioned earlier relating to plant health and animal health and welfare to ensure that it aligns with the protocol. The Committee has been advised that the rule is technical and does not involve policy changes. It provides that investigations in respect of alleged breaches of animal health and welfare obligations arising under either retained EU law or the protocol can continue at the end of the transition period. It also provides that DAERA can continue to make legislation preventing the introduction or spread of plant pests into or within this jurisdiction as per the protocol.

Finally, the statutory rule amends the Diseases of Animals (NI) Order 1981 to reflect that the UK is no longer a member of the EU. The Committee considered the draft SR at its meeting on 3 December and was advised that, as the amendments contained in the rule are technical and do not involve policy changes,

they have not been subject to public consultation.

A screening exercise was carried out, and no equality issues were identified. No regulatory impact assessment is required as there are no impacts on the private, voluntary or public sector as a result of the changes. A rural needs screening exercise was carried out on the statutory rule, and no impact was identified. There are no financial implications associated with the introduction of the rule.

A statutory rule does not have any human rights implications, nor is it incompatible with EU law. It therefore complies with the requirements of section 24 of the NI Act. The report of the Examiner of Statutory Rules has not identified any issues with the statutory rule. Therefore, the Committee was content with the proposals from the Department and recommends that the statutory rule be confirmed by the Assembly.

I want to add a couple of comments as Sinn Féin spokesperson for agriculture and rural affairs. The legislative process that we have been engaged in marks, effectively, the legal separation of the North from the EU, which is against the democratic will of the people of the North.

We have been governed by the common agricultural policy for many decades. A huge regulatory and scrutiny burden has been placed on the Committee and the Department. I commend and echo what Patsy McGlone said in the previous debate: the legal separation has resulted in the Committee having to deal with over 50 statutory rules and instruments. In normal circumstances, that body of work could take years to do, but we have had to do it in weeks. Doing so has put officials in the Department and our Committee officials under huge stress. We on the Committee have held bumper meetings to deal with a huge load of scrutiny at pace. We find it very challenging and unacceptable, particularly given that it is not something that the people of the North consented to in the first place.

11.00 am

There are many other areas of relevance and many other challenges in the North of Ireland to do with rural affairs, such as COVID, TB and the ammonia action plan. There are loads of other issues that we want to look at, and that has placed our Committee, and the officials in particular, under huge pressure. It is really important that we pay tribute to the work of the officials. Occasionally, they do not get the

information that they need in decent time from DEFRA in order to process it all for the Department and the Committee. I pay tribute to them for all the work that they have been doing. I also place on record my thanks to my colleagues on the Committee. As I said, we are trying our best to scrutinise a massive volume of work, which is the legal fallout from the separation that we did not consent to in the first place.

Mr Irwin: As with the previous motion, this is a legislative necessity around plant health and diseases of animals. Again, the time pressure is clear to avoid moving past the 1 January 2021 deadline without the necessary legislative powers in place. As was also the case with the previous motion, it is essential that legislative protection be provided. That is the nature of the motion.

As I often say publicly, the body of our current animal health and welfare regulations enables our produce to be elevated to an enviable biosecurity, welfare and, ultimately, taste and marketability position. I encourage the Department and the Minister to ensure that high animal welfare standards are maintained and protected, given the immense effort of our producers to create that high level of traceability and those high welfare standards. Farmers often refer to the amount of red tape around food traceability. As a farmer myself, I am only too aware of the burden that that places on the producer. That having been said, however, it is an important aspect of production that has many benefits, which must be protected as we move into 2021.

As of today, there is still much uncertainty around the terms of the trade deal and the outworkings of the negotiations that will continue throughout this week. I am interested to know what role the UK animal health and welfare common framework will play in designing future policy in that area and what engagement will take place with the industry on that. Engagement is essential across our agri-food and horticulture industries. It is also most important to know whether, in any trade deal that is arrived at, protections will be included in the UK Internal Market Bill so that we have a high degree of clarity for local businesses and our consumer base in order that our industry is best prepared for the changes that lie ahead. I support the motion.

Mr McGlone: The SDLP accepts the amendment to the regulations on plant health and diseases of animals. The amendment regulations are some of the many that are required by Brexit that the Assembly has had to

scrutinise in a limited period. The Chairperson outlined the detail of that.

I, too, place on record my thanks to the departmental officials for their endurance, as they had to put up with all that on this side. They have been placed in a really awful position because of the lack of flow of information from DEFRA. Indeed, in some circumstances, as we found out in the Committee, there was no flow of information from DEFRA, which led to statutory instruments not being discussed as scheduled at the Committee given the limited information that was provided to us from the other side. Again, that is one of the fallouts from Brexit, and we do not need to rehearse those matters because they are being rehearsed elsewhere today, I hope.

The regulations align legislation with the terms of the Ireland protocol of the Brexit withdrawal agreement. They will allow for investigations into alleged breaches of obligations under either retained EU law or the protocol. I specifically welcome that, as the Minister outlined, the regulations will allow inspectors to retain the ability and the legal wherewithal to enter premises and examine not only animal health issues but animal welfare issues, which are crucial to us all. We have had motions in the Assembly about that, so it is vital that that power is retained and, indeed, built on.

As a result, the Department will also be able to make legislation to prevent the introduction of pests as required by obligations arising under the Ireland protocol. The protocol is an important safeguard, whether a trade deal emerges from the ongoing negotiations between the British Government and the EU. It is essential that the Assembly is able to meet its responsibilities in maintaining the protocol. The SDLP will hold the Minister and the Executive accountable for meeting those responsibilities.

Mrs Barton: The purpose of the statutory rule is to amend primary legislation relating to plant health and animal health and welfare and to ensure that domestic legislation could operate in the event of the UK leaving the EU without an agreement. The rule allows for investigations into alleged breaches of animal health and welfare obligations arising under retained EU law. It allows the Department to continue to make legislation in Northern Ireland in order to prevent the introduction and spread of plant pests and animal diseases. The high welfare standards that we have here in Northern Ireland need to be protected as we move forward into the world market. The UUP supports the SR.

Mr Blair: Speaking first as a member of the AERA Committee, I will say that I am aware that these matters were laid before the Committee for approval and that it considered them and was content with the merits of the policies. DAERA stated that there were no changes to policy since the information was submitted to the Committee.

Speaking as the chair and a member of the new Assembly all-party group on animal welfare, I note that the SR provides that investigations into alleged breaches of animal health and welfare obligations arising under either retained EU law or the protocol can continue at the end of the transition period as they do now. In light of that, as we face more uncertainty on EU exit in the coming days and weeks, I appeal for animal welfare issues to remain a high priority in that regard and for the Department to keep those matters under continual review.

On behalf of Alliance, I will say that, as the amendments are technical and do not involve policy changes, I am happy to support them.

Mr Harvey: I thank the junior Minister. I wish to make a few brief remarks on the draft regulations that are before the House. First, it must be noted that the draft Marketing of Plant and Propagating Material Regulations and the draft Plant Health and Diseases of Animals Regulations are necessary alterations to existing domestic legislation.

The regulations are being made through powers that were conferred on the Department by the European Union (Withdrawal) Act 2018 and are necessary for our exit from the European Union at the conclusion of the transition period on 31 December. As such, there is an urgency for the approval of those regulations and others that have come before the House in recent days as we prepare for our exiting of the European Union. Both sets of regulations are technical and do not involve any changes to current policy.

The first of the draft regulations relating to propagating material involves the transfer of some additional legislative powers to DAERA. That will give the devolved Executive powers in relation to the setting of conditions with which ornamental and vegetable plant material must comply, for instance, as well as the setting of labelling and documentary requirements for plant material. It is, therefore, anticipated that there would be an ability to build greater flexibility into the system in respect of those conditions in order to be as contextually aware as possible. Such flexibility may be required in

relation to derogations in the event of temporary supply difficulties, for instance.

The regulations are designed to be compliant with annex 2 of the NI protocol, namely to ensure that we can operate effectively after the end of the transition period. My party's position on the NI protocol is well documented, and we have been consistent from its inception. We opposed the Commons Bill, on three occasions, and we continue to believe that the protocol is undemocratic and will be economically and constitutionally damaging for this region of the United Kingdom. That having been said, there is a duty on us to provide as much certainty and clarity as possible for businesses, individuals, producers and consumers. Not to introduce the regulations, regardless of opinion on the protocol, would leave the Department bereft of control in these areas and would not have a positive effect.

As for future travel in these areas, I look forward to the Department updating the Agriculture Committee on the outworkings of the policies and what input the UK animal health and welfare common frameworks will have in the design of future policy. Whilst EU and UK rules remain the same, that cannot be guaranteed, moving forward. Regulated areas, such as labelling, are at particular risk of divergence, and we will need to bear that in mind, post-transition. In the meantime, for the reasons that I have outlined, I support the motion.

Mr Wells: I have grave concerns about this, but I am going to bow to the much greater knowledge of EU issues of Mr Jim Allister QC, who had the privilege of representing Northern Ireland in the European Parliament and who is across these issues. I share his concerns about what is happening here today.

What we are doing has significant implications. It begs the question of why we are doing it, given that, hopefully, Northern Ireland and the rest of the United Kingdom will be out of the European Union on 31 December, when many of us will be rejoicing that we will no longer be under its bondage and control. The United Kingdom will become a free and independent state that will be able to make its own decisions on plant health, the importation of seeds, and animal welfare. The United Kingdom Government will be able to set standards that are even higher than those at present stipulated by the European Union. Therefore our product, as Mr Irwin says, will be able to be sold on the world market as having the highest possible standards in respect of inputs, the treatment of animals, the use of hormones and many other

issues that are of concern to consumers throughout the world. Our products will be based on quality, rather than the lowest common denominator, and people will be able to buy food, particularly from Northern Ireland, with the confidence that the standards are some of the highest in the world.

Mr O'Toole: First, I will touch on the statutory rule, and, secondly, with your permission, Mr Speaker, I might stray into some broader issues in relation to Brexit, given what I said earlier, and the fact that Mr Wells has just done the same. Before I do that, I join others in wishing the Agriculture Minister all the best and a speedy recovery.

The statutory rule amends primary legislation to ensure that our statute book is in some kind of order as we approach the end of the transition period and that it aligns with the Ireland protocol. It provides that investigations into alleged breaches of animal health and welfare obligations arising under retained EU law can continue largely as they do now until the end of the transition period.

It also provides that the Department can continue to make any legislation pursuant to EU requirements under the protocol that prevents the introduction into or spread within Northern Ireland of plant pests and implement other obligations. That is welcome and sensible.

11.15 am

However, as with lots of these statutory rules that have come before us in relation to Brexit, they come with limited time and extremely abbreviated opportunity for scrutiny. Whatever one's perspective on leaving or remaining in the European Union or whatever one's perspective on the protocol, it cannot be right that we have had such limited time to debate the implications of this secondary legislation. The Chairman of the Agriculture Committee described clearly the pressure that not just the members but the clerical and support staff of that Committee have been under in scrutinising statutory regulations. We can only imagine the level of stress and demand that there has been on civil servants in the Department to prepare for these extremely novel arrangements.

Let us not forget that the reason why they are being scrutinised at such a hurried pace, in extremis and in such extraordinary circumstances, is because of the refusal of Boris Johnson's Government to extend the transition period in the middle of the biggest pandemic — the biggest global health crisis —

certainly in a century, possibly even longer than that. It is, frankly, unconscionable that that has happened.

Let us take a step back and think about this. We have not been able to meet properly as an Assembly since March. We were only a few weeks into the return of these institutions when the biggest public health crisis in a century struck. Consequent to that, there occurred an enormous, unprecedented economic crisis. We are going to be dealing with the consequences of that for years, if not decades. It has completely transformed the way of life of the communities that we serve. It has taken over, in large part, the business of this Assembly and Executive. I am sure that it has filled up the inboxes of every MLA here, not just with routine casework but the most extraordinary and difficult requests from constituents for support, in extreme economic distress, and concern and anxiety about public health. It is extraordinary, immoral and unconscionable that the transition period has not been extended in those circumstances. That is why we are having to debate this legislation in such an extraordinarily compressed time.

It is also why small businesses across Northern Ireland, the UK, Ireland and these islands are having to process so rapidly the change that is going to come upon them in a few weeks. Many of them, as we heard clearly last night from businesses and civil society, simply will not be ready at the end of this year. There is no circumstance in which they can do the necessary legal and preparatory work to be ready.

First and foremost, therefore, let us put on the record today as we pass this statutory rule, which, as my colleague Patsy McGlone said, we have no specific objection to, that it is immoral and unacceptable that not just this Assembly — we are MLAs and it is our job to scrutinise legislation — but the businesses, communities and people we serve have been put under this extraordinary stress in this year of all years. It is wrong and should not have happened. The transition period should have been extended, and it is unconscionable, as I said, that it was not.

I will talk briefly about the broader issues around Brexit and the upheaval that we will face in a few weeks' time.

Mr Speaker: I am sorry, but the Member needs to stick to the statutory rule that we are debating.

Mr O'Toole: I will stick to the statutory rule, Mr Speaker, because the statutory rule is, in a sense, connected to the broader issue that we will face in the next few days. I will say briefly that, though the statutory rule does a largely technical job, it is part of a bigger picture. It is part of the extraordinary disruption that we face at the end of this year as a result of Brexit. As several Members said, we still do not know the outcome of that negotiation. We will probably not find out for at least a couple of days. Whatever your perspective on Brexit or the protocol, the next 48 hours are critical to businesses, communities and the people that we serve.

Last night, civil society and businesses from across this place came together and said that they need a deal between the UK and the EU. Hopefully, that deal will be done in the next couple of days, but, if the UK Government or Boris Johnson are listening — perhaps he is — let us be absolutely clear: Members and the people, communities and businesses that we serve absolutely need a deal.

Mr Speaker: I ask the Member to wind.

Mr O'Toole: We also need time to prepare for —

Mr Speaker: Sorry, Mr O'Toole. I will have to ask you to resume your seat if you continue to move away from the statutory rule. I have given you plenty of latitude.

Mr O'Toole: Mr Speaker, I will come back to the statutory rule. This statutory rule is important. It is a small technical statutory rule to clean up the statute book and keep us in line ahead of the end of the transition period. However, let us be absolutely clear: it is part of an enormous upheaval that people and businesses will face at the end of the year. We need a deal. To anyone who still thinks that we can get by without a deal at the end of the year: do not do this to people and businesses in Northern Ireland. We need a deal and we need goodwill from the UK and the EU to make the new arrangements work. Let us be absolutely clear and let the Assembly send that message to everyone: we need a deal, and we need to make it work on the basis on goodwill.

Mr Allister: This statutory instrument marks a seminal moment in the Assembly. For me, it is a most disturbing moment, which should, frankly, be equally disturbing to anyone with any fidelity to the Union of the United Kingdom of Great Britain and Northern Ireland. Contrary to what some unionist Members read from their

weekly paper press release, this is not a statutory instrument that is merely technical and makes no policy change. It signals a fundamental change in the manner in which we are to be governed because it amends the statutes of the United Kingdom in these subject matters to require the Minister to make such orders as are "necessary" by the relevant protocol. In other words, what we are doing in the statutory instrument is surrendering the power of the devolved Assembly to make our own laws that touch on these issues and intend instead to commit ourselves irreversibly to imposing the laws that are in the protocol: laws that we do not make, that we cannot change and into which we have absolutely no input. Yet the statutory instrument enslaves the House to not one, not 10 but 45 EU directives and regulations. It commits us to the unquestioning adherence to and implementation of each and every one of those.

Under the Plant Health Act (Northern Ireland) 1967, we unalterably impose 11 EU directives and regulations. Under the Diseases of Animals (Northern Ireland) Order 1981, we enslave ourselves to 32 EU directives and regulations that we cannot change. Under the Welfare of Animals Act (Northern Ireland) 2011, we subject ourselves to two EU directives that we can never change. Therefore, let no one mislead the House or the public by pretending that this is only a technical measure that involves no change of policy. This involves the most fundamental change to the manner in which we are governed in decades, and, of course, it says to us that no longer will this House or a Minister of this House decide what legislation governs these subjects. We will be bound and chained to 45 EU directives and regulations that we cannot change. That is the seriousness of what this statutory instrument does, and it is most disappointing to me that a DUP Minister is here in the House urging and advocating that enslavement.

We were told — we were promised — that Brexit was about making our own laws. The iniquitous protocol sets Northern Ireland apart as a place that will not make its own laws, and here we have Members of the House meekly and limply advocating that we enslave ourselves in that very way. I am not prepared to consent to that, so, when the opportunity arises, I will seek to give the House the opportunity to vote against this enslavement. To me, it is an utterly retrograde and appalling measure that separates us from the United Kingdom and deprives us of the right to make our own laws on these subjects. It underwrites the annexation of Northern Ireland into the orbit of the EU by subjecting us, under annex 2 of the protocol, to

these 45 directives, of which there are many more scores to come. Under annex 2, the protocol binds Northern Ireland to over 300 EU directives and regulations, leaving us unable to ever change them and obliged to follow whatever changes Brussels makes to them without any consultation or input from us.

This is a shameful day for our legislative Assembly. We are being asked to surrender the right to legislate according to our own needs and to have that right suborned to the diktat of EU regulations and directives. Strip away all the fancy words, and that is what this statutory instrument is about. It puts upon the people of Northern Ireland 45 EU directives and regulations that we can never change. I do not and will not consent to that, and I am very sad that some who should know better — I wonder whether they even read the regulations — will endorse the very enslavement of this place to EU rules.

Mr Lyons: I thank all Members for their contributions to the debate. I will briefly comment on some of the remarks made. First, I will refer to the remarks of the Chairman of the Committee. Before that, I extend my thanks to those who have been working so hard to make sure that we are prepared for what is coming in the months and years ahead. I also thank the Committee members for their diligence in carrying out their work.

The Chairman talked about the legal separation that has taken place between the UK and the EU. That is the outworking of the withdrawal agreement. There is opposition to at least some parts of that agreement from almost everybody in the House. It is the situation in which we currently find ourselves, however.

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

11.30 am

Mr Irwin urged that there be no change to welfare standards in Northern Ireland following the end of the transition period, and I can confirm that we will continue with the standards that are in place. That is important, because we do have high welfare standards here in Northern Ireland. It is one of our strongest selling points when it comes to our produce.

Mr Wells: Will the Minister give way?

Mr Lyons: It is important that that continue to be the case. I will give way to Mr Wells.

Mr Wells: The Minister makes a point about animal welfare standards. As a long-term vegetarian of 37 years and someone who has a keen interest in animal welfare, I support him on that. It is interesting, however, that he is binding us to a set of animal welfare standards that does not give us in the Northern Ireland Assembly the power, for instance, to ban foie gras, which involves one of the most cruel forms of animal food production in the world. If we, as the United Kingdom and as Northern Ireland, bind ourselves to those rules, we will not be able to go further and enhance our animal welfare standards, because we are bound to EU diktat. Several times, Members have brought up that very cruel form of food production. We do not carry it out in Northern Ireland, but we cannot ban the import of that horrendously cruel product because we are bound to EU regulations.

Mr Lyons: I do not know the particulars of the circumstance that Mr Wells mentions, but, yes, we are going to be bound to EU regulations in many ways by the protocol. As the Member will be aware, that is of disappointment to me as well. He will be aware of the position of my party in arguing and voting against the protocol. In fact, it was Members of this House, many of whom were so concerned about a border on the island of Ireland that was never going to happen, who are responsible for what is now happening as a result of the protocol. There will still be levers for us on animal welfare and food standards, because, in many ways, it is a minimum requirement for us, and there will be the possibility for us to go above and beyond.

Mr Irwin talked about the common framework. The Department will have the same powers available to it after the end of the transition period as it has now. I have been informed that the UK animal health and welfare common framework will be supported through concordats agreed between the four UK Administrations rather than through legislation, and I hope that that is of help to him.

I did note the concerns and wider issues that Mr Wells raised. We are doing this to ensure that we have that fully functioning statute book following the end of the transition period. It is important that, for the retained EU law from the directives that are currently in place, inspectors will be able to carry out the work on those laws and directives that have broad support across this place. That is what this legislation will allow us to do.

Mr Allister: Will the Minister give way?

Mr Lyons: I will give way to Mr Allister.

Mr Allister: Is it not utterly fatuous to say that we could not have inspectors if we do not pass the statutory instrument? This statutory instrument is about robbing the Minister of any discretion. It is amending each relevant section in each of the current Acts to state that the Minister will make such orders as are called upon by the protocol. Without the protocol, the Minister could make whatever directions he wants about inspections, but, with the protocol, he can make only those that EU directives require him to make, and that is something that he can never, ever change. It is enslavement, and the Minister well knows that. Shame on him for trying to put it upon this House.

Mr Lyons: The Member has made his views known in his contributions. I do not think that there is anything that I will be able to say that will change his point of view. He has placed it well on the record.

Mr O'Toole put a number of his concerns on the record. None of them was particularly relevant to the SR. The Member is well aware that they had nothing to do with the SR, but he made his points. I referred to Mr Allister already. I thank Mrs Barton for her support. At this stage, I commend the motion to the Assembly.

Question put.

Some Members: Aye.

Some Members: No.

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

Members, please resume your seats. Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

Question put a second time.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members

who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I also remind Members that social distancing will continue to be observed while the Division is taking place. Please be patient at all times and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 81; Noes 2.

AYES

Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Storey, Mr Weir, Miss Woods.

Tellers for the Ayes: Ms Brogan and Mr McGuigan

NOES

Mr Allister, Mr Wells.

Tellers for the Noes: Mr Allister and Mr Wells

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

Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Mr Butler voted for Mr Allen, Mrs Barton, Mr Chambers, Mr Nesbitt and Mr Stewart.

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

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

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

Question accordingly agreed to.

Resolved:

That the draft Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: I ask Members to take their ease for a few seconds to allow the Minister of Justice to take her place.

12.00 noon

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The next items of business are motions to approve five statutory rules, all of which relate to the Health Protection (Coronavirus, Restrictions) Regulations. There will be a single debate on all five motions. The Minister will move the first motion and commence the debate on all the motions listed in the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. That process will be repeated for each of the remaining statutory rules. If that is clear, we shall proceed on that basis.

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

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

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

Mrs Long: I am asking the Assembly to confirm five sets of regulations now made. These Department of Health regulations introduce amendments to the public health protection regulations, which are made and amended as necessary to give effect to the Executive's decisions. I have, however, agreed to lead the debate for two reasons. First, although all the regulations are prepared by the Department of Health, in the case of the first two sets of amendment regulations, which are concerned with the increase of fines and penalties, my Department worked in collaboration with Department of Health officials. Colleagues will recall the Executive's agreement to the proposals that I brought forward in October to increase fines and penalties and to introduce a number of new offences on foot of the rapid review of fines and penalties requested by the strategic compliance group. That group was set up earlier this year by the Executive to oversee arrangements for encouraging compliance with public health restrictions. Given my Department's role, it was therefore a natural step for me to lead this debate. Secondly, as my officials were preparing for the debate, three more sets of amendment regulations to give effect to the Executive's decisions on public health restrictions were made, so I further agreed to lead the debate on those in the interests of supporting the Health Minister and the Executive Office in a collaborative way.

The first set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations, deals with a number of changes made to the main public health regulations, commonly referred to as the (No. 2) regulations, on offences and penalties that apply when the restrictions are breached. The second set of regulations, the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations, increases the level of fixed penalties for failure to wear a face covering in settings prescribed by the coronavirus regulations.

Both sets of regulations came into effect at 5.30 pm on 12 November.

The third set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020, provide councils with the powers to enforce the No. 2 regulations, including on premises improvement notices. The regulations came into effect at 4.00 pm on 13 November.

The fourth set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020, deal with the extension of the restrictions that were initially introduced on 16 October and the limited relaxation of those restrictions for coffee shops, close-contact services and off-sales. The regulations came into effect at 6.30 pm on 13 November.

The fifth and final set of regulations, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020, ensure that unlicensed premises that reopened on 20 November were restricted to no more than six people per table from no more than two households. The regulations came into effect at 8.00 pm on 19 November.

I will now set out, in detail and in turn, each of the regulations.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020, SR 2020/250, were signed at 5.30 pm on 12 November and laid before the Assembly at 9.30 am on 13 November. They increased the previous fines and penalties and introduced new offences. The fixed penalty that previously started at £60 was replaced by a single fixed penalty of £200, or £100 if paid within 14 days of issue. That penalty applies to breaches of restrictions on gatherings in public or private places that remain punishable on conviction by a fine of up to £5,000. The regulations also provide that recipients of a £200 fixed penalty

cannot be issued with another for the same offence. The option of summary prosecution may be used instead.

The offences of not closing a business as required or breaching the early closing requirements for hospitality will be punishable on conviction by a fine of up to £10,000 or will attract a fixed penalty starting at £1,000, which can be increased for subsequent breaches up to a maximum of £10,000.

A new offence of not implementing measures to maintain social distancing in retail and hospitality settings will be punishable on conviction by a fine of up to £10,000 or a fixed penalty starting at £1,000, which can be increased for subsequent breaches up to a maximum of £10,000.

A new offence of organising or participating in a large gathering or unlicensed musical event, with large defined as "30 or more persons", will carry the new higher-level penalty for organisers. That is punishable on conviction by a fine of up to £10,000 or a fixed penalty starting at £1,000 and increasing to a maximum of £10,000 for further breaches. A new lower penalty for participants is punishable on conviction by a fine of up to £5,000 or a fixed penalty of £200. The fixed penalty of £200 will be reduced to £100 if paid within 14 days of issue.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020, SR 2020/253, were signed at 5.30 pm on 12 November and laid before the Assembly at 9.00 am on 13 November. They increase the penalties for failing to comply with the health protection regulations on the wearing of face coverings. The fixed penalty that previously started at £60 was replaced by a fixed penalty of £200, which will be reduced to £100 if paid within 14 days. That penalty, which remains punishable on conviction by a fine of up to £5,000, applies to breaches of restrictions on the wearing of face coverings in settings prescribed by the regulations. As before, the regulations provide that recipients of £200 fixed penalties cannot be issued with another for the same offence.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020, SR2020/255, were signed at 4.00 pm on 13 November and laid before the Assembly at 5.00 pm on 13 November.

Those regulations provide district councils with the power to designate persons to enforce the No 2 regulations, to issue a premises improvement notice where those who are responsible for the premises are in breach of the No 2 regulations, and to specify a time limit within which the measures that are required must be taken, which must not be less than 48 hours from the time that the notice is issued.

SR 2020/256, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020, were signed by the Department of Health at 6.30 pm on 13 November and laid before the Assembly at 9.00 am on 16 November. Those regulations deal with the extension of the restrictions that were initially introduced on 16 October and the limited relaxation of those restrictions in respect of coffee shops, close-contact services and off-sales. They allowed the reopening, under certain conditions, of unlicensed food and drink businesses, cafes and coffee shops mostly, which were allowed to reopen from 20 November, with opening hours limited from 5.00 am to 8.00 pm.

The regulations allowed the reopening, from 20 November, of the close-contact services sector, including hairdressing, tattoo parlours, holistic therapies and driving instruction. As a condition of that reopening, those businesses were required to operate by appointment only and were required to collect and retain for a period the names and contact telephone numbers of customers for contact-tracing purposes.

Finally, the regulations removed a restriction that had previously been placed on pubs and bars preventing them from selling alcohol for consumption off the premises. Although many bars and pubs have an off-licence, the regulations had sought to prevent them selling alcohol for consumption off the premises during that time. The lifting of that restriction was accompanied by the requirement that they sold drink only in the original sealed container so that bars were not selling glasses of alcohol to customers on the street.

SR 2020/276, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020, were signed at 8.00 pm on 19 November and laid in the Assembly at 9.00 am on 20 November 2020. Those regulations ensure that the unlicensed premises that reopened on 20 November were governed by a rule to restrict numbers of customers to no more than six per table from no more than two households.

Those five sets of amendments are designed to encourage adherence to the restrictions and to deter any breach of them. They complement the basic but critical and consistent public health message: wash your hands, keep your distance, and wear a face covering.

Mr Givan (The Chairperson of the Committee for Justice): I am pleased to speak on behalf of the Committee for Justice in the debate. The Committee first received notification of the health protection regulations in a written briefing from the Department of Justice received on 1 December. Yes: seven days ago. One week ago was when the Committee was provided with a written briefing.

The Committee was advised that two of the regulations are of relevance to the Department of Justice as they relate to offences, fines and penalties for breaches of the regulations. Therefore, although the responsibility for the regulations rests with the Health Minister, the Minister of Justice agreed to lead the debate on those two regulations, along with the three others in support of the Health Minister, as she has outlined.

During the pandemic, the Justice Committee has received regular written and oral briefings and updates on COVID-19 and its impact on the justice sector. We have questioned officials and senior police officers, including the Chief Constable, on breaches of the regulations and the approach to enforcement. We have sought information on the number of fines and fixed penalty notices issued, and also on the number and type of breaches reported via the COVID-19 hotline. Despite that, there was no engagement by the Department with the Committee on the review of fines and penalties that gave rise to the challenges reflected in those regulations.

The review of offences and penalties was carried out collaboratively by the Department of Justice and the Department of Health. It was the Minister of Justice who recommended the proposed changes to the Executive. The Department of Justice advised the Committee that the proposals had been considered by the Executive on 8 and 15 October. There was, therefore, ample time to inform the Committee for Justice of the proposed changes well before the notification of 1 December.

It has been said —.

12.15 pm

Ms Bradshaw: On a point of order, Mr Principal Deputy Speaker. Will you remind the House that Standing Order 43(1) provides:

"Every statutory rule or draft statutory rule which -

(a) is laid before the Assembly; and

(b) is subject to Assembly proceedings," —

Including negative, affirmative and confirmative procedure —

"shall stand referred to the appropriate committee for scrutiny."?

In this instance, because they are Department of Health regulations, it was right and proper that we, the Health Committee, scrutinised it.

Mr Principal Deputy Speaker: The Member's understanding of Standing Order 43(1) is correct.

Mr Givan: It has been said many times before that this situation is unprecedented, and it is sometimes necessary to make changes at a swift pace. However, that does not appear to have been the case in this specific instance. The Committee discussed the Department of Justice's written briefing on the regulations on 3 December. The Justice Committee recognises that the scrutiny of the health protection statutory rules is a matter for the Committee for Health and that that Committee is often required to consider regulations at short notice, which does not always allow for consultation with other Committees.

The Committee is concerned, however, that there may be a more widespread scrutiny deficit, with Statutory Committees being either unaware or provided with last-minute notification of policy changes relevant to their Department's remit that are being included in health protection regulations. I will, therefore, be writing to the First Minister and deputy First Minister on behalf of the Committee to ask all Departments to engage with their respective Statutory Committees on matters to be included in the health protection regulations that fall within their remit at the earliest opportunity.

I am unable to provide the Committee's position on the regulations, given that we have not had the opportunity to consider them or the policy intention behind them. I understand that Department of Justice officials gave oral evidence to the Committee for Health, and, therefore, it will be for the Chair and members

of the Health Committee to comment on the specific details in the regulations.

Those remarks are made in my capacity as Chairman of the Justice Committee. I appreciate that some Members seem to struggle to recognise the role of a Chairman of a Committee, but what I have just articulated is the unanimous position held by all parties on the Justice Committee.

Setting aside my role as Chairman of the Committee, I will speak in a personal capacity on the regulations and the process through which they have been brought about. As I outlined in my role as Chairman of the Committee, the Justice Committee recognises the unprecedented way in which the regulations have been taken forward. It recognises, and I recognise, that it is for the legislative framework through the Department of Health and, indeed, the Statutory Committee for Health to deal with the detail around the statutory rules. Indeed, I received a letter from the First Minister and deputy First Minister yesterday outlining that issue, and I put on record my appreciation to Arlene Foster and Michelle O'Neill for writing to me in my capacity as Chairman of the Justice Committee.

The First Minister and deputy First Minister outlined the approach that the Executive have been taking and the collaborative way in which they are seeking to operate, and I agree with all that. That is, however, notwithstanding the issue around the roles of Committees. In my conversation with the First Minister yesterday, I was able to provide assurance to her that the Justice Committee takes its role very seriously, as do I in my membership of that Committee.

Where Committees have an opportunity to engage and be consulted with, I advocate that all Ministers should do so with their relevant Committee. Under the relevant powers conferred upon Committees in section 29 of the Northern Ireland Act 1998 and, indeed, in Standing Order 48 of this House, the final bullet point states that the Justice Committee's role is to consider and advise on matters brought to the Committee by the Minister of Justice. We were denied that opportunity because the Minister of Justice did not come to the Justice Committee. Departmental officials did not come to the Justice Committee. We recognise the legal statutory process for how this is being engaged, but the Minister could have led the way on this and engaged with the Justice Committee, but she chose not to do so.

Ms Bradshaw: Will the Member take an intervention?

Mr Givan: That is a decision for the Justice Minister. I will take an intervention.

Ms Bradshaw: What happens in the Alliance Party is that, if an issue comes before the Health Committee that crosses into other Departments, I engage with my MLA colleagues on those Committees to find out their position so that I represent the whole party at the Committee. Are you suggesting that that is not what happened on your side of the House?

Mr Givan: Of course my members engage across political parties, but that does not negate the opportunity that all Members have through our membership of the relevant Committees to provide an opportunity. As I indicated, the Committee has engaged with the Chief Constable and ACC Todd on gold command when it comes to enforcement. That is all relevant to the regulations when it comes to enforcement. I understand the way in which things operate, but there are opportunities, and Members can bring that expertise through their normal Committee membership.

A letter that was circulated to all Justice Committee members states that the Executive Office understands that some members of the Justice Committee consider that, in light of the Minister of Justice's offer to lead on this debate, the scrutiny role should have been conferred on it, and that they intend to express their dissatisfaction during the debate. I was able to provide useful information to the First Minister to explain what the Justice Committee agreed to do. There is an issue about the information source when it came to advising the Executive Office. Who provided the information on what the Justice Committee agreed and discussed? It certainly informed the basis of a letter that I would question. There needs to be an explanation in that respect. No doubt the Minister will elaborate on that.

Mrs Long: Will the Member give way?

Mr Givan: I will happily give way, despite the fact that the Minister never engaged with the Committee. I will, however, engage with the Minister in the Assembly.

Mrs Long: Is the Committee Chair aware that Committee meetings are public and that people can watch them on television?

Mr Givan: If that is the basis on which I received the letter, that will be an interesting explanation. If anyone watched the proceedings

of the Committee, they will know what the Committee decided.

Just for Members' benefit, the minutes of that Committee meeting have now been published. Members will now know what the Committee agreed. The Committee agreed unanimously at the meeting on 3 September to write to FM and DFM asking that all Ministers engage with their respective Statutory Committees on relevant aspects of COVID-19 health regulations that cover policy areas that are the responsibility of their Department. That correspondence will be copied to all Committee Chairmen and Madam Chairs. The Committee also agreed to ask the Department of Justice why there was no engagement with it or information provided on the review of offences or penalties in the proposed changes prior to 1 December, given that that falls within the remit of the Department of Justice. The Committee also agreed to ask for the protocol advising the Committee when DOJ officials are providing oral evidence to another Statutory Committee. At no stage did the Justice Committee seek to usurp the legal responsibility of the Health Committee in carrying out its role with the statutory rule. I encourage the Justice Minister to work with the Justice Committee. We have an important role. We can provide you with advice and support, and we can give an insight, but, Minister, we can do that only when you decide to engage with the Justice Committee. I hope that, in future, you seek to take a more constructive approach when it comes to COVID-19 regulations.

Mr Principal Deputy Speaker: I am sorry to interrupt the Member, but I remind him that comments should be directed through the Chair.

Mr Givan: Of course, Mr Principal Deputy Speaker.

The Committee considered the regulations that relate to enforcement. We had the police before us because, when you introduce enforcement measures such as fines that have already taken effect, it is vital that we see a consistency of approach in their application. We know from the early months that it took the police some time to quality assure — if I can put it that way — the way in which they dealt with checking people's activities. We had cases in which the police looked in people's shopping bags to establish whether essential items had been bought, and we know the furore that that created.

The police had to put measures in place to ensure that a consistent approach was being

applied, and I welcomed the way in which they did that.

Of course, had we been given an opportunity, we would have considered the proportionality of the associated fines. The Justice Committee looks at fines for speeding offences, for example. We all know that speeding kills, and we would have been able to look at the current speeding fine and compare it with the fine that has been introduced. However, we were not able to do that because we were not engaged.

We need to consider how different breaches have been handled by the Police Service. Members raised the issue of the policing of protests such as the Black Lives Matters protest, at which fines were issued. Indeed, under the most recent regulations to be introduced, we have cases where church authorities have been interviewed by the police because of alleged breaches. Of course, people compare and contrast that with the lack of police interviews when it comes to a particular funeral in west Belfast. Then, we raise the issue about the public having confidence in the administration of the fines that are being put in place.

We need to see enforcement measures being applied equally to everybody in society. There cannot be a two-tier approach to policing. The Minister of Justice has a particular role in ensuring public confidence in the administration of justice. I know that she will say that these are operational matters for the PSNI; a position that she has taken since assuming office. However, when that operational decision-making process impinges on public confidence, it comes within the scope of the Justice Minister.

Mr Wells: I thank the Member for giving way. There is deep concern in the community that the police, we understand, have indicated that they will be swift to take action against Tandragee Baptist Church for its alleged breach of the coronavirus restrictions. However, they have yet to interview the leader of the party opposite, Michelle O'Neill, about the disgraceful scenes that we witnessed at the Bobby Storey funeral.

Mr Givan: The Member makes the point very well. When I look at the regulations going through the House today, I see that we are increasing the level of fines and making it clear, as an Assembly, that enforcement is an important tool. It is the application of that tool that requires consistency of approach by the Police Service of Northern Ireland. I share the concerns that the Member elaborated on.

It is important that effective enforcement measures are in place. However, we all have the power in our own hands to act in a responsible way and to apply common sense so that we should not need enforcement in the community when it comes to policing the regulations. The best form of policing any society is self-policing, self-regulation and an awareness of one's personal responsibility. That is, ultimately, where we need to get to. Nevertheless, a minority will always flagrantly breach the law. That undermines the entire message, and it requires effective enforcement and policing. The absence of such enforcement and policing leads to people no longer acting responsibly. A further consequence is that the Executive have to take action to close down small businesses and close contact services, such as hairdressers' salons. They have paid the price because there has not been self-regulation or the kind of enforcement that there should have been. Let there be a better approach so that we do not need to take action against other individuals and organisations in our society.

Mr McCrossan: Will the Member give way?

Mr Givan: I will, yes.

Mr McCrossan: I appreciate the strength with which the Member delivers his message about the importance of ensuring that we adhere to the regulations. Has he given such advice to his colleague Sammy Wilson?

Mr Givan: Of course, all Members need to behave in a sensible and responsible manner. It is up to everybody in the House to conduct themselves in that way. It does not matter which Parliament you are in.

Let us not be distracted from the core substance of what we are dealing with today. It is important that we have a consistent approach to the policing of the regulations. I look forward to hearing the Minister's response and to her providing a justification of her failure to engage with members of the Justice Committee.

12.30 pm

Mr Gildernew (The Chairperson of the Committee for Health): I appreciate the Minister's being here to address the Assembly on these measures.

The Health Committee considered the first four sets of regulations on 26 November, but the amendment (No. 16) regulations were included in the final Order Paper without the Committee

being given prior notice. They were therefore added late to our agenda last Thursday. A briefing on the first four SRs was provided by a cross-departmental group of officials, who gave an overview of the main provisions. Those provisions included the extension of the schedule 2 restrictions, subject to modifications; additional requirements for premises selling food or drink; new premises improvement notices; and changes to penalties, including penalties for failure to wear a face covering. Officials also advised us of a strategic level working group that had been established by the Executive to look at compliance with coronavirus regulations. We were advised that the working group is chaired by junior Ministers and brings together a range of agencies and that it has conducted a rapid review, since September, owing to concerns about rates of transmission and a desire to ensure effective deterrents from breaching the rules.

Provisions relating to increased penalties prompted questions around rationale, necessity, the evidence base and equality considerations. The remaining questions centred on practical outworkings. Given the absence of a formal equality impact assessment of the higher penalties, Committee members probed the consideration given to the issue. Among matters considered were affordability issues relating to masks and the differential impact that increased fines could have. Although officials assured the Committee that such matters were taken into account and agreed that there could be potential inequalities, they could not provide detail, and they advised that they might not be able to come back to us with it, as the Executive papers are confidential.

Ms Dillon: I thank the Chair for taking an intervention. Does he agree that it is important that the PSNI continue its course of action around engagement, encouragement and enforcement — the three Es, as were talked about at the start — to address exactly the issues that he has just raised? We have to accept that, in some circumstances, people will not understand the regulations, because they are complex, even for those of us who are going through them every day. They are therefore difficult for ordinary people on the street to understand. The PSNI needs to continue in that vein so that people fully understand the implications of what they are doing.

Mr Gildernew: Go raibh maith agat. I thank the Member for her intervention. I agree with her. It is essential that it start with communication, and then engagement and encouragement. In some

ways, enforcement demonstrates a failure of the other steps. We need to work from that basis and understand that some people will potentially struggle to abide by the restrictions because of a lack of income and because, in some senses, they are difficult to understand.

Officials also outlined the continued approach to using enforcement as a last resort, which is in keeping with the Member's intervention, but could not provide detail on trends or fines relating to enforcement. We wanted to know about the evidence base for anticipated improvements in compliance underpinning the increase in fines. Officials said that they would have to come back to us on that. We asked about affordability issues with masks, and we were again advised that officials would take the matter back.

Mr Buckley: I appreciate the Chair's giving way. His feelings on the inappropriate way in which these regulations come before the House, and the lack of scrutiny thereof, are firmly on the record, as are mine. The points that he has just outlined surely go to the heart of the lack of democratic scrutiny in the House. We are here today debating these regulations even though officials came before the Committee, could not provide the information and promised to come back. When they did, they still did not provide it. Does the Chair agree that the fact that the Chair of the Justice Committee has outlined today how that Committee had no role in the scrutiny of these regulations is of concern, given the lack of democratic scrutiny of regulations that have come before the House?

Mr Gildernew: I thank the Member for his intervention. I have been consistent in saying that we need to see good information being provided to and good engagement happening with whichever Committees are relevant to the scrutiny of the regulations. I will deal later with the fact that, in normal circumstances, we would not be considering legislation or changes to rules in this way, but it is pertinent to note that, although we recognise that these are unusual situations and circumstances, it is incumbent on all Departments, and everyone concerned, to provide the required level of data and analysis. If, as the Member indicated, Committees are being asked to support regulations, they should be provided with a clear sense of why those regulations are needed and why a particular approach versus another is best. They should then be able to assess that.

I am quite sure that these questions are asked —.

Mr Allister: Will the Member give way?

Mr Gildernew: Yes, I will.

Mr Allister: In the same vein, the Member's Committee has considered a successive number of these regulations, each of which bears the affirmation that no impact assessment was made. Sometimes, it says that there was no "regulatory impact assessment" or simply no "impact assessment". Has it never given the Committee concern that it has been asked to consider regulations where there has been no impact assessment?

Mr Gildernew: I thank the Member for his intervention. Yes, that is one of the issues of concern, and the Committee is increasingly seeking to ensure that, whatever vehicle is used, maximum consideration is given to that. As we move further into what should be normal ways of operating, equality impact assessments should be done or some attempt made to address the lack of those assessments.

On a practical note, the detail of the information to be gathered by hospitality settings was raised. A member suggested that requesting addresses might support businesses wishing to comply with the rule restricting the number of persons at a table to no more than six and from no more than two households. I recognise that complying with that is difficult. I spoke this morning with someone who is involved in the hospitality business and who reports that that is a very difficult thing to establish.

Responding to a question on the distinction between retail and office settings, officials explained that health and safety legislation deals with workers, whereas the present suite of regulations is aimed at protecting the public.

The Committee, as ever, seeks to not only be constructive but to provide the appropriate scrutiny on behalf of the public. One source of data that informs the Committee on a regular basis, along with all the other pieces of information, shows, unfortunately, the new daily case rate, the figure for hospital admissions, the ICU capacity, which today sits at 99%, and, sadly, the daily reported deaths which, as of today, are 1,059. None of that evidence and information can be ignored.

Despite reservations arising from some unanswered questions, the Committee agreed to lend its support to the measures. The Committee recognises that the regulations are cross-departmental and has written to the

Health Department, which is the drafting lead, seeking to have its concerns heard and addressed in future sets of regulations. Indeed, the Justice Minister could directly comment in her response whether the Department has been consulted directly at this time in developing a new COVID-19 strategy or even whether the Executive have seen the new detailed strategy that includes the pillars of finding, testing, tracing, isolating and supporting the public. That was a Health Committee motion that was agreed by consensus in the Committee and again in the House. We have called for a new COVID strategy, developed by the Department of Health and supported by the wider Executive, in order to end the cycle of lockdowns. That was passed last month in the Assembly, and, as we enter the early phases of Christmas and the vaccination programme, it will be timely to hear about progress to date on any development of that new robust strategy.

With your permission, a Phríomh-LeasCheann Comhairle, I would like to address Members briefly in my role as MLA and Sinn Féin spokesperson for health. I am sure that many Members will make similar points as the debate goes on, but I am concerned about the steady increase in the number of new cases that are announced daily. To put it bluntly, we are not seeing the drop in case numbers, admissions and, sadly, in deaths, that we hoped for. I cannot help but think of the absolute mess, when public health proposals were voted against in the Executive, created by using a cross-community vote and of where we could be now had the Executive been able to act quicker.

However, we are where we are —.

Mr Clarke: Will the Member give way?

Mr Gildernew: I will.

Mr Clarke: I note what the Member said about where we are today, but had the Member the same concerns when most of his colleagues on the Benches around him attended a funeral in breach of the same regulations?

Mr Gildernew: That matter has been addressed multiple times in the Assembly.

However, we are where we are. One constant feature of the COVID-19 pandemic has been the ever-present lack of time. Therefore, it is to be expected that some of the technical amendments that tidy up the original intentions of the decisions are brought forward. It has to be said again: no one wants the restrictions to

be in place for any longer than they have to be. Unfortunately, however, the case for restrictions is often being better made in the corridors of ICU wards, on the countless calendars marked with crucial missed appointments for other health matters, and by families that have had to resort to making FaceTime calls instead of visiting family members as a result of the restrictions.

I support the amendments. Let us continue to do all that we can, individually and collectively, to stop the spread of COVID-19.

Mr Principal Deputy Speaker: I call the Chair of the Executive Office Committee, Mr Colin McGrath.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I will be making my remarks as an SDLP Member. I thank you for the opportunity to speak in the debate today. I thank the Justice Minister for coming to the House and actually bringing forward some legislation and participating in the debate.

The regulations that we are being asked to ratify take us back to the middle of November, a time that, on reflection, many in the House may choose to forget, given the chaos that was allowed to take hold at that stage. However, today is a momentous day in the fight against COVID-19, and we must keep our eyes fixed firmly on the future and how we do things from here on. It is important to note that the first COVID-19 vaccine was given to Margaret Keenan in England, although she hails from Enniskillen. The first vaccine in the North was given to a constituent from South Down, Joanna Sloan, who is a nurse. We welcome the fact that she has received the vaccine and wish her, and everyone else who has been vaccinated, the very best as she delivers the vaccine to people across Northern Ireland.

Amendment No.13 provides additional requirements for food and drink establishments, further provision for social distancing and large gatherings, and increases the fines that a breach carries. Amendment No.4, on face coverings, also increases the level of fine for those who breach the regulations. Amendment No.14 gives district councils the power to attach premise improvement notices to businesses that needed to amend their protection in light of the regulations. Amendment No.15 concerns the circuit breaker that allowed the phased reopening for close-contact services and the gradual reopening of hospitality. Finally, amendment No. 6 concerns those in close-contact services who work in film and television

production and the number of households that can sit at a table in the hospitality industry.

I do not know about anybody else, but I find that mapping out the timeline of events can be quite confusing, as so many amendments are being updated. Some will have lapsed by the time we discuss them, and some have since changed, even though we are discussing them. I am sure that everyone in the House can resonate with being asked a question, whether by a constituent or constituency office staff, that requires you to stop and think to try to work out what the exact regulation is and what its impact may be.

Let us be under no illusions: scrutinising legislation is definitely not for the faint-hearted. However, these regulations were, and are, necessary. We need to continue to do all that we can to stop the spread of the virus and help our beloved healthcare staff, who, frankly, have been the heroes in all of this. As the vaccine is rolled out, we need restrictions now more than ever.

How do we do that? We have to normalise some behaviours that previously would have seemed improbable or even impossible. For example, the wearing of face masks has become normalised for most of us. When someone not wearing a face mask coughs or sneezes in public, you become very aware that they are not wearing a face mask.

How do you encourage the wearing of face masks? Well, you can do it through the science and detail the reasons for doing it; you can do it through encouragement and asking people to wear a face mask; or, if necessary, from time to time, if people refuse, you have to levy fines. That is what resulted in conformity from about April or May through to now. Very quickly, all those measures together encouraged people to wear face masks. Fines have played their part.

12.45 pm

Mr Sheehan: Will the Member give way?

Mr McGrath: Yes, of course.

Mr Sheehan: Would it not also be an encouragement for some people to wear masks if they were made freely available? These masks are sometimes not inexpensive, especially the disposable ones. If they were made freely available, more people might be more likely to wear them.

Mr McGrath: I thank the Member for his intervention. I know of his continued

intervention in the Health Committee, especially highlighting the situation in South East Asia, where face masks are worn regularly and have been part of the ability to control the spread of the virus there. Yes, I totally agree with him. They are not very expensive. I think, from checking DUP returns, that it costs about £48 for quite a considerable box-load of them. If you can get the face masks and make them available to people, it would encourage their use. I know that it is an extra cost for businesses, but people sometimes find themselves at shops and other places and do not have a mask and could do with one. Making them generally available would certainly help.

Mr Givan: I appreciate the Member giving way. He has articulated a clear position on the need for wearing masks, and I do not disagree with that. Will he also comment on those who, under the law, rightly have an exemption for respiratory reasons such as asthma or for psychological reasons? It is important that we respect their position and do not have a scenario where people are being shamed because they have legitimate health reasons for not wearing a face mask.

Mr McGrath: I thank the Member for his intervention. I believe that those protections are in legislation and in the regulations as well. They specifically highlight that those who have particular reasons for not wearing masks should not have to wear them. I welcome those protections as well.

Ms Dillon: I thank the Member for taking a second intervention in such a short space of time. You talked about that provision and people finding themselves at shops without a mask. I have seen that for myself on many occasions. It is an issue, even more so if you have travelled by public transport; it is different if you only have to go back to your car. Some shops do provide them. Some shops and retailers — the big retailers — have been able to stay open right through the pandemic and have done fairly well because of that. They will be in a good position to provide free masks.

Mr McGrath: I thank the Member for the intervention. Holistically, we are making the point that, if we can make masks available, it is of benefit and we should continue to do that. I would welcome that.

We are looking at the overall regulations today and questioning whether they were necessary. We have all accepted that the regulations that we currently have were and are necessary, but it begs this question: why did we stop for a

week in the middle of the circuit breaker, reopen everything and then close it down again for a further two weeks? That just did not sit right. It means that we will see a slight rise in cases, then, when we shut down for two weeks, cases go back down again. One has to reflect back to that period and ask whether it would have been better to have gone six weeks right through. It has already been mentioned that the numbers are not dropping as we would like, and that may be because of that week when we did not shut down.

Mr McCrossan: I thank the Member for being so generous in giving way. Will he agree with me that, while intervention is absolutely essential to help support businesses through this very difficult time, the Eat Out to Help Out scheme may have been too generous and far too early an intervention, given that it has absolutely fed into the levels of infection in our communities?

Mr McGrath: I thank the Member for his intervention. Yes, we need to provide as much support as we can to businesses because they are having a difficult time, but, at the same time, we need to make sure that the protections and support that we are providing for businesses do not have an inadvertent consequence. I hope that we can provide the financial support that businesses need, and that may mean that they do not need to operate to a level that may cause some difficulties.

The vaccines are being rolled out to the most vulnerable and to those at risk. Christmas is ahead of us, and there is very real hope going into the new year. However, our work as legislators must continue.

As we come to the end of the year once again and prepare to begin anew, let the lessons of the past few weeks not be lost on anyone in the House. Bullheadedness and digging your heels in gets us nowhere and will only set us back. Let us approach the new year with a sense of optimism on what has been done when we let the public down and with a renewed sense of clarity, collective purpose and cohesion for the Executive. While I have issues with what happened and the way in which it happened in November, we continue to look forward to the future. We support the amendments.

Mr Principal Deputy Speaker: Members, given that it is now 12.51 pm and the Business Committee is due to meet at 1.00 pm, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to

the Economy Minister. When this item of business resumes, the next Member to speak will be Mr Doug Beattie.

The debate stood suspended.

The sitting was suspended at 12.51 pm.

2.00 pm

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

Oral Answers to Questions

Economy

Mr Deputy Speaker (Mr Beggs): Question 10 has been withdrawn.

Project Stratum

1. **Mr McAleer** asked the Minister for the Economy to outline the oversight mechanisms in place to ensure Project Stratum is delivered in budget. (AQO 1287/17-22)

2. **Mr K Buchanan** asked the Minister for the Economy for an update on the roll-out of Project Stratum. (AQO 1288/17-22)

4. **Mr Blair** asked the Minister for the Economy whether there is a prioritisation plan for the roll-out of rural connectivity to be delivered by Fibrus through Project Stratum. (AQO 1290/17-22)

Mrs Dodds (The Minister for the Economy): Mr Deputy Speaker, with your permission, I will group questions 1, 2 and 4. Again, with your permission, I would like to avail myself of the extra minute to answer that grouping.

I am delighted that Project Stratum, delivered through the DUP's confidence and supply deal, is up and running. Project Stratum will utilise public funding, together with Fibrus Networks investment, to deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. The citizens and businesses in these areas have waited far too long for acceptable broadband, and their struggles have been deepened by the COVID-19 crisis. As some 97% of these premises are classed as Northern Ireland Statistics and Research Agency (NISRA) band H, which covers settlements that have fewer than 1,000 people and are in open countryside, the entire intervention area is a priority for my Department. Deployment work is already under way. That is very significant because, within the nine-month period initially thought to be required for network design, the figure of 19,000 premises will have been passed.

I appreciate that Members will want to know how Project Stratum will impact on their area. My Department is engaging with Fibrus Networks to ensure that citizens and businesses can access further information on deployment plans and project implementation dates. An online portal has been developed by Fibrus Networks to provide this key information throughout the deployment phase of the project. Details of the deployment plan are available on the portal, and a premises checker will be added over the coming weeks. Links to the Hyperfast NI portal can be found on my Department's website and the Fibrus website. The portal will be updated and expanded as the project progresses.

I understand that some Members may feel disappointed that their areas are further into the roll-out cycle than they would prefer, but I ask for their patience. It is vital that the network is designed with technical and economic efficiency. That will enable as many premises as possible to benefit from the intervention. I hope that Members agree that the important message for citizens and businesses is that a solution is now in reach and that all those premises that were struggling to access acceptable broadband will be served by this intervention, making them among the best-served places for broadband in the United Kingdom and, indeed, throughout Europe.

I assure Members that the management structure for Project Stratum contains the required tiers of project oversight to support robust governance procedures. These include a project board and a project management team. The project board will monitor progress —.

Mr Deputy Speaker (Mr Beggs): The Minister's three minutes are up, some time ago.

Mrs Dodds: Sorry. There is a lot of information to get out.

Mr McAleer: I thank the Minister for her very comprehensive response. Many MLAs, particularly those who, like me, represent rural areas — I represent West Tyrone, which is in the Sperrins — are itching to know when it will come to our local town or village. When Project Stratum was conceived, it was estimated that the number of premises with no access to superfast broadband was over 100,000, whereas Project Stratum now targets 76,000. Will the Minister explain that gap and advise whether there is a solution for the 30,000 premises not currently part of the Project Stratum intervention area?

Mrs Dodds: I thank the Member for his supplementary question. I apologise for my lengthy response, Mr Deputy Speaker, but my Department is receiving a lot of questions about this, and we want to give a fulsome response to Members in the Chamber.

The identification of the projects came about through an open market review that identified the potential number of premises available. Those were then looked at in conjunction with the already existing commercial access to broadband, and that gave us the number that we are looking at in the Project Stratum intervention area. There are about 3% of other premises that we would like to have within that intervention area, and we are currently working with our national Government to try to work out a solution for those premises. We will come back to the House as quickly as possible with information on that.

I know that the Member will be interested in this: in West Tyrone, 9,591 premises will be able to avail themselves of superfast broadband as a result of Project Stratum.

Mr K Buchanan: I welcome the Minister's work in getting this rolled out. We are now indeed seeing confidence and supply money rolling into Northern Ireland, and we will now see confidence in and supply of our broadband, and to all communities, I might add. At the very

start, some were very negative in their comments about the project, but it is going to be rolled out across all communities and will support all of them. There are 18 constituencies in Northern Ireland, but obviously there is only one, Minister, and it is the most important one: Mid Ulster. *[Laughter.]* What is Project Stratum going to do for the average homeowner, pupil and student in Mid Ulster?

Mrs Dodds: I looked up the figures on the portal before coming to the House. In Mid Ulster, 8,785 premises will benefit from next-generation broadband thanks to the Project Stratum intervention. We have all seen how families have struggled with homeschooling and homeworking during the pandemic. The intervention will increase their ability to do those kinds of things no end.

It is also very important for the economy. One of our economic goals is to have a regionally balanced economy. The new connectivity for the economy is fibre, and that will help us get a regionally balanced economy so that people in rural areas, where before they might have been served by very poor broadband, can now be connected and work in the same way as those in more urban settlements.

Mr Blair: What work is the Department doing on community fibre partnerships to ensure that areas that are not yet included and those that are harder to reach can be included in this or future programmes? I have some such areas in my constituency, and I am sure that the Minister has some in hers.

Mrs Dodds: As I said in response to other colleagues, a small number of premises are still in the very-hard-to-reach category and thus outside the scope of the current Project Stratum. We are in discussions with the Department for Digital, Culture, Media and Sport and with Fibres Networks on how we can bring solutions to those premises. That will most probably be on a cost and a case-by-case basis, but we are determined to try to have the best broadband service in the whole of the United Kingdom, if not Europe, for Northern Ireland. It is an enormous selling point when we talk to investors across the globe.

Ms McLaughlin: Project Stratum is indeed a very welcome initiative, and it could not come sooner. What review mechanisms has the Minister in place if, for example, the project is delayed or the roll-out is just not up to the standards or expectations that her Department has?

Mrs Dodds: I am not anticipating problems. This is an exciting project, the goal of which is to give us a better-connected and more regionally balanced economy. It is a really important initiative. We have a project board and different levels of guidance and governance for the project.

Of course, payment will be dependent upon delivery, and that is the most important element. I do not anticipate there being problems. There are always glitches in life, but I am looking forward to a smooth roll-out and to 19,000 properties in Northern Ireland having, by the first six to nine months of next year, a level of broadband that they would not have received commercially. That will make an enormous difference.

Mr Boylan: I welcome today's announcement. The Minister and I have had a number of conversations in the corridor in relation to this project. I want to be a wee bit selfish and ask about the number of premises that are being targeted in Newry and Armagh and the time frame for that. It is most important that this project be rolled out to those premises, most of which are in the open countryside, that have been waiting a number of years for broadband provision.

Mrs Dodds: The Member opposite and I clearly understand how absolutely important this is for, and the economic opportunity that it can bring to, rural communities across Northern Ireland. Project Stratum will target 8,101 premises in the Newry and Armagh constituency. That will give an average coverage of access to next-generation broadband in that whole constituency of 99.5%. That will be a pretty good record, when we reach it.

Wet Pubs: Grant Scheme

3. **Mrs Cameron** asked the Minister for the Economy what progress has been made in developing a grant scheme to support wet pubs experiencing financial hardship. (AQO 1289/17-22)

Mrs Dodds: I thank the Member for her question. I fully appreciate that many pubs have been asked to close under the regulations and, as a result, have had no income or limited income. It is vital that we provide support to prevent permanent pub closures and job losses. That is why I want to see those businesses receiving additional top-up support as soon as possible. My Department has been allocated a funding envelope of £10.6 million and is designing a scheme within that budget

that will go forward to the Executive for agreement. The aim of the scheme is to provide compensation to wet pubs that were required to remain closed under the health regulations restrictions for a further 12-week period, from 4 July to 23 September, when the rest of the hospitality sector was permitted to open and trade.

Mrs Cameron: I thank the Minister for her answer. I am sure that she will agree that longer-term financial support may be needed well into 2021 to assist the hospitality industry in getting back on its feet and to protect jobs, following so many months of lost income this year. How can we help the sector to recover next year, once the roll-out of the vaccine is at a more advanced stage?

Mrs Dodds: I am on record many, many times in the House as saying that the best way to help the economy is to ensure that it is open and functioning and that people can go about their daily business. We are in the midst of a health pandemic. That, sadly, has brought great suffering to the hospitality sector, and particularly to those traditional pubs that have not been able to open for pretty much most of the year, maybe bar a week or two in late September/early October. That is why it is incumbent upon us to try to support them. I will bring forward the scheme to the Executive this week, hopefully. We are waiting on details of verification checks, and I know that the Member will appreciate that it will have to be done in such a way that we can authenticate and check applications.

Dr Archibald: The fact that that scheme will go to the Executive this week, hopefully, will be welcome news for the sector. All these schemes are very welcome. Last week, the newly self-employed criteria were published. When that scheme opened, it became apparent that some people will still be excluded on the basis of the criteria, particularly in relation to the requirement for 50% of the trading income to have been from self-employment in 2019-2020, which will exclude those who became self-employed later in the year. Will the Minister commit to looking at that criterion to ensure that those people who previously missed out get paid?

2.15 pm

Mrs Dodds: I am, of course, going to provide a full answer on the self-employed scheme. We launched that scheme to deal specifically with those who had no access to any interventions whatsoever. We have broadly employed the

same criteria as the schemes in Scotland and Wales, and it is therefore in line with the criteria in the self-employment scheme (SES). That is why the scheme was designed and launched in the way that it was.

We are always willing to look at any of those issues, but we need to have the rationale. The reason for the 50% requirement is to protect those who are genuinely self-employed and to make sure that that is their main source of income.

Dr Aiken: I thank the Minister for her answers so far. With the Minister and the Deputy Speaker's indulgence, I will ask this question: are the Executive looking to provide some sort of grant support for licensed sport and social clubs in order to help them make it through the rest of the winter? Furthermore, will she join me in wishing Mr Stewart Dickson a very happy birthday? *[Laughter.]*

Mr Deputy Speaker (Mr Beggs): That is stretching the question, but I will pass it to the Minister to decide whether she wishes to respond. *[Laughter.]*

Mrs Dodds: Mr Deputy Speaker, I could not resist. I am not going to sing the happy birthday song, but I wish the Member a very happy birthday. Given all the challenges that he has been through, that is very welcome.

Some Members: Hear, hear.

Mrs Dodds: Mr Aiken is always willing to embarrass you at every opportunity, is he not? *[Laughter.]* Licensed premises that have been closed and that have been instructed to close will be able to apply for other grant schemes in the same way as others who have applied.

Self-employed Workers: Support Scheme

5. **Ms Hunter** asked the Minister for the Economy for an update on developing a support scheme for self-employed workers ineligible for support packages to date. (AQO 1291/17-22)

Mrs Dodds: The Executive have agreed a funding allocation of £10 million to support the newly self-employed. The newly self-employed support scheme opened at 6.00 pm on 3 December and will provide financial support to those newly self-employed individuals whose business has been adversely impacted by COVID and who have not been able to access

support from the UK Government's self-employment income support scheme.

The scheme will provide a one-off taxable grant of £3,500, enabling support for approximately 2,900 newly self-employed individuals. Invest Northern Ireland will deliver the scheme on behalf of the Department for the Economy, and the scheme will close to applications at 6.00 pm on 7 January 2021.

At scheme closure, any underspend will be considered and a top-up grant may be paid to eligible applicants. Details of the eligibility criteria, along with an eligibility checker, can be found on the NI Business Info website.

Ms Hunter: I thank the Minister for her answer. Minister, in addition to the support scheme for self-employed workers, is your Department any further forward in developing a scheme that directors of limited companies can avail themselves of?

Mrs Dodds: My Department is developing a scheme for limited companies. Again, we want to discuss the eligibility with the various business organisations that deal with those issues. We are doing that, and we will continue to work on it as quickly as we can.

I put on the record that we in my Department are managing parts A and B of the COVID restrictions schemes; we have launched the self-employment scheme; and we have almost finished working up the scheme for traditional pubs. We also have a scheme waiting for large hospitality, another for bed and breakfast businesses and we are working very hard on the high street stimulus scheme. I pay tribute to the officials from my Department for the work that they are doing in order to support businesses in Northern Ireland. That is an enormous workload on top of all the other day-to-day issues.

Mr Stalford: I associate myself with the comments of Mr Aiken, although I would not dare to guess which birthday Mr Dickson is celebrating. I would not wish to offend — or compliment — him by making a guess.

The scale of the challenge that the Minister faces in stimulating the economy is reflected in the fact that she put in a bid for £390 million and received roughly a third of that from the Finance Minister. It is not real money in the sense of the economy generating new money; it is government money that will, ultimately, have to be paid back.

Can the Minister commit to using her influence and power in the Executive to push for the fastest easing of restrictions on economic activity that safety will allow? It is essential that people be allowed to get back to work.

Mrs Dodds: The Member, and Members across the House, will be in no doubt that a fully functioning economy is required to be open and devoid of restrictions. However, we are in the middle of difficult health circumstances, and, like my colleague Robin Swann, my advice to people is to be respectful of one another, remember the rules, wash your hands, keep your distance, and wear your face mask. If we do those things, we can have an economy that is freer and more open and able to trade.

I noticed today that the first woman in the world to receive the vaccine — although she lives in Coventry, and we will forgive her for that — is from Northern Ireland. I take that as a great sign of hope for the future, recognising that getting the vaccine rolled out is a mammoth challenge.

Mr O'Dowd: Minister, I want to return to the self-employed and newly self-employed. I understand that representatives of the self-employed are bringing forward to the Minister proposals that would meet her objectives of ensuring that the public purse is protected and that money goes to those most in need. Will the Minister take those proposals seriously and undertake to assist the newly self-employed?

Mrs Dodds: I think that the Member knows well enough that I receive delegations from right across the spectrum of Northern Ireland, and I will treat their representations with respect and look at all suggestions that are put forward.

Mr Deputy Speaker (Mr Beggs): Rachel Woods is not in her place.

NI Goods: Unfettered Access

7. **Mrs Barton** asked the Minister for the Economy to outline the measures in place to ensure Northern Ireland goods have unfettered access to the Great Britain market, while EU goods passing through Northern Ireland are subject to proper administration. (AQO 1293/17-22)

Mrs Dodds: I thank the Member for her question. Given the tweets that we have just seen, and some of the issues that have been aired today, her question is timely.

Since taking office, my priority has been to ensure that Northern Ireland businesses continue to enjoy unfettered access to our largest market, Great Britain. I have engaged with our Government on a regular basis to ensure that, and I am pleased that those efforts are yielding results.

Unfettered access can be guaranteed by the United Kingdom through the Internal Market Bill by agreement in the Joint Committee. I note the latest reports. I also note, and the House should note, that I spoke to businesses this morning, and all agree that a pragmatic, practical outcome is desired.

The SI covering goods from Northern Ireland into GB is too vague; it is not a comprehensive definition of a Northern Ireland-qualifying good. While international trade, including which measures will be taken to ensure that EU goods do not use Northern Ireland as a backdoor to the GB market, is a matter for the United Kingdom Government, it is important that the quality and provenance of Northern Ireland goods are preserved. The Government have yet to outline specific anti-avoidance measures that would be used against EU businesses attempting to avoid tariffs by bringing goods into Northern Ireland.

I welcome the commitment to developing a sustainable longer-term definition of "qualifying", and anti-avoidance measures. Engagement with industry and the Executive on those is essential. The Executive have written to the Government supporting proposals from the Northern Ireland Food and Drink Association (NIFDA) that could act as an effective model for the agri-food sector in ensuring unfettered access.

Mrs Barton: Thank you, Minister, for your answer. Minister, can you advise on the country of origin of goods that have been produced using products from several countries, for example cheese or Baileys drink?

Mrs Dodds: The Member will be glad to know that I spoke to the chief executive of Dairy UK on that very issue this morning. I assume that the Member refers to milk in Northern Ireland that may have been processed into cheese etc in the Republic of Ireland. We need a practical outcome to this so that, if it is done in that way, it is treated as a product of origin of one or the other. However, most importantly, what we need to ensure for all of our produce is that we have free access to the EU market in this respect and that we also have access to our biggest market. I will repeat this because it is worth repeating: Northern Ireland sells more in

the Great Britain market than it does in the Republic of Ireland, the rest of Europe and the rest of the world all added together. That unfettered access to GB is absolutely vital.

Mr McAleer: The Minister made reference to the anti-avoidance measures that the British Government are supposed to put in place to prevent the North from becoming a back door into the British market. That has the potential to become a huge impediment to trade heading east. There are only 23 days to go until the end of the transition period. Does she have any assessment or sense of what shape the anti-avoidance measures might take?

Mrs Dodds: As I said in my answer to the original question, the Government have said that they would bring in anti-avoidance measures. Those are likely to be measures around asking firms to prove that they are not using a particular route through Northern Ireland in order to avoid duty on the goods that they are bringing into the GB market.

A couple of things are massively important for Northern Ireland. We want to preserve our place within the United Kingdom's internal market. As I have said, it is the most important market for Northern Ireland. I know that the Member will be extremely interested in this. For agri-food in particular, it is absolutely vital that we preserve that place. It is equally vital that we preserve the provenance of Northern Ireland goods so that Northern Ireland is not seen as a bit of a back door through which anybody and everybody can bring goods into the GB market. That would undermine us in the GB market and undermine the value and provenance of Northern Ireland goods. That is massively important as well.

Mr O'Toole: I do not know if the Minister has seen it, but, in the last hour, there has been news of some agreement at the Joint Committee. She, like me, will want to see the detail of that agreement between Minister Gove and Vice-President Šefčovič. Pursuant to that, once we see the detail, is she willing, with others in the Executive, to press for full access for Northern Ireland businesses to existing EU trade deals? Via the Joint Committee, we should be able to agree that we get access both to UK deals and, of course, the UK market — and I agree with her on that — but also existing EU trade deals. That offers real opportunity for businesses here. It is also essential for —

Mr Deputy Speaker (Mr Beggs): The Member has asked his question.

Mr O'Toole: — businesses, particularly the dairy business.

Mrs Dodds: The chief executive of Dairy UK will be very pleased that we were listening to him this morning. I, like you, will want to see the detail of what has been agreed. I have read the statement, which followed discussions that have been ongoing for a number of days. As I have said in the House on many occasions, for Northern Ireland and for the rest of the United Kingdom, it would be better if we were able to achieve that zero-tariff, zero-quota deal. We need the practical outcomes of the protocol to be agreed. As I said in an earlier answer, we can do that through either the Internal Market Bill or, with the agreement of the EU, the Joint Committee.

I will be very interested in the outcome of the discussions today and in the Minister's statement about the discussions to the House tomorrow.

2.30 pm

It is important that we have access to the new trade deals that the United Kingdom will do. That is a huge issue for us. Of the 37 trade deals that the EU has, most, bar about three, have rolled over. As members of the United Kingdom, we will have automatic access to those rolled-over EU trade deals. We very much need to make sure that we have access to the new trade deals with the US, New Zealand and Australia on the same basis as every other part of the United Kingdom.

Mr Deputy Speaker (Mr Beggs): That is the end of our period for listed questions. We now move on to topical questions.

Excluded PAYE Contributors: Support

T1. **Ms Bradshaw** asked the Minister for the Economy what proposals she has to bring forward a scheme to assist PAYE contributors who have been excluded both from furlough and the newly self-employed support scheme. (AQT 801/17-22)

Mrs Dodds: I presume that the Member means the national self-employed income support scheme (SEISS). As I indicated, we have launched a scheme for the self-employed. That is for those who became self-employed after March 2019 and could not, therefore, have supplied a tax return to HMRC before we were struck by COVID in March 2020. The scheme

that we have brought forward is broadly the same as the schemes that were developed in Scotland and Wales. I look forward to those who have been unable to access any support being able to access support through that scheme.

I presume that the Member is also asking about those who became self-employed, say, in 2018 or in late 2019, who have not had a particularly successful outcome through SEISS. Those people are not included in our scheme and would require a completely separate scheme. Of course, it will be up to the Executive to decide whether they want to include those people in the scheme. That would mean topping up national schemes, and the Executive would have to decide whether they want to do that and whether the Finance Minister has the funding for it.

Ms Bradshaw: Minister, thank you for your response. I have recently received correspondence from constituents who have advised me that, when they applied for the newly self-employed support scheme, they had been frustrated by what seemed to be a mismatch between the definitions used in the Go For It programme and what the Department is using for eligibility. Could you look into that? As you know, Minister, many of those who have fallen through the cracks are in very dire straits, and it is having a serious impact on their mental well-being.

Mrs Dodds: I am completely aware of how difficult life has been over the last number of months. That is why, through the three support schemes that we brought out earlier this year, we paid out over £340 million to those who required help. I am also aware that that did not include everyone who needed help. That is why we have specifically targeted the self-employed who were unable to access the national self-employment income support scheme. That is a very important distinction.

The criteria for the new scheme were developed in line with those that the excluded group brought forward. They are also in line with those used in the Scottish and Welsh schemes of the same nature.

Trade Deal

T2. **Mr Middleton** asked the Minister for the Economy, given that she will be aware of the media attention on the discussions and agreement between the UK and the EU over the Northern Ireland protocol, whether she agrees that it is vital that an overall trade deal

be reached to support businesses in Northern Ireland and whether she would support a flexibility or grace period for local companies as they try to adapt to the new arrangements post 1 January. (AQT 802/17-22)

Mrs Dodds: I thank my colleague for his question. It is important that we reach a deal; I have said many times that that would be the best outcome for Northern Ireland. It is also important that we reach a conclusion on the issues that the protocol has thrown up for Northern Ireland. I do not support the protocol. I am not pretending about that to anyone in the House — everyone knows my view. However, we have practical issues to resolve for the good of the business community and economy in Northern Ireland, and to support jobs. That is important.

This morning, I spoke to my EU stakeholders group, which is made up of a wide range of businesses across Northern Ireland. We agreed with yesterday's statement from business leaders that a period to ease the adjustment is necessary given the late hour of the agreement. Of course, we will reserve judgement on the agreement until we see the details.

Mr Middleton: I thank the Minister for her response and welcome her comments. I agree with her that it is important that we wait to see the detail. Will she continue to raise the concerns around the protocol? This morning, with colleagues, I met representatives of the airlines. They raised serious concerns about the impact that the protocol will have on them. Will the Minister commit to continuing to raise those issues on their behalf?

Mrs Dodds: I absolutely will. What we might see from the discussions of the Joint Committee are high-level agreements coming out over the next number of days. Underneath those, however, will be a myriad of practical issues that the protocol has imposed upon us and which need to be resolved. I advise those in the House who call for full implementation of the protocol to step into my shoes for a brief period and listen to the difficulties of businesses that are struggling with the complexities of customs, export certificates and the cost to them. Another important issue for the House, and one that we need to keep reminding the Government of, is that cost to business and their promise to ensure that businesses do not have to bear it themselves.

Black Taxis: Financial Support

T3. Mr Sheehan asked the Minister for the Economy, given that she has provided multiple grants to hotels and accommodation providers but continues to exclude taxi drivers and the coach industry, to give a commitment to amend part B of the coronavirus business support scheme so that taxi drivers and coach operators can access payments additional to the rather meagre payments that they have received from the Department for Infrastructure, particularly because the black taxis play a valuable role in the tourism sector in his constituency and the other Belfast constituencies, where the drivers provide guided tours for tourists throughout the city, to the benefit of hoteliers and other accommodation providers. (AQT 803/17-22)

Mrs Dodds: Of course, the Member will understand that the responsibility for looking after taxi drivers and the coach and haulage industries is with the Department for Infrastructure. It is the Department that regulates same and has brought forward the scheme in relation to same.

The COVID restrictions business support scheme is meant to look after the supply chain of businesses that are named in the restrictions. Therefore, they have to be named and be in the direct supply chain: they must have a contract with a named business. The best way in which to support taxi drivers is to have an open and free economy. Of course, in the next year, one of our absolute priorities will be to restart and reboot the tourism economy so that we can see visitors coming back to Northern Ireland and ensure that jobs in that sector are secure for the future. Northern Ireland has a lot to offer tourists, and I look forward to working with the sector on that renewal. I hope to make announcements about that in the near future.

Mr Sheehan: I must say that I am very disappointed with that answer. Taxi drivers in particular, who, under normal circumstances, work long and antisocial hours for little recompense, have been left behind in the pandemic. It took a long, long time to launch the Department for Infrastructure scheme.

The Minister has the power to —

Mr Deputy Speaker (Mr Beggs): Does the Member have a question?

Mr Sheehan: — amend part B of the coronavirus business support scheme, which would ensure that taxi drivers and coach operators get additional payments.

Mrs Dodds: I sympathise with taxi drivers and coach operators. There already is a scheme for them, however. They have applied to it, and those applications have been verified, but if the Executive decide that there should be additional funding for that scheme to satisfy additional hardship payments, I will support that.

Kickstart

T4. Mr Irwin asked the Minister for the Economy whether Northern Ireland is part of the GB Kickstart scheme, given that, as she will be aware, the impact of COVID on the economy has been unprecedented, and it is his understanding that a number of initiatives exist to help people stay in work or find new employment. (AQT 804/17-22)

Mrs Dodds: I thank the Member for his question. Much of what we do in the Department for the Economy is to support the broader economy and to support training and initiatives in the economy. That is why we launched our apprenticeship schemes, which are being received well by industry. We are creating new apprenticeships and supporting others. Kickstart is the Department for Communities' scheme, and I spoke with the Minister some months ago when Kickstart was announced for the rest of the United Kingdom. I understand that she is working up a scheme, and I encourage her to bring it forward as quickly as possible.

Mr Irwin: I thank the Minister for her response. I am sure that she will agree with me that it is vital that every effort be made to help many of those businesses.

Mrs Dodds: Absolutely. It is really important to help businesses, and individuals as well. Perhaps the House, in the closing minutes of this Question Time, will want to know that part A of the COVID restrictions business support scheme has received 3,603 applications, of which, to date, support has been paid out to 2,544, with over £12 million being given to individuals in this period of restrictions. We hope to have all of part A of the scheme fully paid out by the end of the week, except for the one or two applications that are much more difficult to do. Part B of the COVID restrictions business support scheme will start paying out this week, with significant payments being made today and on Friday.

Project Stratum: West Tyrone/Fermanagh and South Tyrone

T5. Mr McCrossan asked the Minister for the Economy, after giving his full support to Project Stratum and the progress that has been made, with Fibrus being awarded the contract, but also expressing his concern about the timeline for increased broadband coverage, for her assessment of the need to prioritise West Tyrone and Fermanagh and South Tyrone in the roll-out, given that those constituencies are the worst impacted in terms of connectivity. (AQT 805/17-22)

Mrs Dodds: I have made my view very clear on that. The contract was awarded in such a way that the company that got it would be able to roll it out in a way that made most economic and technical sense. If we start to prioritise one area here, one area there and one area somewhere else, we will make the contract more expensive, and fewer homes and premises will then be included in the contract area.

Like you, I would like to see my constituents get broadband in their area as quickly as possible, and they would like to see me being able to chop and change things around, but that is not how it will work. We are rolling it out in the most economic and technically sensible way in order to get the most that we can from the contract and to include as many premises as we can in it.

Mr McCrossan: West Tyrone is somewhat worse, but I understand that we have to defend our constituents. Can the Minister outline whether any assessment has been undertaken with her colleague the Minister of Education on the impact that Project Stratum will have on boosting broadband connectivity in rural schools?

2.45 pm

Mrs Dodds: I have not spoken to the Minister of Education about that specific issue, but we all know that connectivity is key. It is king, and fibre is the new method of connectivity. Project Stratum will bring economic opportunity to your constituents in West Tyrone on an equal basis to those who live in larger urban settlements. That is a good thing for families, farms and jobs in the West Tyrone area. I look forward to seeing it roll out.

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

(Mr Speaker in the Chair)

Education

Mr Butler: On a point of order, Mr Speaker.

Mr Speaker: We do not take points of order during Question Time, Robbie. Sorry about that. I will take it later.

Exams: COVID-19 Disruption

1. Ms Kimmins asked the Minister of Education whether he will reconsider the awarding of qualifications in 2021 to take into account the continuing disruption experienced by exam cohorts as a result of COVID-19. (AQO 1302/17-22)

Mr Weir (The Minister of Education): I thank the Member for her question. It is my priority that examinations to award Council for the Curriculum, Examinations and Assessment (CCEA) qualifications, which is the one area that I have direct control over, should go ahead as planned in 2021. However, it is clear that there is a need — I have acknowledged this from the start — for adaptations, given where we are this year.

The first suite of adaptations, which I agreed on 9 October and subsequently on 6 November for GCSE qualifications, provide a significant reduction in the burden of assessment for young people while still allowing as much opportunity as possible to cover the content of the specifications. I also agreed a number of health-related adaptations for AS and A levels. However, the situation has been kept under review, and my officials have been working closely with CCEA to develop a range of further mitigations and contingencies to respond to the fluid public health situation. That is particularly the case for AS and A levels. That work is at an advanced stage. It has also involved discussions with key stakeholders in terms of partnership at school principal level. I hope to be in a position to provide more information on that issue very soon.

Ms Kimmins: I thank the Minister for his answer. Having read the public exam guidance that was published in November, I and many others are still deeply concerned that the Minister and CCEA continue to ignore the concerns of young people, their families and teachers. There will be no level playing field when it comes to the public exams that will be used next year. Many young people will have had multiple periods of self-isolation, so the education experience is very varied. Will the Minister consider directing CCEA to add greater

optionality for the exam papers for 2021 to try to reduce some of the stress that is being felt by our young people?

Mr Weir: As with a lot of things in education, it depends on what you define as a particular term. Optionality has, generally speaking, been considered from a purely educational point of view, which is about having more exam questions from which to choose. Direct concerns have been raised. That is one of the options that continues to be looked at.

Concerns have been raised, particularly by non-selective schools, that optionality, by that definition, would create problems, especially for some children with special educational needs and candidates who are not as strong academically, and that it could discriminate against them. However, there is a range of other options, if I may put it that way, for adaptations that I hope to bring forward very soon.

We have already gone further than some other jurisdictions, particularly England, with adaptations for GCSEs. I hope to be in position to come to a conclusion and to make further announcements on those adaptations before Christmas in order to give people a level of certainty. We will have to take account of the current wider situation because it is about trying to create as level a playing field as possible. In the current circumstances, whatever direction I or any jurisdiction move in, the playing field will not be completely level for anyone. That is part of the difficulty, because, sometimes, making one decision will be fair for some people and unfair for others, and it is about trying to balance that. I hope to be able to reach a conclusion on that fairly soon.

Mr McCrossan: I thank the Minister for his answer to the question. I am very concerned — I have put my concerns firmly on record — about examinations going ahead, particularly given what happened in the summer and the impact that that has had on the mental health of our young people and teachers in schools. Minister, you are in the bad books of a lot of students and teachers, and I think that you know that very well. Given the situation and that the Commissioner for Children and Young People and the mental health champion have spoken out, will you now cancel examinations this year?

Mr Weir: No, I will not. Frankly, if we are talking about fairness for people, we first have to take into account that the exams that I control are administered by CCEA. If we were to cancel all

CCEA examinations, there would still be roughly 20% of students doing English board examinations. It would place students in Northern Ireland in a different position not just from students in England, Scotland and Wales but — this may be of greater interest to the Member — the Republic of Ireland, all of whom are going ahead with examinations. Every jurisdiction, by one means or another, is going ahead with examinations.

We need to ensure that we have a level playing field for grading throughout the United Kingdom and that, as much as possible, there is a level playing field for students in Northern Ireland. If we were the only jurisdiction that, in all forms, abandoned examinations, where would that leave some of our students when making comparisons for university places? Rather than snatching at a populist headline, we have to think this through so that we can see where it leaves our students.

The one thing that I am going to do is be absolutely straight with students and others. Members will say, "Wales has abandoned exams". It has not, really. It is having assessments that are externally set and externally marked. Presumably, if there is going to be a level playing field for students in Wales, those assessments will have to be carried out under examination conditions. In many ways, if it walks like a duck and quacks like a duck, it is a duck.

Mr Butler: We are now on the edge of the Christmas break for schools with no certainty about a return date due to the potential for increased COVID transmission over the festive holiday. What impact assessment has your Department carried out on the extent of lost classroom learning, particularly for years 11 to 14?

Mr Weir: From that point of view, the adaptations that will be put forward will cover the situation and will recognise that not every student has faced the same issues. We will also need to look, in a wider UK context, at dealing with special considerations for individuals. Perhaps unsurprisingly, rumours will always abound in Northern Ireland. There are no plans to delay the return to school in January. I want our young people to have as full an opportunity as possible to be educated directly. Let us make sure that rumours do not start that, again, do not have any substance.

Mr Speaker: Questions 2 and 7 have been withdrawn. I call Chris Lyttle.

COVID-19: Academic Selection Guidance

3. **Mr Lyttle** asked the Minister of Education what guidance he has issued to schools using academic selection in 2021 regarding the admission of pupils without test scores due to COVID-19-related absence. (AQO 1304/17-22)

Mr Weir: I thank the Member for his question. I was not aware that question 2 had been withdrawn.

As the Member will be aware, setting admissions criteria is, by law, a matter for boards of governors of individual schools. To assist in the process, guidance was issued to all post-primary schools on the operation of the transfer procedure. However, given the unique situation that we find ourselves in, I have also written to the boards of governors of schools that will be using the entrance test results in their admissions criteria. I am sure that the Member will be aware that schools are under an obligation to publish the criteria and to produce them by 11 December. I have told boards of governors that, in drafting their criteria, they should consider any eventuality whereby test results are available, but not necessarily for every student.

As such, I have indicated to them that, as part of the single set of admissions criteria, they should look at how they will deal with students who will have had to self-isolate, for instance, and, perhaps, have not been able to do all the tests. They will also be working alongside the test providers. It is also the case, this year, that schools will apply special circumstances. I have asked them to review their special circumstances, because I suspect that there will be a greater call on those this year than in previous years. It will be for individual schools to determine how they deal with such applications, and once criteria are completed, they will be published by the Education Authority at the beginning of the new year.

Mr Lyttle: The Education Minister has failed to introduce a dedicated code to gather COVID-19-related pupil absence data, but, in November, the National Association of Head Teachers surveyed 89 primary schools and found that, on average, as many as 37% of P7 pupils had experienced a COVID-19-related absence since the start of term. I ask the Education Minister, yet again, how can it be fair to base post-primary admission on testing 10-year-old children in such exceptional circumstances?

Mr Weir: I admire the Member for the inventive ways in which he attacks academic selection. His attacks seem to take slightly different twists and turns, and the route, now, is under the cover of COVID-19.

With regard to absences, we have direct information on pupils who are absent and still able to engage, and those who are self-isolating. Those figures reached their highest point towards the end of October when there was a combined rate of about 8%. It is a lot lower than that for most of the other weeks, and it tends to be slightly lower in primary schools than in post-primary schools.

We have seen the alternatives suggested by a few schools looking to move away from academic selection this year. The alternatives that they seem to have produced relate to whether your mum, dad or older brother went to the school. It is a range of those things. It is a form of selection by family and genetics. Sometimes, it will be a question of getting into the school if you have a brother, but not if you have a sister, or vice versa. It is an accident of birth — an accident of DNA.

Whatever the criticisms of academic selection, it is, at least, based on the merits of the applicant. As such, while a wider debate on academic selection has gone on for a long time, with a range of views, to jump in and put in place those sorts of measures will only exacerbate difference and make it utterly impossible for some students to get into a school that is not based on academic selection. If a child was the greatest genius in the land, they would simply be denied, because of who they were related to. That does not seem to be a particularly satisfactory way of selecting children for an oversubscribed school.

Mr Sheehan: The Minister will be well aware of Sinn Féin's position on academic selection and the rejection of children. Participation in those tests should not be equated with support for them. Often, sitting those tests is the only way that children can get into a school that is nearest to their home.

What alternatives is the Minister considering to post-primary transfer this year in the context of COVID-19, absences from school, self-isolation and mental health issues?

3.00 pm

Mr Weir: I appreciate that your party has been very consistent and clear-cut on the issue. I support academic selection and the right to

academic selection. It is enshrined in law. Unless schools choose something that takes them outside the law, admissions criteria are up to individual boards of governors. We can give schools advice that says, "You need to have a range of criteria to look at eventualities for individuals". However, it is ultimately a choice for schools.

Many fine schools across the system have never used academic selection, or only use it partially, and also get absolutely brilliant results. I welcome those schools, and I do not intend to force academic selection on anyone. However, neither do I intend to take the right to academic selection away from schools. I am not planning for an alternative. We will give advice, particularly on what is required on health and safety issues. We also advise that schools need to be more cognisant this year, on a wide range of criteria, to cover those eventualities. We will give guidance, particularly on the special circumstances that each individual school has to apply; it cannot be something that is done on a blanket basis. Those schools need to examine their criteria closely to make sure that they are fit for purpose for this year, but I am not going to impose a solution on them that takes away their right to academic selection.

Mrs Barton: Thank you very much for your answers so far, Minister. With regard to the use of academic selection for this cohort of pupils, can you outline any contingency planning discussions that you or your Department have had with grammar schools in response to the recent successful Committee for Education motion on the same issue?

Mr Weir: I thank the Member for her question. I have made it very clear that not only is academic selection in legislation but it is up to boards of governors. It is not a question of me or my Department coming up with criteria. The grammar schools that use academic selection are perfectly entitled to do so. I am not going to interfere in that right. As I said, a range of mitigations is being put in place this year, because anybody doing any form of public examination will have to follow a range of guidelines for health and safety. That will apply in all circumstances. However, I will not take away the right to academic selection. I will not be the Minister who seeks, by the front door or the back, to destroy our grammar-school system.

SEN: Additional Resources

4. **Mr Buckley** asked the Minister of Education what additional resources have been allocated

to minimise any disruption to children with special educational needs (SEN). (AQO 1305/17-22)

Mr Weir: I thank the Member for his question. To help support schools and the education sector in addressing many of the new pressures arising as a result of COVID-19, I announced significant additional funding, with the support of the Executive. To date, extra allocations of £6.9 million have been made to the Education Authority (EA), earmarked for special educational needs pressures arising from COVID-19 and Education Restart. I have asked the EA to continue to monitor funding requirements as the pandemic progresses, in order to inform potential departmental bids for additional resources.

Mr Buckley: I know that the Minister fully appreciates the devastating impact that COVID-19 has had on children with special educational needs. He will join with me in appreciating the tenacity of the children and the teachers and parents who look after those young people. Will the Minister provide an update on the transformation and improvement programme of special educational needs services?

Mr Weir: I am happy to do so. The Member mentioned teachers and parents. As we move towards Christmas, I want to place on record my thanks and appreciation — as I have done before, particularly for those in special educational needs but across the board — for parents, principals, teachers and all educational staff who have ensured that education continues.

Specifically on the question that the Member asked, the SEN governance group was established in September to maintain strategic oversight of the implementation of improvements being made in the EA and the Department. Considerable criticism has been levelled in the various reports that have been produced, and it is important that those are answered strategically.

The EA recently established a programme of improvements through its SEN strategic development programme, which provides a single coordinating governance structure for the SEN transformation agenda across Northern Ireland. The programme not only draws together ongoing multi-agency SEN development work but defines a single strategic plan to address the wide-ranging recommendations for changes that have resulted from various review reports over the past few years, including the 2020 Northern

Ireland Audit Office SEN report, the SEN learner journey recommendations and the recent report by the Northern Ireland Children's Commissioner.

Mr Dickson: Minister, can you explain why the school restart fund does not apply to special schools? Is the failure to apply the fund to special schools an act of discrimination against special schools?

Mr Weir: No, it is not. Perhaps I am being a bit pedantic, but the Member may be referring to the Engage programme rather than restart. The restart fund is the wider package of measures that is being taken into account. As I indicated, £6.9 million of restart funding is directly for special educational needs. The Engage programme is £11.2 million of funding and is targeted at mainstream schools. As a more one-to-one intervention is required in special schools, I have instructed the EA to work directly with special schools to make provision of a similar nature to the Engage programme. Given the budgeting, the Engage programme has been delegated to schools. As the Member will also be aware, budgets for special educational needs are not devolved to the schools but are dealt with at EA level, which is why I have instructed the EA. There is a good argument for a lot more flexibility with the budgets. With the Engage programme, the flexibility on how that money is used is devolved to individual schools. Needs will be met directly in special schools, but the budget will come through the EA rather than the Engage programme.

Ms Mullan: Minister, the Education Committee heard evidence a number of weeks ago that suggested that the Department of Health had not fulfilled its obligations to cooperate with the Education Department on children with special education needs. Can the Minister assess the current levels of cooperation between the Education and Health Departments to support children with special education needs?

Mr Weir: To be fair, while the Committee Chair and I will often clash, he made reasonable suggestions to develop better stakeholder engagement and a reference group for vulnerable children. I am trying to take the suggestions forward with officials. As the Member suggested, that cannot happen purely in the Department of Education, and it requires cooperation.

Much of the Member's question would be better answered by the Health Minister. However, good work has been done and the situation is

beginning to improve. There is no doubt that turning aspirations into real cooperation can be challenging at times and requires a continual effort. It can be brought forward as the consultation on the SEN regulations comes to an end, and the code of practice will be allied to the regulations. The code of practice will be a driver to improve what we can do for our young people with special educational needs.

Mr Allister: Extra resources in this area are very welcome. However, does the Minister agree that there needs to be better alignment between the release of resources and further improvement of the statementing process? The current targets are still disappointing. You can have all the resources that you like, but if the kids are not statemented, you are not marrying the two, and that is where the solution lies.

Mr Weir: I agree with the Member up to a point. As with all issues, resources are required to do certain things. Resources, in and of themselves, are not the complete picture. I do not have the figures to hand, but timescales for the statementing process have improved considerably. They started from a very poor base a year or two ago and have reduced considerably.

I see somebody shaking their head from a sedentary position, who clearly does not have the figures in front of them either. I revealed the figures at my previous Question Time.

Before the Chair gets a little bit paranoid, I will say that I am not accusing him. For once, he is an innocent man. The figures suggest very long-term waits. For example, a number of months ago, a number of children were waiting, say, more than a year and a half for a statement. That is no longer the case. There have been reductions in all those elements. It is about making that progress.

The Member is right about alignment, and the purpose of the SEN regulations is to try to get a much more joined-up approach. That is why they are out for consultation. It is important that we can move ahead with those as soon as possible and do as much as we can with the resources that are there.

Nettlefield Primary School

5. Mr Stalford asked the Minister of Education for an update on capital works at Nettlefield Primary School. (AQO 1306/17-22)

Mr Weir: I thank the Member for his question. As Nettlefield Primary School is a controlled

school, the Education Authority is responsible for minor capital works there. It has advised that, subject to the availability of funding and prioritisation of other works, consideration is being given to progressing minor works at the school. I know that the Member takes a close interest in Nettlefield, and I believe that it was one of the schools that the permanent secretary and I visited pre-COVID, which seems a long time ago. Specifically, in the next financial year, the EA is looking to progress minor works relating to the toilets and the roofing, and I know that there is a danger with the windows. The concrete steps outside the school office could also prove to be a hazard. All those matters are being considered for progression by the Education Authority, which will deal with the operational side of it.

Mr Stalford: I declare an interest as a past pupil of Nettlefield Primary School. I am grateful to the Minister for his answer. The Minister knows that this is a unique building. I think that it is a listed building, which complicates the process of making improvements to it. The Minister has seen the state of some of the rotten window frames and the general poor state of some parts of that building. Please, will he do everything in his power to process this as quickly as possible and get the work carried out? The school really needs it.

Mr Weir: I appreciate that. One of the restrictions has been the school's listed status, which is not unique to Nettlefield. For some buildings, listed status is not, with the best will in the world, preserving great Georgian architecture but is, at times, holding back measures that need to be taken to improve health and safety. The EA is cognisant of the issues at Nettlefield. The problem is that, when the last call was made for minor works, there were around 6,000 applications, about 600 of which have been funded so far. There is a lot of demand out there, but I can give the assurance that the EA will take it seriously and that the Member being a past pupil of Nettlefield will in no way disadvantage the school. *[Laughter.]*

Mr O'Toole: I welcome the Minister's answer. Although I am not a past pupil, Nettlefield clearly has real issues. It is a notable building, and it really needs the work that my South Belfast colleague has asked for.

May I ask a brief question on the broader capital budget of the Department of Education? Given that it has been a unique year for getting capital spending out the door, has the Minister had any conversations with the Finance Minister about ensuring that the capital

allocation that sits with you this year will be spent in-year and none of it will be handed back?

Mr Weir: I understand that, and I think that the Department was well aware of that. For instance, some money has been released, after discussions with DOF, to the EA for issues such as the procurement of additional bus allocation and a range of other procurements. I appreciate that there was disruption, particularly around the spring, to capital spend. We have caught up on some of that. On the broader budget, as we move towards 2021, the situation with capital resources will still be very tight across the board, but I had very useful conversations with the Minister of Finance yesterday on the broader budgetary issues covering both resource and capital demand.

Mr Nesbitt: I am sure that the Minister will join me in congratulating Nettlefield on surviving the many challenges that it has faced down the years. I understand that the Minister has visited West Winds Primary School, which is in the constituency that we both serve. Will he join me in congratulating the senior leadership team on the energy that it has brought to school life? Will he support that team's desire to see the same infrastructure improvements in that school as have been seen in other primary schools in the area in recent years?

3.15 pm

Mr Weir: I certainly congratulate the school on its hard work and success, not just under its current principal but under its previous principal. It has been success story and a particular beacon of light.

For people who are checking the Register of Members' Interests, I should perhaps indicate that I visited the school in my capacity as an MLA for the area, as I think the Member did as well, rather than in my capacity as Minister of Education. I was able to view some of the school's challenges and some of the improvements that need to be made to its physical infrastructure. Speaking as an MLA, I am very much in favour of those improvements. Indeed, I want to see the best possible availability of space and construction for all our pupils, not just in the great constituency of Strangford but beyond the constituency and throughout Northern Ireland.

Ms Brogan: I thank the Minister for his update on Nettlefield Primary School. Can he provide an update on the Strule shared education

campus in Omagh, which is in my constituency of West Tyrone, please?

Mr Weir: I should first say that this is the Member's first Education Question Time. I will see her tomorrow at the Education Committee, and I welcome her to her place.

Work is continuing on that. Recently, I have taken a position to the Executive, and the Executive all agreed that we need to move ahead with Strule. There is still some work to be finalised between the Department of Finance and Treasury. Without breaking any confidentiality, I was able to raise the matter directly with the Finance Minister yesterday, and the Department of Finance is pushing ahead. We need a final position from Treasury to confirm all of that, however. It is probably the biggest capital project that Northern Ireland has ever undertaken, and there is a strong determination, not just from the Department of Education and me as Minister of Education but from the whole Executive, to carry on to make sure that the campus is brought to fruition.

Mr Lyttle: Can the Minister outline the monetary scale of the maintenance backlog across Northern Ireland?

Mr Weir: I do not have those figures directly to hand, but I will be happy to provide them to the Member.

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

Independent Review of Integrated Education

T1. **Mr Lunn** asked the Minister of Education whether he has read the excellent report on the independent review of integrated education and, if so, whether he has any initial comments to make on its recommendations. (AQT 811/17-22)

Mr Weir: Yes, of course I have read the report. Indeed, I had to take some imaginative action to make sure that it was published on time in the previous mandate. I think that its final version was produced during the period of purdah, so I had to make sure that it was able to be released. In order to cover the situation in which we are not supposed to release anything during purdah, I remember that the report had to be released at a quarter to 10 on election day in 2017.

As I said, yes, I have read the report. A number of its recommendations have been put in place. The report refers to the fact that, where there are outstanding recommendations, a number of them are part of a wider picture and some may not be 100% appropriate, but the consideration of that is in the wider revised draft terms of reference that hopefully will form part of the independent review. I have submitted a paper to the Executive on that. Any independent review would take forward anything that is outstanding from that.

Mr Lunn: I thank the Minister for his answer. I refer him to recommendation 17, which suggests that his Department should be more proactive in advising schools about the transformation process. Is he satisfied that the Department, historically, has delivered on its statutory obligation to facilitate and encourage integrated education?

Mr Weir: I should say that, although history was one of my favourite subjects at school and is something that a lot of politicians in Northern Ireland will always get accused of being immersed in, I do not really think that there is a great deal of point in trying to decide retrospectively what should have happened five years ago or 10 years ago. Trying to meet the challenges of where we are now is probably the more appropriate response. As I indicated, as part of the outstanding recommendations, we will look at what is appropriate to be put in place. How it can be put in place will lie with the independent review, which hopefully will soon be initiated.

Pupils' Mental Health and Well-being: Funding

T2. **Ms Flynn** asked the Minister of Education, after welcoming his recent announcement of £5 million for schools to support pupils' mental health and well-being, albeit that £1.5 million came from the Department of Health, to state whether £5 million was sufficient and to outline whether he plans to submit further bids. (AQT 812/17-22)

Mr Weir: I thank the Member for her question. There are actually two funds, and she may be slightly mixing up the two. Of the £5 million that was recently allocated, £4.75 million was directly for schools; the other £0.25 million was for the Youth Service, because obviously there were gaps there. That was specifically money that I had put forward a proposal for. The Executive endorsed that and provided it via the COVID side of things.

With regard to the £1.5 million that the Member referred to, there are plans to have a wider, embedded £6.5 million in addition to the £5 million. The £6.5 million is for mental health and well-being, with that contribution from Health because of the crossover issues. The aim is for that to roll out in the new year.

There may be some possibilities to look at what can be done next year and, while COVID funding will still be available in 2021-22, I am sure that the Finance Minister, if he was here, would indicate that it is roughly about a quarter of what it was in total. There is still the possibility to bid for further COVID money, but the aim is, in addition to the COVID money, to have something secured within the Budget on a rolling annual basis.

Of the original £6.5 million, as this is the first year of additional funding, some of that will be through pilot programming. We have to see what works in practice. What may work in West Belfast may not work in West Tyrone, or what works in a primary school may not work in a special school or a post-primary school. Part of it will be testing out and then trying to embed what is very successful and, perhaps, shift resources.

Ms Flynn: I thank the Minister for his response. Will the Minister also outline the time frame for the delivery of the emotional health and well-being framework? Will he commit to making this an urgent priority in the new year of 2021?

Mr Weir: The framework will try to marry the two issues, so it will be early in the new year for both.

Ards: Post-primary Provision

T3. Miss McIlveen asked the Minister of Education, after declaring an interest as a governor of Nendrum College, Comber, for an update on any discussions that are being held about controlled post-primary provision in the Ards area. (AQT 813/17-22)

Mr Weir: I thank the Member for her question. As the Member is aware, there has been pressure on places, particularly at some post-primary schools in the Ards area, in recent years. In light of this, 90 extra places were allocated across the Strangford constituency in advance of the 2020 process. We tried, to some extent, to get ahead with that. There will be some reduction in pressures in 2021 because a smaller cohort will be transferring. In addition, I have put in an initial 10 places in advance of 2021, but my Department stands ready to

allocate further temporary variations. For permanent change, a development proposal would need to take place.

To try to judge where the pressures are in the area, I want to look at a new policy of rightsizing and normalisation, as it is called, across the board in Northern Ireland. If a number of schools, for instance, have year-on-year issues with getting temporary variations, that can be taken into account. Legally, the definition for a development proposal will be a significant change. However, it strikes me that, where there are scenarios that are simply reflecting what has happened on the ground, that will need to be put into place. With regard to any specific development proposal, that will come as a legal process that I, as Minister, and the Department will have to give a direct verdict on. I cannot comment on any individual development proposal.

Miss McIlveen: I thank the Minister for his response. Parents and pupils are keen to have provision for post-16 education at Nendrum College, and Glashy College is long overdue a new build. Will the Minister provide an update on what consideration is being given to those projects?

Mr Weir: At the moment, it would be a significant change if we were to move to the scenario where either school has sixth-form provision as opposed to school ending for pupils at age 16. I do not have any particular problem with that per se, but it would come as a development proposal (DP).

As for the current situation, any development proposal would need to come through the managing authority. At present, there have not been any published DPs for Nendrum College or Glashy College from the EA. If that were to be considered, it would have to be initiated through those organisations. It may be that it has, again, been overtaken by other events. The Member may want to raise that directly with the new chair of the Education Authority, Mr Barry Mulholland, whose appointment was announced today.

SEN Framework: Time Frame

T4. Ms Rogan asked the Minister of Education to outline a time frame for the full implementation of the new special educational needs (SEN) arrangements, given that we are all too aware of the shortcomings in recent years in the administrative and operational processes involved in the provision for SEN children, albeit that the new SEN framework

and the associated regulations in the code of practice will hopefully represent a new beginning in supporting those children and their families. (AQT 814/17-22)

Mr Weir: The current arrangements, the terms of the SEN regulations and the code of practice are things that all of us would welcome. The fine details are out for consultation, which will finish before the end of Christmas. I hope to move ahead with that in as full a way as possible as soon as I can.

The only issue, which, again, I urge Members around the Chamber to support me on, is the requirement for a significant financial investment. In this year's Budget, around £7.5 million was directly allocated to that. A full-year cost will be £30 million. Therefore, resources will have to be either provided or found. To some extent, the speed of movement on that will depend on the wider financial settlement that we are able to reach. I believe that the Finance Minister is hoping to bring proposals on draft Budgets to the House fairly soon.

To be fair to the Finance Minister, we are potentially going to be in quite a difficult situation across the board next year because, effectively, once you take out particular elements of COVID, or at least one major ring-fenced element, the financial settlement that will be provided to the Executive is likely to be pretty close to flatlined cash, which will make things very difficult. Implementing the SEN regulations is a priority and a critical commitment, and I will do everything that I can to move them as fully and as fast as I can.

Ms Rogan: Minister, you may be aware that in the Downpatrick area of my constituency of South Down there is a serious shortage of special school places. I take this opportunity to commend the great work and leadership of Knockevin Special School. It is well oversubscribed, indicating that there is a need for increased provision in our area. Will the Minister commit to looking into that in order to ensure that provision is available for local families in the area so that they do not have to travel miles for a suitable placement?

Mr Weir: Again, there is always a bit of a balance to be struck in trying to ensure that people do not have to travel too far while ensuring that there is an element of specialist quality. As with anything, if you simply spread that too thinly, you do not get the quality. If there was to be, for instance, extra provision directly either through additional schools or units, in the first instance, that would be for the

EA. If it requires a development proposal, that would be something that I, as Minister, would have to sign off on, but, certainly, we want to make sure that every provision is made for our special educational needs students.

TIMSS: Mathematics

T5. Mr K Buchanan asked the Minister of Education, given that he will be aware of the trends in international mathematics and science study (TIMSS) report that lists Northern Ireland's position in mathematics, to give his opinion of that good report and Northern Ireland's placing. (AQT 815/17-22)

Mr Weir: Certainly, I welcome that report. In the dark days that we have had, it is fairly good news. In the TIMSS report that was published today, in mathematics, we are the seventh-highest performer in the world among those who were submitted. I think that around 58 countries were put in. Of those countries that are wholly in Europe, we were the top European country. I suppose that I will do this on a cross-community basis and say that we significantly outperformed pupils in England and the Republic of Ireland in that subject.

In science, there was also a strong performance, with about 18 countries ahead of us and 28 below us. It should be remembered that some jurisdictions did not participate in TIMSS, possibly because of a suspicion that they would not get the result that they wanted. That makes our position even more impressive.

The findings emphasise that year 6 pupils in particular in Northern Ireland experience high academic success, that there are very few problems with school discipline, and that classrooms are safe and orderly. It is the case — this is a lesson as well — that the most successful countries are those with the smallest gap between those at a socio-economic advantage and those at a socio-economic disadvantage.

While there is a great deal of work to be done on that in Northern Ireland, it is noticeable that our figures show that, for maths and science, the gap between affluent and socially deprived children was considerably lower than it was for our international comparators involved in TIMSS. That shows that, in many ways, there has been a lot of good work, but, of course, there is a still much good work to be done.

3.30 pm

Mr Speaker: There is about a minute left for a supplementary.

Mr K Buchanan: I thank the Minister for his answer. Given how difficult it has been this year with regard to digital learning, online learning etc, what is the Minister's opinion of the TIMSS findings on learning by digital means?

Mr Weir: The TIMSS findings showed that we are considerably ahead of our international comparators. There are issues — I know this from the previous Question Time — with ensuring that there is broadband availability, and there is always more that can be done. What it showed was that 96% of students here had access to a computer or tablet, which is well ahead of our comparators, although that does not necessarily mean that those students have individual access at home. To cover the situation, particularly during lockdown, more than 10,000 devices have so far been provided to our most disadvantaged and vulnerable learners. However, there is further work to be done.

Looking at the independent report and the comparisons with other jurisdictions, we see that we are well ahead of the international average. I should indicate that many very affluent economies throughout the world took part in TIMSS, so Northern Ireland was not being compared with countries that always have difficulties in that regard.

Mr Speaker: Time is up. Members, please take your ease.

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

Northern Ireland Assembly Commission

Assembly Staff: COVID-19 Mental Health and Well-being

1. **Dr Archibald** asked the Assembly Commission to outline the measures it is taking to support the mental health and well-being of Assembly staff during the COVID-19 pandemic. (AQO 1317/17-22)

Mr K Buchanan: I thank the Member for her question. The Assembly Commission has a strong focus on the health and well-being of staff, and that is a key aspect of the Commission's corporate strategy and corporate plan. The Commission also has a health and well-being framework and a wide range of

health and well-being resources on the Assembly's intranet.

During the COVID-19 pandemic, the Commission issued three regular weekly communications to keep in touch with staff, as many were working some or all of the time from home. Each week, "Well-being Wednesday" communications were issued to promote a wide range of resources on health and well-being topics.

The Commission's employee assistance programme continued to be available throughout the pandemic. Under that programme, staff can avail themselves of 24/7 counselling, online training, and access to a range of electronic resources covering health and well-being topics. The Commission has 18 staff trained as mental health first-aiders, and our learning and development team regularly promote activities to assist staff with managing their health and well-being. The Commission will continue to support and promote the good mental health of its staff throughout the pandemic and beyond.

Dr Archibald: I thank the Member for his answer. It is welcome to hear about those resources. Does the Member agree that the Commission has a duty to ensure that staff are looking after not only their physical health but their mental health and well-being, especially given the added pressure that many have faced as a result of the pandemic and the extra workload that they have been carrying?

Mr K Buchanan: Yes, I agree that the Commission has a duty of care to its members and, moving on from the staff in the Building, to the personal staff of MLAs, whether they are in the Building, working remotely or in constituency offices. The Member might be interested to hear that the Clerking and Member Support Office is exploring the delivery of electronic courses on mental health awareness through the Northern Ireland Civil Service online training platform. These short training courses will be available to all Members and their staff. So, it will be available not only for Members in the Building but all staff, whether they are employees of the Commission or our own direct employees.

Ms Hunter: I thank the Member for being here today to answer questions. What steps is the Assembly Commission taking to encourage further uptake of the specific mental health support offered by the Commission during the pandemic?

Mr K Buchanan: I will need to get written clarity on some parts of that for the Member. If you are happy, the Commission will write to you to give you more information.

Youth Assembly: Update

2. **Mr Carroll** asked the Assembly Commission for an update on the Youth Assembly. (AQO 1318/17-22)

5. **Mr Lyttle** asked the Assembly Commission for an update on the Youth Assembly. (AQO 1321/17-22)

Mr O'Dowd: With your permission, Mr Deputy Speaker, I ask for an additional minute, as I will answer question 2 and question 5 together.

I thank the Members for their questions. As Members will be aware, the Speaker, on behalf of the Assembly Commission, announced the establishment of an Assembly-supported Youth Assembly in July 2020. Since then, work has been under way to put in place detailed arrangements for the establishment of the Youth Assembly. A number of important developments have occurred, and I will outline some of those for Members.

Two members of staff from the Assembly's Education Service were appointed to take forward the work. They have been joined by two youth participation officers, who started work on 30 November. The Speaker is establishing an advisory group to give the Commission access to advice, including from the youth sector, as it takes further significant decisions. The group will be advisory, as opposed to having decision-making powers. A young person's Youth Assembly co-design panel has been established to help co-design some of the practicalities relating to the Youth Assembly, notably around recruitment and selection, induction and communication. Up to six virtual sessions of the co-design panel have been arranged for December — one has already taken place. Once all the sessions have been held, staff will write up the outcomes and findings and bring them back to the panel in January to allow it to finalise its thoughts and recommendations. Work continues on awareness raising. A Youth Assembly web page and online social media presence have been created; emails have issued to the youth sector, schools, further and higher education colleges, youth organisations and sporting organisations, and over 640 people have signed up to a Youth Assembly mailing list.

Looking ahead, it is hoped that the report of the co-design panel's findings on recruitment and selection will be available for presentation to the Assembly Commission by the end of January. Not surprisingly, the COVID-19 pandemic has had some impact on progress to date and may yet slow the pace of progress. However, as previously said, the Assembly Commission is determined that the Youth Assembly will be established and operational as soon as possible. The Speaker has said that he looks forward to hosting the first formal plenary session of the Youth Assembly in the Assembly next year, hopefully before the summer.

Mr Carroll: I thank the Member for his detailed reply. I will probably forward some Assembly questions on the information that he supplied.

Does the Member agree that we need legislation to ensure that the Youth Assembly is a permanent feature and is not dependent on or subject to Assembly time or budgets? He talked about the advisory group and co-design panel. Does he agree that we need to ensure that young people set the agenda and the methodology via some form of youth steering panel to include those young people from the NI Youth Assembly who have lobbied to participate?

Mr O'Dowd: I thank the Member for his further questions. He will be aware, from even the information that I gave him, that the Commission is keen to have young people design the Youth Assembly from the outset and to bring back their recommendations, and for the Commission to be directed by young people rather than the Commission directing young people. In terms of legislation, the Commission will await the recommendations of the advisory groups and will move from there.

Mr Lyttle: The Alliance Party has supported the campaign to give a voice to young people throughout my time as an MLA, so I welcome the long-overdue progress that has been made on the establishment of a Youth Assembly. How are its members likely to be appointed, and in what way will they be able to interact with the procedures of this Assembly?

Mr O'Dowd: I thank the Member for his question. Again, those matters are for the panels that will advise the Commission. We do not want to set out what will happen ahead of the panels having their discussions and making recommendations to the Commission. This is youth-focused. They are planning it, they are bringing it forward, and the Commission will then roll out the recommendations.

Ms Rogan: The Member outlined the actions that the Commission has taken. What actions will it take to ensure that the Youth Assembly is inclusive and representative of our increasingly diverse society?

Mr O'Dowd: I thank the Member for her question. The extent to which the consultation has taken place thus far shows how the Commission has reached out. Over 640 people have signed up to be contacted about Youth Assembly matters. I listed some youth sectors earlier, and the following organisations have been invited to nominate to the Youth Assembly's co-design panel: the National Children's Bureau, Boys and Girls Clubs, uniformed organisations, the Uniform Youth Work Hub, Girlguiding Ulster, Scouts NI, the Girls' Brigade, the Boys' Brigade, Cara-Friend, Disability Sport NI and Disability Action. That is quite a broad range of organisations and representative bodies that have been contacted to input into the design of the Youth Assembly.

Mr Humphrey: The Member has answered part of my question. I declare an interest as a member of the Scout Association. Uniformed organisations have a hugely important role in Northern Ireland: the Scouts, BB, GB and Guides. It is important that their role and contribution to society is reflected in the Youth Assembly, which must be reflective and representative of Northern Ireland society. How can we ensure that that happens?

Mr O'Dowd: As the Member said, we have contacted a broad range of uniformed organisations, which play an important role in our society and, over the recent period of the COVID pandemic, have shown the volunteering spirit of many young people. Again, I emphasise that this is down to the design panel. It is meeting and discussing, and young people are engaging on what the Youth Assembly will look like, so let us wait for its recommendations and move forward from there.

Assembly Staff: Minimum Breaks

3. **Miss Woods** asked the Assembly Commission for its assessment of the management of the minimum breaks requirements of the Working Time Regulations (Northern Ireland) 2016 for Assembly staff in Parliament Buildings. (AQO 1319/17-22)

Mrs D Kelly: I thank the Member for her question. The management of the requirements

arising from the Working Time Regulations (Northern Ireland) 2016 for Assembly staff is addressed in the Assembly Commission's staff hours at work policy. The purpose of the policy:

"is to establish a fair, equitable and consistent approach to the recording and management of hours worked across the business".

The policy advises that staff:

"will normally take a lunch break of at least 30 minutes each day (this break must be recorded)."

The policy states:

"It is important to remember that if you work more than six hours, under legislation a break of at least 20 minutes must be taken. This break must be taken during the working period and not at the start or end of it."

The policy also states that staff:

"must have a break of at least eleven hours between finishing work one day and starting work on the following day".

It is the responsibility of staff and their line managers to ensure that that requirement is met. By way of example, the policy records:

"if you work until midnight to cover a late plenary, you should not start work until at least 1100 the following day."

Staff record their hours worked, including breaks during the working day, in a personal electronic record, which must be reviewed by their line manager at least monthly. For Assembly staff who work in a shift pattern, the shift rota is developed to comply with the legislative requirements.

3.45 pm

Miss Woods: I thank the Member for her answer. The Member touched on this, but she will be aware that, in recent weeks, plenary sittings have gone on into the wee hours of the morning. As she outlined, under the working-time regulations, workers are entitled to a rest period of not less than 11 hours in each 24-hour period during which they work for an employer. Will the Commission ensure that staff who are here until 3.00 am are not back at 8.00 am or 9.00 am?

Mrs D Kelly: I thank the Member for her supplementary. The Member can be assured that both the Assembly Commission and the Business Committee are very mindful, when setting the weekly business agenda, of trying to comply with a decent finishing time, although, of course, there are debates without time limits. The Speaker is bringing forward a paper to look at options that might be available to the Business Committee and the Commission in the orderly taking of business without constraining Members' scrutiny and ability to ask questions, and to outline their responsibilities in relation to legislation. There is no doubt that late plenary sittings can lead to operational difficulties for a number of business areas in the secretariat. The heads of business and line management are committed to working with their staff to ensure that, as far as possible, they have breaks in accordance with legislation and Assembly Commission policy. Given the shortness of this mandate and the legislative programme before us, I assure the Member that the Commission and the Business Committee are very alert to the working time directive.

Ms Dolan: To ensure that staff get their breaks and time away from their work stations, does the Commission need to recruit more staff or review work practices?

Mrs D Kelly: I thank the Member for her supplementary. The Assembly Commission is absolutely committed to the full and effective implementation of all legislative requirements. Any member of staff who does not feel that he or she has received a break as set out in the working-time regulations should raise that matter, in the first instance, with their line manager. However, as the Member knows, during suspension, a lot of staff were redeployed across different Departments. The number of Assembly staff in the Building is below the required number. An extensive recruitment exercise is ongoing, so we hope to be in a position to fill all posts over the coming months.

Mr Deputy Speaker (Mr McGlone): As the Member who was due to ask question 4 is not in her position and question 5 was grouped with question 2, anois bogaimid go dtí uimhir a sé agus iarraim ar Mhaolíosa Mac Aodha ceist a chur, I call Maolíosa McHugh.

Assembly Staff: COVID-19 Working Arrangements

6. **Mr McHugh** asked the Assembly Commission to outline the criteria used to decide whether Assembly staff are required to

work in Parliament Buildings or from home during the COVID-19 pandemic. (AQO 1322/17-22)

Mr Blair: I thank the Member for his question. Throughout the pandemic, the Assembly Commission, like other responsible employers and in keeping with all regulations and guidance, has sought to ensure the health and safety of all users of Parliament Buildings, including Assembly staff. Specific measures include visible guidance on the management of risk through effective hand-washing, the implementation of social-distancing measures, an enhanced cleaning regime, and expediting and using a widespread policy of working from home, where that is possible.

In the early stages of the response to the pandemic, the Commission was also acutely aware of the specific issue of staff who were at increased risk of severe illness from COVID-19 and the need for them to be particularly stringent in following social-distancing measures. For that reason and in keeping with the guidance in place at that time, staff with specific underlying medical conditions were not required to travel to work.

As the regulations and guidance have evolved, the underlying criteria that are used to decide whether staff work in Parliament Buildings or at home have remained largely the same. Those are, first, whether the work of the Assembly requires the attendance of members of staff in Parliament Buildings. If so, those members of staff will attend Parliament Buildings safely and securely. That situation arises for staff from a range of business areas. Secondly, if attendance is necessary only on specific days or for part of a week, many business areas have implemented a rota system to ensure coverage of Assembly business while mitigating the risk of COVID-19 infection. Thirdly, if the work of the Assembly does not require attendance at Parliament Buildings, members of staff can work from home if their duties are amenable to homeworking. The Commission will continue to ensure that all services required by the Assembly are delivered while safeguarding the health and safety of staff.

Mr McHugh: Thank you for your answer. It would appear that, during the latest lockdown, a significant number of staff continued to work on-site, particularly on the fourth floor. Why was that?

Mr Blair: The figures show that, from a staffing body of just under 345 full-time equivalent members of staff, the nature of their tasks is such that some 290 full-time equivalent

members of staff are able to work from home for all or part of the time on their own device or on a device provided by the Commission.

The number of staff working from home on a particular day will vary, depending on the nature of Assembly business and on the need for a physical presence in Parliament Buildings. For example, on Mondays and Tuesdays, the number of staff working from home will fall, as there is a need for staff to help facilitate plenary business on those days. Similarly, staff will be needed to facilitate Committee meetings on Wednesdays and Thursdays each week. There is less need for staff to be physically present in Parliament Buildings on Fridays when there is no plenary sitting or Committee business, and, hence, the number of staff working from home can be greater.

Mr Humphrey: Last Thursday, the permanent secretary of the Department of Finance and the head of the Northern Ireland Civil Service HR division were before the Public Accounts Committee and discussed that very issue. One of the points that a number of Committee members made was that the targets, deadlines and productivity of staff working remotely have to be managed. Is the Commission convinced that that has happened and continues to happen?

Mr Blair: During the COVID-19 period, the Commission surveyed staff on their well-being and on the communications that they had received. I think that we will come to that in a later question. The findings of that survey showed that the vast majority of staff felt that they were able to work effectively from home and were trusted to do so.

Mr Deputy Speaker (Mr McGlone): Mr Beattie is not in his place to ask question 7. Anois bogaimid go dtí uimhir a hocht. I move on to question 8.

Assembly Staff: Family- and Carer-friendly Working Hours

8. **Ms Brogan** asked the Assembly Commission to outline the action that it is taking to provide family- and carer-friendly working hours for Assembly staff. (AQO 1324/17-22)

Mr K Buchanan: I thank the Member for her question. The function of the Assembly Commission, as set out in section 40(4) of the Northern Ireland Act 1998, is to:

"provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly's purposes."

The working hours for most staff employed by the Assembly Commission will therefore be directly related to the working hours of the Assembly. A notable exception to that requirement is the working hours for staff who maintain a 24-hour security presence in Parliament Buildings.

For the vast majority of staff, working hours are dictated by the working hours of the Assembly. Those working hours, most notably the duration of sitting days or the scheduling of Committee meetings, are not in the gift of the Assembly Commission. Sitting times are the preserve of the Business Committee, while the scheduling of Committee meetings falls to each Committee. I am aware, however, that the Speaker has agreed to come back to the Business Committee with a range of options for how business might be better managed, given the heavy programme of legislation that is expected towards the end of the mandate. Although the Commission has no role in setting the working hours of the Assembly, it has a range of policies and procedures in place, including a staff-hours-at-work policy and a flexible working policy that have enabled approximately a quarter of all staff to utilise flexible working patterns to facilitate better family-friendly or carer-friendly working patterns.

Ms Brogan: Although I am very much a newcomer to the Assembly, I am aware that recent debates have gone on until 2.00 am.

While the democratic scrutiny of legislation is crucial, is it not the case that a few Members making long, uninspiring and, at times, repetitive speeches means that there is, at times, more hot air than scrutiny? The resulting long sittings make the legislature a less than family-friendly environment for staff and MLAs to work in. In the light of such prolonged debates, how does the Commission envisage encouraging all Members to be conscious of their responsibility to each other and to the staff who support our work here?

Mr K Buchanan: I thank the Member for her question. She is more than welcome as a new Member to the Chamber. Indeed — in her words, not mine — some Members may take the long road round, or, as the Speaker said previously, they take the detour. That having been said, two weeks ago, I believe, the issue

was discussed at a meeting of the Business Committee, of which I am a member. We do not want to deter or stifle debate. However, sometimes, some Members — and I would not dare to look around the Chamber to indicate who — may use an extremely long sentence when a short sentence would do. The Business Committee has discussed the issue and the Speaker is going to look at it with regard to controlling debate. I appreciate that, when it goes on until 2.00 am or 3.00 am, it is not family-friendly in any way. The matter is in hand at the Business Committee and not the Commission.

Mr Catney: As an ex-employer myself, I thank the Member for his answers so far. When was the last time that the Commission surveyed staff for their views on working conditions at the Assembly?

Mr K Buchanan: I thank the Member for his question. I am not actually sure of the answer. However, I have no doubt that my colleagues in the Box will take note of the question and write to the Member on that. If he is happy with that, we will get clarity for the Member.

Parliament Buildings: Emblems, Paintings and Artefacts

9. **Ms Flynn** asked the Assembly Commission to outline the action it is taking to ensure the display of emblems, paintings and artefacts in Parliament Buildings, and its immediate environs, are representative of all the people the Assembly serves. (AQO 1325/17-22)

Mrs D Kelly: I thank the Member for her question. I understand that the Commission has considered that issue on a number of occasions over the years. Progress has proven difficult for a range of reasons, including that it has not been possible to obtain suggestions of items that are available to meet those objectives or, indeed, to achieve political agreement. Most recently, the Commission considered a request for a permanent display of some of the artefacts that it owns, including some that are currently kept in storage. The Commission was unable to reach consensus on that request but agreed that officials should explore whether there were artefacts available for loan from other places that would add balance to ensure that any display reflected the entire community. Initial contacts by officials were unsuccessful in identifying potential objects. The work was then paused as priority was given to re-establishing the Assembly in January 2020 and then to managing business in the context of COVID-19.

The Commission discussed the issue at its last meeting and agreed that it is an important piece of work. Officials are in discussions with Dr Eamon Phoenix in order to try to identify potential artefacts that might be more reflective of the entire Assembly, and be available for loan, which could be added to those owned by the Commission. Assuming that potential items can be identified, officials intend to develop a range of options for the Commission to consider.

Ms Flynn: I thank the Member for her answer. Does she agree that, given that we are 22 years on from the signing of the Good Friday Agreement, which promised equality and mutual respect, now is the time for the Commission to agree that any display of paintings, artefacts and symbols throughout the Building should reflect and be representative of all the citizens and the diverse society that the Assembly now serves?

Mrs D Kelly: I thank the Member for her supplementary question, which touches on a couple of areas, one being a perceived imbalance — some might say a very real imbalance — with regard to the symbolism of the Building. The Member will understand that there are different views within the Commission on that issue. The Building was influenced by the history of the time when it was built. Some might argue that it is less reflective of the current Assembly since 1998, although some of the additions of recent years, including the portraits of former office holders and those of Seamus Heaney and CS Lewis, are more representative of the current make-up of the community. It would be misleading if I told the Member that I expect it to be easy to take those issues forward in an agreed way. However, it is, at least, positive that the Commission has agreed to look at the area further.

4.00 pm

There was 14-week public consultation on equality and good relations in that context, and the Commission approved the 2016-21 good relations action plan on 15 November 2016. That five-year plan set out how the Commission proposes to fulfil its duty under section 75 of the Northern Ireland Act 1998 to:

"have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group."

The plan contains a number of actions and anticipated outcomes that may relate to Ms

Flynn's original question, such as the consideration of new art initiatives to allow opportunities to reflect the wider community in Parliament Buildings.

Mr Allister: If new artefacts are found, will those, too, be hidden away in storage at a cost of £12,000 a year, or is that reserved only for existing artefacts? When will the Commission catch up with our history and agree to an exhibition of artefacts that it owns in order to coincide with the centenary of Northern Ireland?

Mrs D Kelly: The Commission, many Members and political parties are very sensitive to what is called the decade of centenaries, and we have tried to take a mature and respectful approach to it. The Commission has agreed principles for centenary events that require them to be organised in an inclusive, politically sensitive and respectful way that takes account of different perspectives. The Commission is due to have further discussion at its next meeting about how the centenaries in 2021 will be marked. Those events will be consistent with the principles and are required to be agreed by consensus.

Mr Humphrey: Given the Member's response that the Commission has been unable to reach agreement on the display of artefacts, emblems and paintings in Parliament Buildings, what position has the Commission taken on some of those going out on loan, particularly next year as Northern Ireland celebrates its centenary, which is important to many of us?

Mrs D Kelly: The Member makes a valid point. There are different views in the communities, and there will be some for whom the centenary of Northern Ireland is much more important than for others and is something to be marked. The Commission is meeting tomorrow, and I give an undertaking to have that point tabled and an answer to go back to the Member directly.

Mr McCrossan: I welcome the question and thank the Member for bringing it and for the Commission member's answers to them. Has the Commission given any consideration to a lasting monument or memorial to the late John Hume as a key architect of these power-sharing institutions?

Mrs D Kelly: I will have to answer as a member of the Commission, but, as an SDLP Member, I fully support the principle behind Mr McCrossan's ask. The Commission has not considered that, but, again, it is meeting tomorrow, and, no doubt, that can also be

tabled. However, I cannot make any promises, because, as we know, there has to be political consensus.

Mr Deputy Speaker (Mr McGlone): On that note, we will conclude that item of business, so I ask Members to take their ease while we change the top Table and move to the next item of business.

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

Mr Principal Deputy Speaker: I ask Members who are leaving the Chamber to please do so.

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

Mr Beattie: It is good to come back to this debate. I am always mindful, when we look back to when the pandemic started, of how fast-flowing things were and how we had to make decisions extremely quickly. Multiple MLAs have talked about those unprecedented and extraordinary times and the extraordinary measures that we all had to take. We had to change the way in which we worked in the Assembly to keep up with the pandemic. We gave considerable leeway to the Executive because of the threat that we faced from COVID-19; the First Minister and the deputy First Minister, the Education Minister, the Economy Minister, the Infrastructure Minister

and the Finance Minister were all given considerable leeway with regard to scrutiny.

I am happy to give the Justice Minister the same leeway today with regard to scrutiny. I thank the Justice Minister for moving the amendments, some of which she brought to the Executive as proposals and papers. It is right that she moves them today. I wish that other Ministers would do the same. Some have brought papers to the Executive, which were then moved for them by the Health Minister while their colleagues chirped and complained from the sidelines. We have collective responsibility here; our Health Minister, our Justice Minister, our junior Ministers and the Communities Minister have all moved amendments. We all need to be mindful of what things were like at the start of the pandemic and what we, as MLAs, were like as we tried to keep up with what we were trying to achieve.

Having genuinely thanked the Minister, I must say that I remain disappointed that she did not, when asked to by the Executive, head up the enforcement and compliance working group. I accept that that is not just a Justice issue and that it involves Health, Communities, Infrastructure —.

Mrs Long (The Minister of Justice): Will the Member give way?

Mr Beattie: Of course.

Mrs Long: I thank the Member for his thanks, which is very much appreciated. On what basis does he say that I would not head up the working group? How does he know whether I was asked to do that at the Executive? My understanding is that Executive conversations are confidential. That allegation has been made on a number of occasions. It is not accurate. I would be interested to know why the Member feels that that is the case.

Mr Beattie: Thank you, Minister. I have asked that question on multiple occasions, and I think that this is the first time that you have said, "No, it's not accurate". If you are saying that you were not asked in writing or in person by the Executive to head it up, I will say sorry.

Mr Principal Deputy Speaker: Order. I ask the Member to resume his seat. I fear that we are straying from the regulations. It is important — *[Interruption.]* Yes, I know; someone was having fun. If I were in your place, I would probably be enjoying a bit of sport, too. However, we need to get back to the

regulations rather than the internal operations of the Executive Committee.

Mr Beattie: I will give way to the Minister if she wishes to reply.

Mrs Long: I will reply, with the Principal Deputy Speaker's permission. The Member has now made reference to me being asked in writing to take this role, which, of course, again, is not accurate. Nevertheless, it begs the question: why would the Member have access to written communications from the Executive Office to any Minister? I would like some clarification on that because it is an important point, Mr Principal Deputy Speaker. Whilst it may not be pertinent to this debate, it goes to the very heart of confidentiality of discussions in the Executive Committee.

Mr Principal Deputy Speaker: The Minister has put her comments on the record, and she is right: it is standing practice and convention that the proceedings of the Executive Committee are to be kept private.

Mr Beattie: Sometimes, as an MLA, you use a scatter approach.

Mr Clarke: Will the Member give way?

Mr Beattie: You throw out questions like: "Were you asked?", "Was it an email?" or "Was it a letter?". I was using a scatter approach, the Minister has answered, and I will accept what she says, as all of us in the House should do.

I will give way to the Member.

Mr Clarke: I thank the Member for giving way, with the Principal Deputy Speaker's indulgence. Given that there has been a lot of interest in this subject and, indeed, in the Minister's own words about how we have arrived at this situation, it would be good if the Minister would put on record today what her actual position is on all of that.

Mr Beattie: I am going to take on board what the Principal Deputy Speaker said, and I am not going down that rabbit hole.

The point that I was making was that, of course, enforcement is not just a Justice issue; it involves the Health, Communities, Infrastructure, Economy and Finance Departments, and enforcing regulations is important. They are a tool. I agree with what Ms Dillon said earlier, which was repeated by Mr Sheehan, about the enforcement stance. It

should not just be about enforcement but about encouragement and giving information so that people understand what is and what is not expected of them, particularly with regard to face coverings.

It is right that the police are criticised when they get it wrong or when they are not consistent in their approach, but it is not fair to criticise them for the sake of it. When we bring out regulations, they come out quickly and some of them are not as clear as they should be on paper. The police are fighting a difficult battle in that regard.

The amendments that we are talking about today are largely redundant because many of them will be overhauled on Friday. I do not want to keep on talking about redundant amendments purely for the sake of throwing an insult or having a go at somebody. We can have a good discussion, but they are slightly redundant.

Amendment No. 4 to the face coverings regulations throws up an interesting dilemma — the Minister mentioned it earlier — around the fine for not wearing a face covering when you should, which is £200, or £100 if it is paid within 14 days. An individual will not be fined again if they are a repeat offender but could face summary dealings. It is quite a leap from a fine of just £100 to suddenly finding yourself facing summary dealings or appearing in court. Some people are habitual non-mask wearers, and that is something that we need to be aware of.

The whole issue of face masks is extremely complex. I apologise because I cannot remember who said it, but somebody said that we should not stigmatise those who cannot wear face masks because of a medical condition. That is absolutely right; we should not do that, but we certainly should go after those people who can wear face masks but deliberately do not. It is important that we all buy into that, because this is a societal issue and we need to wear face masks. There is an argument for those people who cannot wear them because they are claustrophobic. Instead of wearing a face mask, perhaps they could be given a visor that would, at least, give them some protection. There is an argument there, and it is a fair discussion. We certainly cannot stigmatise them. However, we need to go after those people who are not wearing a face mask.

4.15 pm

My last point is on vaccines. It is a good news story. It is important that we have a positive uptake and that we in the Assembly — every

MLA — lead by example to get people to take the vaccine, because it will take us out of the pandemic. I saw someone saying that all MLAs should be first to take the vaccine to make sure that it works and has no adverse effects, and that we should do it publicly. I would be more than happy to do that, but then they would start clamouring and complaining that MLAs were jumping the vaccine queue. You cannot win. The point I make in thanking the Minister —

Mr Buckley: I thank the Member for giving way. I share his sentiment about the good news story of the vaccine, but does he agree that it is important that we respect the well-enshrined principle in the United Kingdom that vaccines are not mandatory, because there are those who, for their own reasons, will not want to partake?

Mr Beattie: Of course; that is a given. I do not think that anybody is talking about going into a care home, lining up the residents, blindfolding them and sticking a needle into their arm without their knowing. Everybody has to be given the choice of whether they want to take a vaccine. The Member's point has been well made, but the point that I am making is that we need to be absolute leaders on this issue and tell people that the vaccine will get us out of the pandemic. If we do not — if Members show any division, or promote something completely different, even if they are merely promoting an issue that their constituents are concerned about — we will have a problem. If we do not have an uptake of the vaccine, we will not get out of the pandemic, and we will live this over and over and over again and lose people. Over 1,000 people have died, so there are over 1,000 grieving families. We cannot keep that on.

I take this opportunity to thank the Minister for tabling the amendments and for challenging my points of view. That is the way it should be done. Tone is important, as is how we do things here and how we talk to each other. How we respect each other is incredibly important. However, what is most important is how we deal with the pandemic. We need to focus on that.

Ms Bradshaw: It is great to be speaking in the debate on such a positive day as the vaccine programme begins to be rolled out. It offers a clear glimpse of light at the end of the tunnel, although this set of regulations reminds us that there is still a lot of road to travel. It is disappointing that the Chair of the Justice Committee is no longer in the Chamber to hear what I have to say before I move on to the body

of my speech. Some of the points that he made earlier today were factually incorrect and did not give a good representation of the work that we on the Health Committee are trying to do. These are negative resolution statutory rules. We are not given the luxury of full scrutiny, and we cannot bring forward health professionals or a number of other stakeholders. We have 21 days to get the process through. The Chair mentioned that he would have liked to have brought in the Chief Constable. We would have liked to bring in similar people, but we could not do that. He also said that he would have liked the Justice Minister to have come in and presented the amendments that are of relevance to the Justice Committee. We have never had the Health Minister there. It is not his job to provide us with that level of insight. That is the job of his departmental officials who are responsible for the drafting. As Colm, the Chair of the Health Committee, said, sometimes that can be a cross-departmental delegation, but, effectively, it is the Health officials who come to the Committee.

Mr Buckley: I thank the Member for giving way. At the risk of misrepresenting the Chairperson of the Justice Committee, I think that he said that the Chief Constable had been before the Justice Committee on previous occasions about the regulations. His point of contention was that nobody from the Department of Justice was available to brief the Justice Committee on these regulations.

Ms Bradshaw: The point that I made in my intervention earlier was that it is not up to the Justice Minister to come forward. These regulations are developed and produced by the Department of Health, which is why they come through the Health Committee. I made the point that I engage with my MLA colleagues. The Alliance Party has a small team, and we all have our own portfolios, so, if there are any issues, I engage with them before attending the Health Committee.

We have to put trust in our Ministers. They are the ones who, a couple of times a week at present, look at the current restrictions and at what is coming forward. We are reliant on them, in the pressing and particular circumstances of the pandemic, to engage with their departmental officials, special advisers and others to come up with restrictions that are the best-case scenario. Nothing is perfect in what we are doing to try to fight this pandemic. Everything is done in haste. I would prefer, as would everyone on the Health Committee, that we had much more time to scrutinise the regulations, but we just do not have that time, and that is why we say in every one of these

debates that we do not think that the information is good enough. However, we are where we are.

Today, we are debating regulations that are so far out of date that some may soon be back in date. I intend simply to run through the amendments. As we are to assume that, generally, these amendments will be relevant again from Friday, you will be pleased to hear, Principal Deputy Speaker, that, from this point, I will not stray too far off the subject.

Amendment No. 13 is a brave attempt at enforcing the distancing required, which has pretty much disappeared from public awareness since the Executive Office reopened hospitality in the summer, with the announcement that, effectively, one metre would suffice. It is wise to be cautious about this and to reinforce the two-metre measure across the board. While I agree that it is wise from a public health perspective, I would be interested to hear what discussions were held with the hospitality sector about the viability of reopening with a strict two-metre requirement. Anyone listening to 'The Nolan Show' this morning heard that one of the restaurants in my constituency has already determined that, come Friday, it will not reopen for the foreseeable future because it is not financially viable. Not least because of the risk of having to close again should there be a case on the premises, it will not reopen this side of Christmas. The whole thing leads us to wonder why the two-metre requirement was abandoned in the first place.

It is also interesting that amendment No.13 requires the two-metre distancing rule to be observed in queues. It would make sense also to wear face coverings in that scenario. A few weeks ago, the weekend before departmental officials came to the Health Committee, photos of the queue outside Primark that Sunday were circulating on social media. That happened after it had been announced that shops were to close, and we saw it happen again in Lisburn at the weekend. People were queueing outside shops and posing a great risk to those around them through community transmission. As we all have a face covering ready prior to entering a venue, I do not see why people should not be asked to wear it to provide extra cover while waiting to enter. The question that many are posing, however, is how enforceable it is in practice. Establishments do not control the area outside the venue in which they operate. Who is specifically required to enforce that regulation in a queue? I wonder whether we should be looking to other authorities, perhaps councils, for assistance with enforcement, particularly

around the busy Christmas period. We know where the hotspots are, certainly in the city centre and in south Belfast.

I commend the sector, nevertheless, for taking seriously the requirements outlined in amendment No. 13. In principle, as many have calculated, it will mean lower footfall. However, it will also mean safer custom, and that can only be to everyone's benefit. I ask the public not to wait for enforcement. It is in the interests of us all and in the interests of public health that we adhere to the regulations at all times, including in spirit. The more we crowd, the faster the virus spreads, and the more quickly we will, potentially, be back in absolute lockdown.

Amendment No. 14 follows on from the suggestion, made some time ago, that, in the same way as premises must display hygiene ratings in Northern Ireland, they must also, if not set out in a manner that adequately adheres to the regulations, display improvement notices. In theory, it is an excellent idea, and I hope that it works equally well in practice. We asked the officials about it, but there is some way to go on how to ensure that best practice in one premises can be shared with the next.

Amendment No. 15 is a clear improvement. It requires contact details from every customer, not just the person who makes the booking or the first one through the door. This is essential if we are to have any hope of using this information for contact tracing, which is the objective.

Questions remain, however. Does that information suffice? How precisely is to be used? I wonder whether it is enough to take down a name and contact number. Should we not be asking for the full address of every customer? My colleague on the Health Committee Pam Cameron has raised that issue as well. Doing so would go some way to ensuring that the six people around the table are from only two households. Even if that were done, the question would arise of whether we have an adequately resourced contact-tracing service to make any use of the information, with cases still at over 150 per 100,000 of the population every week and perhaps moving towards 200 by Christmas Day. Put simply, do we have the right information, and how is it being used to enhance public health and public safety?

The amendment (No. 16) regulations were debated by the Committee only last week, but they probably should have been in place a long time ago. I fully support raising the fine for not wearing a face covering where one is required.

My view, however, remains that the regulations themselves are still too difficult to enforce in practice, essentially because they enable too many exemptions. A recent survey in the United States shows that case rates have halved in areas with mandatory mask-wearing rules and risen in areas without such rules.

I have no hesitation in commending each of the amendment regulations to the House. My only real quibble is that it should have taken so long for them to get to this point. In responding to the debate, can the Minister answer the question about the practical implications of the amendment regulations to keep us all safe and to increase confidence in using venues as they reopen over the Christmas period?

Mrs Cameron: You will be glad to hear that I intend to be brief, Mr Principal Deputy Speaker.

On the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations, it is once again worth noting the huge sacrifice that we have asked of our hospitality trade, both those who own and manage premises and their employees. Uncertainty and disruption like never before have placed a huge strain on that trade. I sincerely hope that the reopening in the very near future is one that heralds their new start. I am conscious that the social-distancing element in hospitality can make a business sustainable or unsustainable. I ask for clarity on the 2-metre versus 1-metre allowance in hospitality settings.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations deal with penalties and enforcement. It is regrettable that we need such provisions. The vast majority of people have taken on board the regulations and adhered to them. As in life, however, the minority do not. It is right therefore that we have in place a penalty framework as a last resort. I welcome the comments from my colleague Paul Givan about the necessity of taking personal responsibility and adhering to all the regulations. That will mean enforcement for some who do not.

I want to touch on the relationship with the local councils as referenced in the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations. It is worth the House recognising the huge role that local councils have played in the course of the pandemic. Many council workers have been on the front line day and daily, and we thank them for that. The relationship between the Executive and councils can be further developed, and the provision in the amendment (No. 14) regulations to issue premises improvement

notices where premises are in breach of the (No. 2) regulations is but one method of enforcement.

The amendment (No. 15) regulations are to be welcomed for the flexibility that they afford certain industries, such as close-contact services and driving instruction. Those services must be provided by appointment only, and client information must be retained for 21 days. The regulations also include the opening hours allowed for unlicensed premises, the opportunity for bars to provide off-sales business, and clarity about packaging. As my Health Committee colleague Paula Bradshaw already mentioned, contact tracing will be vital going forward. If information is being collected that is intended to be used, it is really important that the contact-tracing system have the resources and staffing behind it to make it powerful and effective.

4.30 pm

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations is the final regulation for this debate and makes minor corrections to the drafting of the regulations, ensuring that, on licensed premises serving food and drink for consumption on premises, which reopened on 20 November, we are governed by a rule to restrict numbers of customers to six per table from no more than two households. I have raised this in the past, and I ask the Minister if she can give some clarity around what specific contact details the premises are required, in legislation, to retain. I asked this question at the Health Committee before and was told that the legislation does not specify what detail is to be taken and held. Surely it would make sense to require a postal address along with a name, contact telephone number or email address, for example, to encourage people to abide by the rules, and even to actually make people aware of the rules. We know how often they have changed, and it is quite hard even for us to keep up with them, never mind everybody else. I would like to see some clarity around the detail that is required in legislation.

I understand that these rules are here for a reason. They have been put into law for the protection of health. It would be appropriate for this useful information to be provided, especially when we expect that enforcement to happen. Enforcement is critical, and we want to see more enforcement where necessary, but it is right, too, that we need to concentrate. We cannot legislate for every area of life, as we are trying to do, and we cannot enforce every area of these rules and regulations. It really is up to

individuals to follow the rules, make themselves aware of what the rules and guidelines are and follow them to protect each other.

It is regrettable that these debates are effectively meaningless as they come to the House long after the horse has bolted, and this frustration has been well aired on many occasions. No doubt, that same frustration will make an appearance in today's debate once again. It would be wrong —.

Mr Humphrey: I am grateful to the Member for giving way. The Member will know that I have made that point before. In terms of messaging and getting the message out clearly and consistently to the people of Northern Ireland, having these regulations discussed, debated and agreed at the time when they are going to be released is hugely important. Otherwise, it causes confusion.

Mrs Cameron: I thank the Member for his intervention. I agree entirely. We know where we are and we know that we agreed this emergency legislation process back at the beginning of the pandemic. This is the outworking of it, but it is certainly not where any of us in the Chamber wants to be in terms of legislating.

It would be wrong of me not to mention this historic day that we are in. This morning, 90-year-old Margaret Keenan, who is originally from Fermanagh but is living in Coventry, became the first person to have the COVID vaccine. This is truly a day to celebrate. We are seeing the light at the end of the tunnel today, so it is very welcome news. We all understand that there is a long way to go in order to protect the most vulnerable from becoming seriously ill or dying from this coronavirus, and we see that reflected even in the numbers reported today — 14 deaths since yesterday. It is vital that we continue to do our personal best to keep the transmission of COVID-19 under control until the threat is much, much lower. We need to support our health service and our economy by following those basic steps and minding our hands, face and space.

I finish by wishing Mrs Keenan a very happy ninety-first birthday for next week. Indeed, I thank her for being a wonderful example to us all in using her common sense and for her willingness to be the first individual in the UK to have the COVID-19 vaccine. I will finish there. I support the motion.

Mr Sheehan: I suppose that we have been here before. It is a bit like Groundhog Day when

these regulations arrive on the Floor of the Assembly, and it becomes a bit of a blur sometimes, so if I get a bit confused, a Cheann Comhairle, about the regulations that I am talking about, forgive me for meandering a bit off the topic. I will do my best to focus on the regulations.

Some of the regulations that we are dealing with now have already been superseded, but, irrespective of what we are dealing with today, we have to look on all of the regulations that we have dealt with as part of a contract with the population. We ask them to abide by these regulations, and, in turn, they expect us to do our best to protect their life and to ensure that our health and social care system does not get overwhelmed. That is the type of contract that we are in.

I want to deal first with scrutiny, because that seems to be an important theme to be discussed today. The fact is that we have not been able to provide proper scrutiny, or the scrutiny that we would like to provide under normal circumstances, but we do not live in normal circumstances. These types of regulations are rushed. They are made in haste. Sometimes, there will be mistakes, and, sometimes, there are mistakes in drafting. There are other problems with them. They arrive late. In my view, it does not really matter which Committee does the scrutiny, because we are all going to face the same problems. The Chair of the Justice Committee outlined what he would like to do in the circumstances, and, as Paula pointed out, that is just not possible. These regulations arrive to the Committee, and they have to be dealt with. There is a cut-off date for dealing with them, and that is what we do.

Ms Bradshaw: Will the Member give way?

Mr Sheehan: Certainly.

Ms Bradshaw: Will you agree that we, on the Health Committee, have tried to leave party politics out of the pandemic and have tried to be very collegiate in our approach to these regulations and amendments throughout the whole pandemic?

Mr Sheehan: Absolutely. In fact, thinking back, I cannot think of any serious disagreement or row that has taken place in the Committee over the regulations. We have had debates and discussions that have been as thorough as possible under the circumstances, but I cannot recall any serious disagreement over them.

I have to say that, when I was listening to the Chair of the Justice Committee, I thought that maybe his problem stemmed from relationship difficulties with the Justice Minister more than anything else. It is unfortunate that he is not in his place now to discuss that. If he needs some marriage guidance counselling, I am happy to offer my services. *[Laughter.]*

Mr Clarke: Will the Member give way?

Mr Sheehan: Sure. Go ahead.

Mr Clarke: For the record, I do not believe that he is away seeking marriage guidance counselling; I think that he is chairing the Justice Committee.

Mr Sheehan: Sorry, I missed that.

Irrespective of what regulations we are dealing with today, it is important that everyone adheres to all the regulations, especially today, when we have the beginning of the roll-out of the vaccination programme. That is light at the end of the tunnel. We are also coming into the teeth of Christmas, and the restrictions have been relaxed. With those two things, there is a possibility that people will let their guard down. Of course, coming up to Christmas, everyone is more sociable, more friendly and convivial, and that may lead to people lowering their guard. We have to be sure that that does not happen. We have to be sure that —.

Mr Butler: I thank the Member for giving way on what I think could be one of the most important points that could be discussed today, which is the relaxation of the restrictions before Christmas. People will have a desire to get out and celebrate Christmas as much as they can. There is a lot of hope there, but there is also anger and frustration in the community. Do you agree that it is vital that, at every level of government here, whether that is the Executive, Committee Chairs and Committees, we are collegiate in our message over the next number of weeks in order to give that leadership to the public, who have not enjoyed the best examples of leadership throughout the pandemic from certain elements at times? Now we can get it right. We have two or three weeks until Christmas, and it is vital and important that we get the message right and are collegiate in fighting this challenge, which is still there and will remain for some time.

Mr Sheehan: Absolutely. I cannot disagree with a word of that. I was going to say that the messaging over the next few weeks is very important. It is vital that all of us are on the

same page in all this. As I have said, the arrival of the vaccine has raised people's hopes. We are coming up to Christmas and the restrictions have been relaxed, so there is the possibility of people letting their guard down. We have to guard against that.

Before the pandemic, few people were familiar with the name Gabriel Scally; now everyone knows who he is. He is one of the most pre-eminent public health doctors on these islands, and he is originally from the North. He says, "By all means, go out and celebrate with your friends and family before Christmas. Go and mix, do whatever you want and socialise, but be prepared to bury some of your family and friends after Christmas". That is how serious it is; that is the message that we have to get across. If people disregard the restrictions and the message of social distancing, washing your hands, wearing a mask and so on, we face increased transmission, if not before Christmas, certainly after it. That is important.

Some of the restrictions relate to the wearing of face coverings or masks. I am on record, in the Chamber, of advocating the wearing of face masks long ago. Indeed, I was very disappointed that the wearing of face masks was not introduced earlier. In fact, junior Minister Lyons introduced a bit of mirth into the discussion, some months back, about my raising the wearing of face masks when it was not part of the regulations being introduced that day.

In countries with a culture of wearing face masks, there is a lower transmission rate of the virus. The science is now clear: wearing masks, according to the Chief Scientific Adviser, significantly reduces the transmission of the virus.

Mr Clarke: I thank the Member for giving way. I have no opinion, one way or the other, and I accept what the Member is saying. However, when scientists came out at the start of the pandemic questioning their use, that made people sceptical. Now, we are trying to change that message to encourage their use. I comply. I carry my mask with me and use it on every occasion. The confusion came when scientists gave out a different message at the start of the pandemic and encouraged people not to use them.

Mr Sheehan: That might have been the case at the start of the pandemic, I do not know. However, from very early on, as far back as March, scientific evidence was emerging about the efficacy of wearing masks and face coverings. In those countries, where they are

worn habitually — South Korea, Hong Kong, Taiwan, and so on — the rate of transmission of the virus and, indeed, deaths as a result of COVID-19, is much lower than here.

There are other reasons for that: their contact-tracing operation, controls at ports and airports, and enforcement of isolation, for example. I am not suggesting that face masks, on their own, are responsible for lower transmission rates; however they are a significant factor. Over recent months, the evidence in support of wearing masks has increased. I have heard a few Members saying that you have to bear in mind that some people cannot wear masks for medical or psychological reasons. I heard a reputable doctor on TV recently say that there really is no reason why anyone should refuse to wear a mask. There may be a small number of exceptions, but, by and large, everyone should be wearing masks or face coverings, particularly indoors and when they are coming into contact with other people.

4.45 pm

My criticism about the fact that we did not introduce face masks earlier is, again, because the countries that have been most successful in dealing with the virus are the ones that acted with speed. They did not wait for the science to be absolutely 100% sure. If there was any suggestion at all that a measure was going to work, they moved quickly. When the virus first arrived in South Korea, the Government there called in all the pharma companies and told them to develop a test. The pharma companies came back and said that they could only develop a test that was 90% accurate. The Government told them to go ahead. Better 90% accurate than not carrying out any tests.

It is the same with these other issues such as face masks. Speed is of the essence. We need to move quickly; we cannot sit and discuss. It is similar with these regulations. We cannot introduce them here in the Assembly and thrash them out and debate them until we are blue in the face. We need to move quickly. In those circumstances, sometimes mistakes will be made, but that is what happens.

Mrs Cameron: I thank the Member for giving way. I am a little bit concerned about some of his remarks about face masks and when he said that the majority of people can wear them. I chair a newly formed all-party group on lung health, and there are very many serious conditions that certainly would not be compatible with the wearing of masks. Whilst I wear my mask on every occasion that I need to

and where it is appropriate, it is good that we recognise that there are people who absolutely should not be wearing them because it is detrimental to their health. We also cannot dismiss some mental health aspects of face coverings for people with, for instance, claustrophobia or for those who suffer from severe asthma. There are certainly cases where the wearing of a mask is not appropriate and certainly not good for health. It is important that we keep it real around this. Not everybody can wear a mask, but all those who can should do so.

Mr Sheehan: I accept what the Members says. I have no difficulty with that. I am quoting what a doctor said. There is always an alternative. If you cannot wear a face mask, there is probably no reason why you cannot wear a visor, for example. A visor, they say, is not as good as a face mask but it is better than not wearing anything at all, and that is the issue that I am trying to emphasise here. There are also quite a few chancers who say that they cannot wear a face mask, and they get away with it because they do not have to prove that they can or cannot.

I talked about these regulations being part of a contract. There are issues around enforcement, compliance and support, and, in my view, they are all part of the one continuum. You start off by supporting people, you ask them to comply and you do what you can to ensure that they can comply. That was why I raised earlier, with the Chair of the Executive Office Committee, the idea of providing masks free of charge in some circumstances, maybe to people who are on benefits or something like that and to the low paid, so that masks could be made available to them.

This is an important day. This is the day on which the vaccine roll-out started. I hope and I suppose that most people will be praying that the timetable that has been announced will be kept to. I have to say, without wanting to rain on anybody's parade here, that I have some scepticism about the ability to roll this vaccine out in the timescale that has been announced. There are a number of reasons for that. We are dependent on the British Government to supply the vaccine. Everything that the Government have touched so far in relation to the pandemic has been shambolic. In dealing with the pandemic, they have made a mess of every single aspect, and we are dependent on them to get the vaccine.

Mr Buckley: I thank the Member for giving way. Does he not acknowledge — I know that he has been critical of the approach of Her Majesty's

Government to COVID thus far, and, on some points, for very good reason — that people have been able to access the vaccination because of world-leading scientists, who have made it possible for the vaccine to be used in the UK today?

Mr Sheehan: I am not making a political point about this in terms of constitutional issues and where the vaccine is coming from. All that I am saying is that the source is not reliable. I am on record as welcoming the introduction of the vaccine. I am also on record as saying that I will take the vaccine, and I will encourage absolutely everyone else to take it. I said here last week that my children will take it, too, but I was a bit quick off the mark, because it is my understanding that children will not get the vaccine. In any event, I will certainly encourage as many people as possible to take it.

My problem is with the British Government and the way in which they have dealt with the pandemic so far. They have exhibited a degree of ineptness that is rare to see in any Government. That is partially my concern.

I have other concerns as well. My concern about the contact-tracing operation here has been well documented. There have also been problems with the roll-out of the flu jab. What I hope is that, between the Department of Health, the Executive Office and the COVID-19 task force, they can ensure that there is a smooth roll-out of the vaccine. The sooner most of us get it, the better, so that we can get back to some sort of normality. I will leave it there.

Mr Buckley: In beginning my remarks, I also want to mark this hugely significant day when the first vaccines have been provided to some very vulnerable individuals, alongside healthcare workers. That is remarkable. It is a day that many of us have looked forward to. General society can now start to look towards a day when regulations in this regard are no more, albeit we are far from that position. My party and I welcome the vaccine, and I am sure that there is a sigh of relief among many people across our society, be they from a care home setting, a vulnerable individuals setting or a health and professional setting. You name it: everyone has an interest here. We, of all people, know all too well that their hopes and aspirations depend on a successful vaccine getting life back to some form of normality.

In discussing the regulations in general, true to form, I will point out, as I have done on previous occasions, the folly of the way in which regulations come before the House. It has become the case that the regulations that come

before the House — some have come to the end of their time and others have maybe a week until the end of their time — are, in their content, completely out of keeping and out of pace with where general society is, so it very much becomes an exercise of the House talking to itself. The public switch off, because they cannot keep pace with how the regulations affect their daily life. We as Members always need to be acutely aware of that.

As I have said in the Health Committee, the primary function of Members of the House — I exclude Ministers from this — is scrutiny.

I am open to hearing how other Members feel on this point, but I think that the feeling is shared. I feel that, throughout the COVID pandemic, we have failed the people of Northern Ireland in the way in which we have been able to scrutinise this draconian legislation. I am sure that many Governments, Parliaments and democracies have similarly failed their people. It has affected and infected every element of our society, and yet, as legislators, the duty of scrutiny has been very much lost. In my short time as a member of the Health Committee, albeit coming up to two months, I have been disturbed by the lack of democratic scrutiny of these important issues. I do not, for one minute, blame the Department of Health. By and large, it is how the regulations come before the House.

Ms Bradshaw: Will the Member give way?

Mr Buckley: Absolutely, yes.

Ms Bradshaw: I am struggling with your use of the word "failed". I feel that the system is a very difficult one for us to operate in and that the timescales are, as I outlined, difficult. However, as a legislator and someone elected to represent people, I do not think that I, or any member of the Health Committee — I know that you joined only recently — have failed people. Will you explain, please, what you mean by "failed"?

Mr Buckley: I thank the Member for her intervention, and I will explain what I mean. I stand firm in saying that Members' endeavours have been true. Members have endeavoured to serve their constituents in the best manner that they can. I mean that, as Members, we have failed in the scrutiny of such important legislation. These restrictions are so draconian that they require thorough, detailed investigation. However, by virtue of the very means by which they have come before the

Committee and the House, we have failed our constituents in our ability to scrutinise.

Ms Bradshaw: Will the Member take another intervention?

Mr Buckley: Of course.

Ms Bradshaw: I take the Member's point. We have all said how frustrated we are with the limited time and lack of witnesses. However, we support the regulations when they come to the House because we know that, if we waited another four or six weeks to scrutinise them, many more might die and our hospitals could be even fuller. A lot of this is about balancing the risk against our scrutiny role.

Mr Buckley: I thank the Member for her intervention, and her point, in principle, is on record. However, it does not detract from how I feel about the way in which the Assembly was unable to scrutinise the regulations before us.

We heard earlier from the Chair of the Justice Committee. Members can get precious about this, and some argue that challenging a Department or a Minister in the middle of a pandemic is political handbagging. I do not see it that way. Members have the right to ask detailed questions of whichever Minister it may be or whatever —.

Mrs Long: Will the Member give way?

Mr Buckley: When I finish my point, I will.

Members are entitled to do that. As a member of the Health Committee, I welcome any form of scrutiny of the regulations by any Committee — I think that Mr Sheehan said something similar — because I do not have all the answers; nor do Members in the Chamber. However, collectively, we have to scrutinise the regulations and give our constituents the best form of service possible.

On that point, I will give way to the Minister.

Mrs Long: I thank the Member for his generosity in giving way. I agree that there is an obvious need for scrutiny. However, there is also the issue of due process. Does the Member agree that it might be seen as slightly inappropriate — he described it as "political handbagging"; I will not go that far — to hold someone in my position to account for, as I did, in an act of generosity and in the spirit of collegiality, offering to bring these regulations forward? I have found out, to my cost, that,

unfortunately, no good deed in this place goes without punishment.

Mr Buckley: I thank the Minister for her intervention. I noted the Chair of the Justice Committee's suggestion that the Minister led on these regulations in the Executive and that she certainly had a key part to play. While I recognise —

Mrs Long: Will the Member give way?

Mr Buckley: When I have finished this point, I will.

I recognise that the Minister has come before the Assembly to talk about the regulations that pertain to her Department. I put on record, however, that it is only right that, if the Justice Minister is appearing before the House to talk about regulations that pertain to her remit, the Chair of the Justice Committee has every right to ask questions on behalf of members of that Committee, just as I would expect my own Chair to represent the needs and musts of the Committee that I sit on, namely the Health Committee.

5.00 pm

Mrs Long: I thank the Member for giving way. There are two issues that need to be clarified. First, there are five sets of regulations, into only two of which my Department had any direct input. We did not lead on any of the regulations, but we worked collaboratively with the Department of Health and its officials to produce what are health regulations and that remain within the purview of the Health Minister.

On a further issue, it is not the case that we did not give the Justice Committee its place. In fact, we sought advice from the Executive Office Committee on how to handle this, and we followed exactly the same procedures that have been used with the Executive Office Committee and any other Committee where a different Minister led in the House. I am not standing here today as Minister of Justice reporting on issues to do with the Ministry of Justice and my Department. I am standing here today as a member of the Executive, and I am reporting on work that has been done by the Executive collectively.

Mr Buckley: I thank the Minister for her intervention, and I have no doubt that she will be able to articulate her position quite well when she responds to the debate. She mentioned that she worked collaboratively,

which I did mention in reference to two of the regulations. If she did work collaboratively with the Executive, of which I have no doubt, the Minister will be well able to answer questions that Members in the Chamber may have in what is our only form of in-depth scrutiny, if we can call it that.

I want to look at the enforcement and policing regulations, which are SR 2020/253. The issue has caused a lot of concern among many members of the general public. I, for one, regard enforcement and COVID compliance as a key way in which we can allow business and society, in some sense, to live with COVID. I have been concerned from the beginning of this process that we have been paying mere lip service to enforcement, but that became less clear as time went on in the pandemic. I want to make reference to this, because it is only but right to do so, and I am not for one minute saying that this is for the Justice Minister directly to answer, but it is a wider policing question: there is no doubt that, for many, two-tier COVID policing has existed. That is firmly my view. It is the firm view of many in our society as they have watched the police reaction to certain events throughout the pandemic, and their eagerness to enforce in some instances and to dismiss in others. I think of the west Belfast Bobby Storey funeral. Five months on, still no fines and still no action. I think of house parties in the Holylands, where limited action has been taken, much to the detriment of those residents who have had to live in a state of constant panic, with house parties continually on their doorstep.

I compare that with the forceful, quick action taken at the Black Lives Matter protest, with public swimmers in Helen's Bay, with gyms and, as Mr Wells rightly outlined earlier, with Tandragee Baptists. The amendment (No. 4) regulations seek to increase fines, so the regulations on compliance must be applied equally when policing COVID. Public confidence is key to ensuring that there is uniformity of approach in how the public interact and, indeed, how the police go about their business. How the police have handled the COVID-19 regulations has been dire at best and affected public confidence. That is not for one minute to take away from the fact that it is a very difficult situation to police, but at least do it with an even-handed approach that will allow for more collective buy-in from the public.

As we have gone through this pandemic, we have looked upon key moments of public discourse that have brought about seismic change in how the public has reacted to regulations that have come from this place. I

think particularly of the Bobby Storey funeral in west Belfast. If we examine that time, the news coverage that it received and the sheer sense of underhandedness, given that members of the general public were asked to bury loved ones, sometimes on their own, compared to the funeral of Bobby Storey, we can have no doubt that that played a pivotal role in turning many people in society against the regulations that were in place.

However, as we debate and discuss these regulations, I want to say that I, as a member of the Health Committee, welcome the interventions of other Committees. I want to talk about the Communities Committee. A regulation before us — I think that it is No. 14 — talks about the powers that district councils will have to rate particular premises to make them COVID compliant or COVID insured. This is a point that the Committee really tried to home in on but, unfortunately, the evidence that was forthcoming was lacklustre at best. I for one would like to see council leaders being given the opportunity to inform the Health Committee, and maybe even the Communities Committee, as to how effective this approach may be.

Despite the quick pace with which we are moving, I do not think that anybody is under the illusion that the COVID vaccine is going to cease the need for regulations in the short term. However, we need to prepare society for what life looks like after January. I for one will continue to argue that COVID compliance, a level of enforcement and vaccination are all part of the puzzle that will allow our society to safely interact, allow businesses to get on with their day-to-day work and keep our communities safe. However, that can be done only if we have attention to detail in scrutiny. I am open to any suggestions from Members about how we may do that. We have had plenty of debate about the dissatisfaction with the way in which the regulations come before the House, but we have had relatively little debate on the scrutiny role that other Committees can play.

The Health Committee has a huge agenda. Its workload is immense. I recognise that, having come on to the Committee. I pay tribute to the members of the Health Committee who have been there throughout this entire pandemic. While we debate issues of importance such as a vaccination programme and continue to deliberate on the COVID response of the Minister and the CMO, the level of questioning that we can give that subject has been so constrained. In some cases, Members are given the opportunity for only one minute of questioning. When you compare that to the

body of work that must be involved in the scrutiny of these regulations, you see that it is only right and fitting that other Committees are given the opportunity to play their part.

I welcome this day for what it is with the vaccination. I hope and pray that we can all have a safe Christmas with our loved ones, mindful of the effects that COVID still has on the wider community.

Ms Flynn: I start by acknowledging that the past few months have been really difficult and challenging. I genuinely struggle to think of anyone who has had an enjoyable time throughout the period of the restrictions, but I am sure that we are all aware of the many people who have had a very stressful and very lonely time. Tragically, we have seen the reported deaths rise above 1,000, and the true number is likely to be much higher. My thoughts are with all those families who have been bereaved and who are going to particularly struggle over the Christmas period.

As we debate and discuss the restrictions brought forward by the Minister of Health and his Executive colleagues, it is important that we do not lose sight of the negative impact that COVID-19 is having right across society. We are debating four health protection regulations — amendment No 13, amendment No 14, amendment No 15 and amendment No 16 — as well as amendment No 4, which deals with face coverings. Most of the statutory rules came before the Health Committee on 26 November, with the last appearing on the Order Paper before the Committee has considered it fully, as it was included in our tabled papers just last Wednesday. That speaks to the speed with which some of the regulations are drafted and to the importance of having an agreed approach that is based on public health principles ahead of time.

The majority of restrictions were made around 13 November. As referenced by the Chair of the Executive Committee, many will remember that date more for the difficulties in securing agreement in the Executive, including that some Ministers rejected public health proposals. Regrettably, as we all know, coronavirus does not care about political divisions or disagreements. It just wants to spread, and systems need to be in place in order to reduce or stop that spread. I look forward to the new COVID strategy, which was debated in a motion in the House recently and supported by all parties.

Returning to the regulations, amendment No 14, essentially, gives councils the ability to

enforce some of the existing regulations. It was made on 13 November, some eight months after the pandemic started to hit. I welcome that that measure is now in place, but should it have taken so long for the Department of Health or the Health Minister to empower the councils?

The face coverings regulations raise the fixed penalty fine for not wearing a face covering from £60 to £200. When we introduce fines, it is important that there is a measure of their effectiveness. Unless someone has the means to pay a fine of £200, that amount could be just as unaffordable as a fine of £2,000. I make that point because a balance needs to be struck between introducing restrictions and ensuring that people have the means to adhere to the restrictions. That must be the central approach. As much as restrictions are there to control, there also needs to be an approach of support.

At the start, I mentioned that we have all come across many people who have had particularly stressful times. That includes people from right across society, including people from businesses and staff who are struggling with their livelihood to health and social care workers, ordinary families and people of all ages, young and old. I will end my comments with the same sentiments that the Minister expressed in her closing comments. There is a tried-and-tested response to help to keep one another safe. I encourage people to please keep socially distancing, washing their hands and wearing masks.

Ms Hunter: I will try to be brief. I welcome the opportunity to speak on the motion on health protection regulations.

We are now moving into our tenth month of living with restrictions as a result of the COVID-19 pandemic. Back in March, little did any of us think that, as we celebrated Christmas, we would still be living with the restrictions. Of course, we all recognise the regulations that we are debating are, unfortunately, necessary in order to drive down the infection rate of COVID-19 cases here in the North. At the same time, however, we recognise the many hardships that have come about as a result of the pandemic and the restrictions, not least the damage that has been caused to businesses.

In reference to amendment No 13, we understand the frustrations, challenges and difficulties that new requirements can cause, especially with social distancing and larger gatherings in smaller restaurants across the North. From speaking to businesses in my constituency of East Derry, I know that no types of businesses have remained unaffected. Such

businesses include those in the hospitality sector and contact services, including hairdressers, local gyms run by young families, the personal training industry and many other small, local shops that have not been required directly to close as a result of the restrictions but have suffered greatly from a lack of footfall in villages and town centres.

5.15 pm

We urge local business owners to continue to act responsibly to avoid a notice from the local council and to prevent any behaviour that may create a serious and imminent threat to public health. December would usually see sectors and businesses experience a boom in business in the lead-up to Christmas. Sadly, we all know that that will not be the case this year. That must make what has been a daunting and uncertain year for business owners even more concerning and worrying for their future viability.

As my party's mental health spokesperson, I also continue to be mindful of the emotional well-being and mental health impacts of the pandemic, resulting in isolation being experienced by many people. While Christmas is often a difficult time, particularly for the most vulnerable in the community, including the elderly, this year presents even more difficulties for even more people. Many family members will not be able to come home for Christmas or to gather together.

As I have already acknowledged, the restrictions are difficult but, unfortunately, necessary. We recognise that one of the amendments, No 4, increases the fine for not wearing a face covering from £60 to £200. We know that fines are not ideal. No one wants a fine, especially in the month of Christmas. Therefore, we proactively encourage the public to continue to do the responsible thing and wear a mask indoors. Whilst Friday sees us move into another phase of restrictions, I continue to urge everyone to adhere to the regulations, including practising social distancing in the days and weeks ahead, including over the Christmas holidays, when it would be all too easy to let our guard down.

Whilst acknowledging all the difficulties of this year that the pandemic has presented to all of us, whether in jobs or businesses, the restrictions on our daily way of life or mental health and well-being, the recent news of a vaccine and its roll-out in the coming weeks and months gives us hope that 2021 will be a much better year. We support the motion.

Mr Chambers: I had not intended to speak in the debate. I will be brief. I want to refer to remarks that my colleague Mr Buckley made earlier. He referred to the perception of "two-tier policing". I certainly agree with him on that, as there seems to be some grounds for people having that perception. Recently, I saw it in my own constituency when swimmers were cleared off the beach at Helen's Bay. They were law-abiding people who could not understand why they had to leave the beach.

All the talk about dissatisfaction has been well rehearsed in the House and at Committees. None of us is entirely satisfied with the way in which regulations have been brought through the system. In normal circumstances, we would not give some of those regulations, or the way in which they have been brought to us, a second thought. Unfortunately, however, we are in the middle of a pandemic in which more than 1,000 have died. All over the world, hundreds of thousands of people have died. I think that most of us get it that we are in the midst of an emergency. However, some people still seem to be struggling to come to terms with that, and they want everything to be done the right way, with all the i's dotted and all the t's crossed.

However, in the middle of this situation, people are doing the best they can to protect life and limb. In fact, although we will never know the number, there are people alive today because of the regulations introduced in the past lot of months. We have to take that into consideration. The most important thing about the regulations — Ms Bradshaw referred to it earlier — is that delay costs lives. If we delay the introduction of something that is absolutely necessary to protect the health of the population of Northern Ireland for three weeks, we will inevitably cost lives and put more pressure on the NHS.

Mr Buckley said that we had failed. We have to be careful about using words like that. We have to be very careful that people who are absolutely knocking their pan in — for want of a better expression — in the NHS to save lives do not feel that, somehow, we are referring to them. We have to be careful that we do not taint the people in the social care sector who are going the extra mile for people who are shielding, for instance, with the word "failure".

The public really have played their part in protecting life and limb by making sacrifices. There is not a family in this country who have not made major sacrifices to comply with regulations. Our children have lost out on their education. They are all back at school, but it is not normal; they are not getting a normal

education. That is not the fault of the teachers or anybody else; the pandemic has created that set of circumstances. Here we are, just 10 months since the pandemic decided to visit these shores, and we have produced a vaccine that has started to be rolled out today. I am struggling to see where the failure is, but there are people out there who have been waiting for months for grants that they were promised but still have not received. Maybe there is a bit of failure in that regard; maybe we need to look at where that failure occurred.

Mr Buckley expressed a passion for scrutiny. I think that that passion for scrutiny is one that we all share in the House. If some of his colleagues in the DUP had exercised a level of scrutiny during the renewable heat incentive (RHI) debacle and in the run-up to Brexit, we may not have found ourselves —

Mr Principal Deputy Speaker: This is out of order, sir.

Mr Chambers: — in these situations. Thank you very much, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: Wait a wee second. There are two things. First, let us not bark up and down the Bench at each other. Secondly, the Member knows that the last element of that speech was way beyond the regulations that are under consideration, but it is in Hansard; you have put your views on the record.

Mr Carroll: Before I speak on the amendments, I reiterate a point that I have continually made: it is astounding that we have not had a chance to discuss the ramifications of the latest amendments that will come into effect later this week, which will see a further opening up of the economy and society once again. It is absurd that we are not discussing regulations as they come in. As has been referred to, medical experts, such as Gabriel Scally, have already warned about a new wave of cases, off the back of those changes, but it seems as though the Executive do not think that their medical advice merits serious discussion in advance of the decision coming into effect. Instead, as has been said, we are discussing amendments that were laid almost a month ago. Once again, true to form, there is delayed scrutiny and accountability at Stormont. Given the concerns that have been raised about the latest amendments and the Christmas break, when will we discuss those new regulations? Will it be in the middle of January, when they will have been in operation for almost a month and the effects will, likely, already have been felt,

including, potentially, another spike in cases? That would be absurd beyond belief.

The amendment (No. 14) regulations provide councils with powers to ensure that premises have improvement notices and allow for an enforcement officer from the council to take action where appropriate. My concern — I raised it in Committee — is about whether councils will have enough staff who are able to carry out that role and function. That seems to me to be a mammoth task, and it is likely that breaches will happen across the board. To my knowledge — I am happy to be corrected — there has not been an aggressive mass recruitment campaign across the councils to increase the number of staff who can deal with those issues. I would be grateful if the Minister could provide some detail on how she or her Department believe that councils are equipped to deal with inspections and notices, and possible breaches as well, in workplaces.

Amendment No 4 to the face coverings regulations includes increases in the level of fines for people who do not wear masks. It should go without saying that the wearing of face masks is a vital and essential part of the process to stop the spread of the virus. However, we have to say that that message has been stymied by the approach of some of the Executive parties and, occasionally, their party members. Just a few months ago, the Education Minister, for example, rubbished the idea of pupils wearing face masks on buses but recently accepted that call.

Mr Buckley: I thank the Member for giving way on that point in relation to face masks. Earlier in the debate, Mr Allister referred to the fact that there has been no impact assessment of the intended or unintended consequences of many of the regulations, given the speed at which they were introduced. Will the Member accept that, equally, the evidence to suggest that the proper use of face masks is essential because improper use might increase the risk of transmission? That observation comes from the Centers for Disease Control (CDC) in the United States regarding the many people across the country who are not wearing masks in the correct manner and, therefore, could be putting themselves and those around them at risk.

Mr Carroll: I thank the Member for his intervention. I do not know what "improper use" of face masks is; perhaps he can define it. As I said, the Education Minister categorically rubbished the idea that pupils should wear face masks on public transport. I will come on to the point about impact assessments in a moment.

In addition to what the Education Minister said, it was before the Executive, seemingly punted by the Tories, made it compulsory to wear face masks in shopping environments. I and others, including health experts, had been calling for actions to be implemented on that for weeks at the very start of the pandemic, and still the Executive have not rolled out a programme of mass availability of free, reusable masks, despite the fact that I have been going on about it for months, as have other Members today and in the Committee.

If someone genuinely forgets to bring a mask on public transport or when entering a shop, where is the support provided to them? They will be fined if this amendment to the regulation goes ahead, and the fine will increase and they will have to pay even more. That is not to mention — it is connected to the issue — the nefarious and dangerous role that is being played by MPs who are linked to the Executive, such as Sammy Wilson, who repeatedly and openly breached the regulations and defied any sense of sympathy with people who have lost loved ones from COVID.

That is where we get to the heart of the problem with the face masks regulation. Essentially, it blames individuals when it is clear that the public have gone over and beyond to stop the spread of the virus against misinformation and bad examples from those at the top of society. Stronger fines are not the answer; the answer is a better public campaign and better public reps. While I am on the topic — it might fall outside the Minister's remit — I ask the Justice Minister if she knows whether Sammy Wilson has been fined yet. His efforts were blatant and purposeful, but I have not heard anything about him being fined or punished yet.

The amendments could result in people who have simply forgotten their mask being fined. Such hypocrisy will not be lost on the vast majority of people.

Mrs Long: Will the Member give way?

Mr Carroll: I will, yes.

Mrs Long: Just on that specific point, I want to reassure the Member that someone who has merely forgotten their mask would not be fined. That has to be looked at in the context of the police approach, which is to engage, educate and encourage. Enforcement is the fourth of the four Es, so they would not automatically move to fine someone for not having a face covering.

5.30 pm

Mr Carroll: Thank you, but, as I understand it, there is no detail spelling that out in the regulations.

Mr Sheehan: Will the Member give way?

Mr Carroll: Yes.

Mr Sheehan: Forgetting face masks is an interesting issue. The principal of the school that my two kids attend has asked parents to wear a face mask when they are leaving children to school, especially if they are in rang a 1 or rang a 2 — primary 1 or primary 2 — and are being brought to the door. I usually wear a mask, but, this morning, I was almost at the door when I realised that I did not have it on. There was nobody queuing in front of me, so I went ahead. The point is about someone who gets onto a bus, perhaps, and has forgotten their mask. It is not just a question of someone forgetting their mask. The fine and enforcement are irrelevant. The point is that somebody is getting onto the bus. They may be asymptomatic; they may have COVID-19. Earlier, I talked about providing masks free of charge. Maybe, if the bus driver had a supply, he or she could provide a mask to the person who has genuinely forgotten their mask. Again, I am raising the issue of making masks free in some circumstances.

Mr Carroll: I thank the Member for his intervention. I agree. The wide availability of reusable masks, which can be expensive — I will come on to that in a second — has not been provided for. This is worth hammering home. I am happy to be corrected, if the Minister can do so, but the Executive are pushing forward with the strategy of increasing fines if someone forgets their mask, does not have access to one, cannot afford a new pack or does not have access to a pack of disposable masks, rather than implementing measures to ensure that they have every opportunity to get a mask, as Mr Sheehan suggests. I am happy to be corrected, but I do not know where in the regulations it specifies that there will be exemptions in specific cases. My fear is that the way in which these issues have been proceeded with over the past few months means that people will be fined, and there will be an increase in fines.

Can we rule out a scenario in which a mother who is rushing out of the house to do her Christmas shopping and, in the rush to get the kids ready and out the door, forgets her mask, or masks, is hit not only with a fine but, under this proposal, an increased fine of up to £100 or £200? That is important stuff. How can we rule

that out when this amendment is being put forward? If that is not bad enough, last week, the Health Committee was told, when this amendment was being presented, that the rate of non-compliance had not increased markedly or shot up. So, where is the rationale? Hopefully, the Minister can come back on this. Where is the research and evidence to back up increasing fines?

Where is the assessment of how the proposal would affect people on low wages and benefits? That speaks to Mr Buckley's point about an impact assessment. Has people's compliance with wearing a mask increased? I predict that I will probably not be able to divide the House on the Question, as has been the case with other issues, due to the way in which Stormont is structured and the fact that it does not allow smaller parties to register their opposition by way of a vote against measures. I therefore categorically place on record my, and my party's, opposition to the ill-thought-out amendment to increase fines for those not wearing a face mask when the Executive have not gone over and beyond to ensure that people are supported, every step of the way, to ensure that they have access to a mask.

Mr Principal Deputy Speaker: No other Member has indicated to me that they wish to speak. I therefore call upon the Minister of Justice, Mrs Naomi Long, to conclude and give a winding-up speech on the debate on all five motions.

Mrs Long: This has been a very useful, and mainly constructive, debate. I am grateful to Members for their contributions. I appreciate the degree of goodwill that the Assembly shows towards what is a very unusual process, whereby the role of legislative scrutiny is applied after the event, rather than before.

Nevertheless, it is important that that scrutiny take place, in order to examine and comment on measures that have been taken and to inform how we go forward. In the current context, things move fast, and the observations and concerns of Members are taken on board as we develop policy and work on the next set of amendment regulations. It remains the case, however, that it is important that the public have confidence that the Executive are not acting without scrutiny.

I turn my attention to the comments from Mr Paul Givan. As I said earlier, it appears that no good deed will go unpunished. Unfortunately, it seems that, by stepping into this role, I have created something of a controversy in offering

to help the Health Minister, who has been in this Chamber on almost every sitting occasion since the pandemic began. I felt that it was appropriate, given that my Department had had some involvement in, although was not in control of, these regulations, that I offer to help. Of course, the Health Department then did as I would have done myself and asked me to take forward some additional and rather unexpected changes, which I am more than happy to do in the spirit of collegiality.

On the issue of lack of opportunity for the Justice Committee to scrutinise the regulations, as I said in my opening comments, these are Department of Health regulations, made by the Minister of Health. I was asked to lead a short, sharp review, on behalf of the Executive, in support of the Minister of Health. The review was not a Department of Justice review, and I do not believe that it is right to characterise enforcement as being solely a Justice issue either.

My officials worked collaboratively on the review with their counterparts in the Department of Health, the Executive Office, the Department for the Economy and the Department for Communities. The first stage of the review, which was a comparative analysis of the offences and penalties in place across the UK and in the Republic of Ireland, was completed by the Department of Health, after which my Department developed proposals, given that we have an advisory role only on the creation of new offences and penalties that relate to other Committees' and Departments' responsibilities. We sought clarity from the Executive Office on the Assembly procedures that should be followed, and it was confirmed that policy responsibility for the regulations lies with the Department of Health, and the role of scrutiny therefore falls to the Health Committee, with the Justice Committee requiring notification only. As a matter of professional courtesy, however, the Justice Committee was notified in a letter by me, and a copy of the regulations was made available to it on 1 December. All these regulations fell to be scrutinised by the Committee for Health. We were asked by the Department of Health to make an official available to join the Committee meeting at which these regulations were being considered, and we agreed to that. The Department for Communities also fielded an official who had assisted with the amendment (No. 14) regulations. There was no requirement or expectation that either Department should have to notify its respective Committee or that its respective Committee's scrutiny functions would be engaged by doing so.

Such collaborative working across Departments is to be encouraged, not criticised or impeded. I am in the Chamber today in that spirit of collaborative working and in recognition of the extreme demands that have been, and continue to be, placed on the Health Minister and his officials, and indeed on the Executive Office. I have always said that my Department and I will play our full part to support efforts to keep us all safe during this pandemic, and that is what we are doing today.

On his concerns about policing of the regulations, the Chair of the Committee rightly noted that I would not be drawn into a debate about operational matters, which are the responsibility of the Chief Constable. He is incorrect, however, in suggesting that that is something that I introduced when I came into office. It is a convention that has been in place since justice was devolved, as the legal position in that regard makes clear. The Chief Constable is responsible for operational decisions and is directly accountable to the Northern Ireland Policing Board. Complaints about such decisions are the purview of the ombudsman's office. I am both bound and determined to respect the operational independence of each of those structures, as my office and position demand.

I move on to the remarks of the Chair of the Health Committee. He expressed his concern that the issues, and the scrutiny process used around the restrictions, are complex and frustrating for a number of Members. I have some sympathy in that regard, a point that was reinforced by Mr Colin McGrath and Mr Paul Givan.

The confirmatory approval process has been put in place to reflect the urgency with which the Executive have had to operate in these extraordinary circumstances. That is a point well that was well made by Mr Chambers in his contribution and by Paula Bradshaw in hers.

The normal Assembly scrutiny has been adjusted to accommodate the making of regulations in short order to reflect the requirements of the changing context in which the Executive are working in response to COVID-19. Debates are held at the earliest opportunity available to the Department. The Assembly approved the confirmatory approval process for these emergency regulations and, therefore, with respect, we are following the approach that the Assembly itself has agreed. Whilst it is undoubtedly a frustrating approach, it is, nevertheless, the appropriate means for these issues to be brought forward. The timing of the debate is also a matter for the Assembly,

given the Assembly's own requirements for the input of the Examiner of Statutory Rules and the timing of scrutiny by the Health Committee, which has to be allowed and given its space.

The confirmatory approval process allows the Department of Health to make and lay the regulations quickly. In practice, that has often been in a matter of days or even hours after an Executive decision. As a number of Members, including Ms Paula Bradshaw, said, any delay in making the regulations could cost lives, and therefore being speedy in how we deal with these things is the trade-off against the normal scrutiny that we enjoy in the House. I believe that the scrutiny function provided by our Committees and the Assembly in this matter is absolutely critical. We would not be taking this forward in the way that we have if it were not absolutely necessary.

Normally, the regulations are scheduled for debate at the first opportunity after the Health Committee session. However, given that some regulations are only in place for a fortnight, that means that some will be debated after they have ceased to have effect. I completely understand Members' frustration in that regard. Following the making of regulations, the timing of the scrutiny and debate is largely in the hands of the Assembly. It is worth noting, however, that the process of developing and scrutinising regulations would normally take a matter of months and not days. Therefore, the normal procedures cannot be followed in these circumstances. These are not normal circumstances, and no one in the Executive or the House would argue that the current procedure is a model for scrutiny in normal times.

The Chair of the Health Committee mentioned issues that had been raised with my officials about the human rights assessment of the regulations. The matter was raised with the Executive Office following the Committee session, and the Department of Justice is awaiting its response. However, on the wider issue of the queries, my officials are also awaiting a response from the Health Department's Assembly liaison officer to ascertain the process for responding to the Committee. Normally, the Department of Justice will receive a letter from the Committee Clerk and respond in writing. When the Department receives such a letter or, indeed, an alternative mechanism, it of course endeavours to respond.

On the consideration of human rights implications, I am not at liberty to share the exact content of papers presented to the

Executive, including legal advice that is provided. You will be aware that there is an established convention that this type of information is not shared. I can say that the Executive consider a range of factors when discussing potential restrictions and sanctions, including human rights considerations. In particular, the Executive give due attention to whether any measures being contemplated are necessary and proportionate. As part of the review of offences and penalties, the Executive looked carefully at the level of penalties that are applied across these islands and for other offences that are also dealt with via fixed penalty.

There will always be a careful balance to be struck between keeping people safe and individual freedoms. We have heard much about the balance between life and livelihood, but there is a third angle that Gerry Carroll referred to. There is life and livelihood but also liberty. We need to keep all three of those in mind as decisions are made and taken forward. As a society, we should not give up our freedoms easily or lightly. We should question when those freedoms are constricted, but that does not mean that we should resist the sensible, cooperative kind of efforts that we have been making to protect life. The Executive keep our balance under constant review when we seek to recalibrate our approach to restrictions and the associated penalties.

The track-and-trace programme was raised by the Chair of the Health Committee. As he will be aware, there is already a developed programme of test, track, trace, isolate and support. Indeed, support is available through the Department for Communities for those who have to self-isolate. However, it would be more appropriate for the Health Minister to make any announcements on his approach to the motion that was debated in the Chamber and passed with all-party support.

5.45 pm

I can, however, say that there is a COVID task force, which is being headed up by the interim head of the Civil Service, although its scope is to be further clarified. That has been agreed by the entire Executive. Our hope is that it will bring a strategic focus not only to the cross-Executive approach to tackling the pandemic but to our plans for recovery, which are hugely important at this juncture.

Mr Buckley: I thank the Minister for giving way. Will she provide clarity on whether the

enforcement element will be included in the work of the task force?

Mrs Long: There will be a number of elements in its work. I will come on to enforcement, so the Member may get his answer then, but one of the key issues for the task force is not to duplicate structures that are already in place to deliver on Executive priorities but to streamline and coordinate cooperation so that we are using a more effective and efficient system. It is unclear whether those will be rolled into the task force or whether the current compliance group will continue in its operations and simply work through the task force on coordination.

Mr Beattie and Mr Clarke showed extreme curiosity about how COVID regulations would be enforced and whether I should be the person who does that. Obviously, I do not want to disappoint them by not providing them with a fulsome response. I will, of course, not open up Executive confidentiality, but suffice it to say that I have always been clear that promoting adherence to the COVID restrictions is a cross-cutting matter. Enforcement of COVID restrictions is not solely a matter for the PSNI; other statutory organisations, such as councils, Border Force and others, have responsibilities for compliance and enforcement. Those organisations are not within my purview. The focus, therefore, should be on encouraging adherence, compliance and enforcement and on using enforcement as a last resort only when necessary.

The Executive agreed, after discussion, to set up a strategic-level group, chaired by the junior Ministers and under the auspices of TEO, to coordinate efforts on compliance and enforcement. Senior officials from my Department, the PSNI and other Departments that are engaged are part of that group and are playing their full part in supporting the collective effort to encourage adherence and compliance.

Enforcement was raised by quite a number of Members, including Mr Buckley, and I want to set it out in some detail because it touches on the regulations that we are discussing today. Enforcement activity should always be proportionate and must be seen to be legitimate. None of us in the Chamber or anywhere else wants to see a heavy-handed response to these issues, and enforcement of COVID restrictions is not solely a matter for the PSNI. As I said, other statutory organisations, such as councils, also have responsibilities for compliance and enforcement. Locally, both the Northern Ireland Policing Board and the Office of the Police Ombudsman have been overseeing the PSNI's enforcement approach

and will report on that. Operational decisions, including penalties, are a matter for the Chief Constable, and he is accountable to the Northern Ireland Policing Board.

The PSNI publishes weekly statistics on the number of penalties issued, and that reflects its ongoing enforcement efforts. I encourage Members to look at those figures and to inform themselves on the work of the police before they comment on those matters, because I think that some would find it surprising. As of 7 December, the PSNI had carried out a total of 5,365 actions associated with enforcement of restrictions. PSNI figures, as I say, are available, but I will just read them into the record, if I may, Mr Speaker.

A total of 2,101 COVID 1 notices — that is, penalty notices — have been handed out since March. There have been 791 COVID 2 notices, comprising 135 commercial and 656 private notices. Those are prohibition notices that are issued to licensed premises or for a restriction of gatherings in a private dwelling. Forty-nine COVID 3 notices have been issued, and those are for failure to isolate. Some 923 COVID 4 notices have been issued, which is the one that now replaces the COVID 1 notices, with fines starting at £200 instead of £60. There have been 25 COVID 5 notices, which are penalty notices that are issued to businesses and/or premises for breach of the regulations, and the fines start at £1,000 and go up to a maximum of £10,000. Finally, 1476 community resolution notices have been issued.

In addition, local councils have collectively carried out 58,501 acts associated with public health restrictions for the period 1 May to 30 November. I do not think that any Member, having sight of those figures, could suggest that no effort has been made on enforcement.

Mr Buckley further raised the issue of the Holylands, which we all realise presented particular challenges on enforcement. The PSNI focus there, as in other places, is on early intervention and the four Es approach, engagement, explaining, encouraging and, where necessary and appropriate, enforcement. It is important that, if Members make sweeping statements about the PSNI, they should make sure that their comments are informed. Mr Buckley said that there had been limited enforcement when, in fact, more than 900 fixed penalty notices have been issued in the past three months. In addition to arrests and other interventions, such as the issuing of COVID-19 tickets, the police report all actions taken against students to the universities for them to consider disciplinary investigations and

sanctions. The PSNI has referred over 1,100 students to their respective universities.

Since Halloween, which was relatively uneventful, the Holylands has experienced a rising number of calls for service regarding noisy parties. There was extensive media coverage of disorderly student gatherings in the streets on the nights of 23 and 24 November. I think that we will all agree that those scenes were disgraceful and that those who live in that neighbourhood, whether full-time residents or students, should not have to tolerate such disruption. The PSNI re-evaluated the operational response and put in place a specific operation from 5.00 pm to 3.00 am, and that will remain in place until such time as the police no longer require it.

The primary focus of the police operation is high-visibility reassurance on foot and in vehicles. Daily, active engagement with local points of contact in universities, Belfast City Council and the local community is crucial. The PSNI in south Belfast has been extremely proactive this year and, since 13 September, has issued 684 COVID-19 1 penalty notices, 214 COVID-19 number 2 prohibition notices, 224 COVID-19 number 4 penalty notices since 12 November, 62 community resolution notices, and has conducted three arrests.

On the wider point about compliance and enforcement, the Executive set up the strategic enforcement group, now known as the strategic compliance group, to assist our response to compliance and enforcement, given that it is a cross-cutting matter. The group is led by the junior Ministers, and my Department is represented alongside a number of other Departments and statutory agencies, all of which are working hard in a collective effort to encourage compliance. Enforcement activity should be proportionate and seen as legitimate, and I think that that is important.

The PSNI is continuing to work with retailers, transport providers, the hospitality trade and others to support compliance with the government regulations by engaging and explaining and encouraging people to make the right choices. The police will enforce only where necessary. That position is endorsed by the Northern Ireland Executive and the Northern Ireland Policing Board and is in line with the national guidance from the National Police Chiefs' Council.

Mr Sheehan raised the issue of how we can support and encourage people to comply, and Mr McGrath made similar comments. People are weary and exhausted. The COVID-19

restrictions mark a huge limitation on our way of life, albeit a necessary one. We are social creatures, and, in times of stress, our natural instinct is to huddle for protection. It is, therefore, unnatural and requires a high degree of restraint, concentration and awareness for people to maintain their social distancing when they are anxious and under stress. However, the evidence that we have seen as an Executive is that most people want to comply, so making it easy for them to do so is hugely important. That includes those who may struggle with cost. The Department for Communities provided approximately £60,000 through Ulster Supported Employment Ltd (USEL) to make and distribute face coverings to those who are vulnerable.

In addition, prisoners in Magilligan, who were also involved in producing scrubs for the health service, turned their sewing skills to good use to provide face masks. That came as part of a community collaboration, where local churches donated fabric and the prisoners stitched face masks and passed them on to schools, to children's wards in the hospital, and to other community organisations. It is encouraging that those in prison are part of the effort to try to tackle Coronavirus and support the local community.

A number of Members, including Pat Sheehan, Pam Cameron, William Humphrey and others, raised the issue of face coverings. The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations make the wearing of face coverings mandatory in indoor spaces such as shops, public areas and public transport. The wearing of a face covering has never been presented as a panacea to prevent or reduce the spread of the virus in our towns and cities. It should be noted by all that the Executive have been advising, since early in the pandemic, that people should wear face coverings, although it was not made mandatory until later. The wearing of a face covering is one of the measures that we can all take to help curb the spread of the virus and play our part in bringing levels of infection down. Other measures are maintaining social distancing, washing our hands, avoiding touching our faces and all of the other things that we have discussed at length.

One reason why we did not move straight to regulations was that concern was expressed by the World Health Organization and others that, although the introduction of face coverings does reduce transmission, the accompanying relaxation in people's other behaviours, such as social distancing and contact with others, could offset some of those benefits, particularly in

cultures where the wearing of face coverings is not culturally normal. Therefore, people would struggle to remember to wear them and also, when wearing them, may feel a false sense of security. So there are issues with face coverings. That had to be weighed by the Executive, and we tried to implement it at the correct time.

There is no scientific evidence that wearing a face covering can make a healthy person unwell. The World Health Organization has issued advice on face covering and addressed some of the myths around prolonged use of medical masks. The prolonged use of medical masks can be uncomfortable. However, it does not lead to carbon dioxide intoxication or oxygen deficiency. While wearing a medical mask, you should make sure that it fits properly and is tight enough to allow you to breathe normally. The World Health Organization also advises that we should not reuse disposable masks and we should change them as soon as they become damp.

There is no scientific evidence that it will make a healthy person unwell. However, it is recognised that, for some people with underlying respiratory conditions or sensory issues, wearing a face covering can be problematic or extremely distressing. For that reason, the restrictions exempt such individuals from having to do so. By following this advice, we can help protect ourselves, our families and others from serious illnesses and protect our health service and our economy and help prevent further prolonged and more stringent restrictions.

I thank Paula Bradshaw for her remarks reflecting that the crucial issue in all of this is how we, individually, act to stop transmission. A number of Members including Paula, Pam Cameron and others raised the issue of personal responsibility. With the rate of transmission that we are currently seeing, everyone needs to play their part to bring the levels of infections down and to protect lives, livelihoods and, indeed, our liberties. It is a matter of personal and collective responsibility. We have a responsibility to help curb the spread of the virus by maintaining social distancing; maintaining good hand and respiratory hygiene; wearing face coverings; self-isolating immediately if we experience any symptoms, including a new persistent cough, a fever, a loss or change of smell or taste; seeking a test if we experience those symptoms; downloading the StopCOVID NI app; and complying with the restrictions that are in place. If we follow that advice, it can and will make a difference.

People need to adhere to the restrictions, but where they do not, enforcement has a role to play. While there has been, understandably, given the context, a natural focus on enforcement, we should also remember that high levels of enforcement are actually indicative of a failure — a failure to bring people with us, to convince them that these measures are necessary and encourage them to be careful, even when they are out of sight of enforcement activity. It is, therefore, really important that we show leadership and encourage and support others to comply. Órlaithí Flynn made that point very strongly. Whilst I am sympathetic on the issue of the cost of the penalties and fines, those fines are entirely avoidable if people follow the regulations; it is easy to avoid being fined.

6.00 pm

Pam Cameron asked for clarity on what further details would require to be taken by the hospitality sector for contact tracing. Regulation 4C(3) states that the name and phone number of one person per household, plus the date of the visit, the time of arrival and the number of members per household have to be recorded and held. My understanding is that that is for a period of 21 days in order to allow contact tracing.

A number of Members, including Pat Sheehan and Robbie Butler, referred to the relaxations that are to be permitted over the Christmas period and the need for people to be responsible and considered. I will not test Members' patience by going down the road of discussing those relaxations as they do not form part of these regulations. Suffice it to say that we are all aware that, in every contact, every personal interaction, every crowded place, be it a shop, living room, bar or restaurant, and every unventilated place, every time that we are in those places and situations, we increase the risk of transmission.

The relaxations announced by the Executive are permissive. No one has to do any of this. People can maintain stringent distancing, isolation and all the other measures for as long as they wish. People are not required to bubble with family — some Members may be relieved to hear that. People can decide, instead, as many of us who are less sociable will do, to close the door on Christmas Eve and not to open it again until the new year. That may be good for your health but, for your interactions with family and friends, not so much.

Mr Gildernew: Will the Minister give way?

Mrs Long: I will, surely.

Mr Gildernew: In light of that, does the Minister agree that, notwithstanding the useful debate that we have had about evidence, process and the need to carry out these emergency measures hastily, there is some evidence that has to be considered that is crucial and beyond dispute? One is that our hospitals today are at 102% capacity. More people are in our hospitals today than there are beds. Only a very small number of ICU beds are available, and we have had 1,073 deaths. People need to bear those things in mind when they are making decisions over the time ahead.

Mrs Long: I absolutely concur with what the Chairman of the Health Committee said; it is very wise advice. These are permissive regulations. No one has to get together with others, and there are risks attendant on doing so. I ask people to think carefully and weigh up for themselves whether the benefits of getting together with family and friends to socialise is worth the risk that that might bring to those people with whom they have contact.

Many may make the judgement — some already have — that they would rather postpone their celebrations with family until the vaccine has created a safer environment in which to do that. However, we talked about liberty, and we have to leave the matter to personal judgement. It would be cruel and unwarranted for us to try to prevent people from being able to meet family over that period, particularly those who may, for good reason, have a prospect of this being the last Christmas that they might spend with some of their family members. We have to be sensitive to that.

I simply ask that people do as the Chairman of the Health Committee suggested and as I have said: approach the holiday season with caution. The advice has not and will not change when it comes to hand and respiratory hygiene, wearing masks, ventilating spaces and keeping your distance. Do not drop your guard because it is Christmas. COVID will not change because it is Christmas. It will not take time off.

Gerry Carroll raised the issue of the cost to councils. I can inform him that the Department for Communities has committed additional funding in excess of £85 million so far to all councils to assist in combating COVID. All councils have confirmed that they do and can deliver the requirements of these regulations with the resources that they have.

Today's debate was useful and constructive and forms part of the opportunity that Members

have to undertake scrutiny. We are all learning how to respond to a novel virus, and Members' scrutiny contributes to how we take forward future regulations and restrictions. I reassure Members that it is not a waste of their time. Members are not simply talking to issues that have come and gone but are engaging on how they want us to take things forward.

Today is a momentous day for the vaccine, and I think that it will be universally welcomed. I thank the scientists who developed the vaccine, the individuals who stepped forward in record numbers to assist with clinical trials and the Department of Health for its preparatory work on the roll-out of mass vaccination.

When the Health Minister is here, he cannot blow his own trumpet, because that would be seen as inappropriate, but I shall blow the Health Minister's trumpet for him on this occasion. I have seen with my own eyes the work that has been done in my doctors' surgery on the preparatory work for this and how they rolled out the flu vaccine. Many people talked about surgeries running out of the flu vaccine, but, of course, the truth is that the flu vaccine was rolled out so quickly and so effectively that we exceeded capacity in terms of vaccinations. Many surgeries hired community halls, church halls and other venues to test and trial a mass roll-out of vaccines. We know how to do this quickly, effectively and efficiently. We know how to get it out to the public. We now need to build public confidence that the vaccine will provide us with part of the solution to returning to normality.

We have an opportunity to go into the Christmas season and beyond with optimism, perhaps for the first time since the virus descended on our shores earlier this year. It is the light at the end of the tunnel, but we are not there yet. In the meantime, therefore, I plead with people to bear in mind what the Chairman of the Health Committee said about our health service, think about the people who have passed away, be responsible for your actions and take care of yourself, your family, your friends and your community. If we work together, we will get through this.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 be approved.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020

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

Question put.

Some Members: Aye.

Mr Carroll: No.

Mr Principal Deputy Speaker: Mr Carroll, I am saying that Gerry Carroll said no. That is now in Hansard. OK?

Question put a second time and agreed to.

Resolved:

That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020

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

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 14) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020

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

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 15)

Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020

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

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 16) Regulations (Northern Ireland) 2020 be approved. — [Mrs Long (The Minister of Justice).]

Mr Principal Deputy Speaker: Before we move on to the Economy Committee business, I ask Members to take their ease. I also ask Members not to forget to clean their surface before leaving. Thank you.

(Mr Speaker in the Chair)

Committee Business

Macro Economic Outlook Micro Inquiry Special Report

Dr Archibald (The Chairperson of the Committee for the Economy): I beg to move

That this Assembly welcomes the Committee for the Economy's special report [NIA 56/17-22] providing evidence on how the economy has been impacted as a result of the COVID-19 pandemic, and ideas on how to rebuild it better; supports the development of cross-departmental plans to boost our economic, health and social well-being, by investing in infrastructure, skills, manufacturing and industry; recognises that collaboration across government is vital and will translate into social progress where people, communities and high streets thrive and prosper, and where good jobs are created along with the skills and networks needed to raise productivity and earnings; and calls on the Minister for the Economy, and her Executive colleagues, to use this evidence in planning our economic recovery and future.

Mr Speaker: The Business Committee has allowed one and a half hours for the debate. The Chair will have 10 minutes in which to propose and a further 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

6.15 pm

Dr Archibald: The Committee has undertaken a micro-inquiry to seek views from a range of stakeholders on what we need to do to support the recovery and rebuilding of our economy following the impact of the COVID-19 pandemic, and has produced a special report highlighting a range of themes. I thank those who participated in the inquiry, and the Committee has shared the report with the Economy Minister.

The business, manufacturing, tourism and hospitality sectors in particular told us that they have yet to see the full impact of the COVID-19 crisis. They feel that the longer we remain in a survival or stabilising phase, the greater the negative impact on their sectors in the longer term. Academics highlighted the likely prospect of a deep recession, with an even tougher recovery. However, some businesses are still growing and have had opportunities due to

COVID-19. There have also been business start-ups during this period, whilst other businesses remain in survival mode. While the pandemic is primarily a public health emergency, the economic risks are real and impactful. Many businesses are bracing themselves for more job losses in the months to come. Rather than managing our economic decline, we must focus on rebuilding. Economic disruption looks set to continue into the new year. Nine months into this crisis, however, we can reflect on what has worked well and adapt good policies accordingly.

We should continue to push forward to the recovery phase, directed by a realistic plan, specific to our needs, to start building back better as we prepare for our next challenge, which is Brexit. With that comes the challenge of how we will replace EU funding on a like-for-like-plus basis through the shared prosperity fund. We must deliver on the policies needed to help to stabilise the economy right now and develop an overarching plan to make sure that our economy is rebuilt in a way that improves its responsiveness to the needs of communities and businesses. One of the most vital ingredients in building our economy back better is improving technology and digital infrastructure. There has never been a time when we, as a society and economy, have been so reliant on technology. In fact, we have suddenly become reliant on services that allow us to work, shop, access services and learn from home. The Committee welcomes the appointment of a contractor to Project Stratum. To support that, we need to make it easier for telecom companies to improve rural connections by setting up mast-sharing agreements. Communities need to see 5G rolled out to provide the best online technology available.

Having a workforce that is flexible, agile and skilled to help local businesses to prosper is essential to economic recovery. Increases in unemployment have had a knock-on impact on high streets, with businesses in real distress, especially in hospitality, retail and transport. Members have concerns about the gap between the skills that workers possess and those that businesses say they need, with a deficit in workers with skills in science, technology, engineering and maths subjects. The result is lower wages, lower productivity and unemployment. We must create strategies to ensure that people have the skills that they and businesses need for us all to prosper. There are clear patterns of intergenerational, low-paid, insecure employment and worklessness within more-deprived communities. The impact of COVID-19 caused

the Committee's stakeholders to highlight the fact that we are experiencing greater disparities between the haves and have-nots.

Mr Stalford: I am grateful to the Chair of the Committee for giving way. At this time of year especially, I think that this is relevant. One of the things that has concerned me greatly is that lower-paid workers who are being told that they are not allowed to go to work are struggling to pay for Christmas for their kids. The direct consequence of them not being allowed to go to work will be to push them into the arms of loan sharks and moneylenders, and that has a huge societal impact. Would the Member care to talk to that for a few seconds?

Dr Archibald: Many individuals and families are facing very difficult circumstances at this point. It is important, therefore, that there are supports put in place for those people, and there have been, via the Department for Communities and the supports that have been made available through the Economy Department. Those have been really important to ensure that people have the support that they very much need. It is important, therefore, that we have the strategies to move forward in the economic recovery. Young people and those on lower incomes are often those most badly affected by the pandemic, re-emphasising inequalities that already exist.

Unemployment, underemployment, low-paid work and lack of skills have blighted communities and held back our economy. With an increase in unemployment forecast, we must have a strategy to encourage and support start-ups and entrepreneurship. The development of indigenous businesses with higher earning capacities is key. In order to get this right, there must be a proper framework to support entrepreneurship, along with new thinking on how to get more people trained with professional and technical qualifications. That must be supported by a new, realistic childcare strategy that gives parents more and better opportunities to work.

With fewer staff travelling to work and fewer tourists and with schools closed for several months at a time, transport operators have experienced a devastating blow to their income. Now is the time to plan ahead in order to ensure that the public transport network will be ready for a return to operations when there is greater demand and that it will better support our communities in getting their goods to market and people across our island. An overarching transport strategy needs investment, particularly when getting people to airports, universities and manufacturing sites.

That will require long-term solutions for the major road networks and the development of a high-speed rail link connecting all our towns and cities. Airports are essential to our economic development, as they provide access to airlines. Just this morning, the Economy Committee had an informal meeting with the chief executives of our three airports. Moving passengers and transporting cargo are very important to our local businesses. Therefore, we need to ensure that the airports survive for the good of our economic future.

As highlighted in the Committee's energy strategy debate last month, we must ensure that buildings are made as energy-efficient as possible, that investment is available for our electricity grid and that companies offering renewable technologies are given the support that they need to succeed. Our planning system needs to provide greater flexibility to change landscapes in order to help our health and well-being. We must work to eliminate fuel and energy poverty for our most vulnerable, as well as ensure that energy prices are a draw for businesses to invest here and not a disincentive.

In order to build a better economy, we need embedded collaboration across all levels of government; delivery on plans to create social progress where people thrive and prosper and where good jobs in indigenous businesses are created; and development of the skills and networks that are needed to raise productivity and earnings. Government procurement also needs a shake-up, with a greater focus on buying locally and support for companies here to build capacity in order to increase employment and earning potential for all our people. How we commission public services should recognise the wider social, economic and environmental benefit and context.

Business leaders are concerned that, as we approach the official date for EU exit at the end of the transition period, there remains a lack of information, and, therefore, there is uncertainty about what will happen next. That, along with the COVID-19 pandemic and the fact that we are in the month of Christmas, makes this a period of great uncertainty. Businesses and consumers urgently need information to make the best decisions that they can. We need to deliver for them not just now but in the longer term through better planning, investment and collaboration across government.

I will now make some brief remarks as Sinn Féin's economy spokesperson. Sinn Féin set out our recovery strategy back in June. That is based on four principles: supporting workers and families; supporting businesses to create

and sustain jobs; delivering on a just transition; and giving the Executive the tools to finance recovery. Prior to COVID-19, our economy was not in good shape. We had the lowest growth, the lowest productivity and the highest economic inactivity in these islands. There were structural challenges that have persisted and that need to be addressed as part of our recovery. Our economic strategy must be one that delivers good jobs, addresses regional imbalance, promotes a zero-carbon economy and improves productivity. We need to deliver on the commitments in the New Decade, New Approach agreement on strengthening workers' rights. Those and skills development are core to improving productivity.

We must support alternative business models, including social enterprises and cooperatives in order to drive community well-being and wealth-building. Our economic strategy must support indigenous SMEs and, in doing so, tackle long-standing regional imbalances by coordinating local economic development in towns and villages in order to create employment opportunities. We need to reimagine our towns and cities as part of the recovery to utilise space through sustainable development where people work, live and socialise. Any economic strategy for recovery must involve long-term planning to deliver a just transition to a net-zero-carbon society. A green new deal should be a core tenet to the recovery, creating high-skilled, well-paid employment by harnessing our abundant natural renewable energy resources. That can help to deliver lower costs for families and businesses, create warm homes for those in fuel poverty and provide public transport for all, including isolated rural communities.

To be able to deliver on economic recovery —

Mr Speaker: The Member's time is up.

Dr Archibald: — the Executive must be afforded additional powers to borrow. I will leave it there. I again thank all those who contributed to the micro-inquiry.

Mr Middleton: None of us could have predicted the impact of the pandemic on our economy. It has devastated our high streets and disproportionately affected young, part-time, low-paid and female workers.

The latest Office for Budget Responsibility outlook in November indicated that COVID-19 has caused the UK economy to shrink by 11% this year, the largest drop in over 300 years. The collapse of established retailers such as Arcadia and Debenhams has distilled the

devastation that the pandemic and subsequent restrictions have caused to our high streets. We must remember that COVID-19 has, of course, affected different business in different ways. Some sectors, including retail, hospitality and tourism, have been dealt a particularly bitter blow. Those sectors often have higher numbers of female, young, part-time and low-paid workers, and the threat of job losses will be heartbreaking for them and their families.

I welcome the special report and will speak in support of the motion. It will support a fully informed debate on how best to chart a course towards recovery. The Committee report raises a number of constructive themes, including investment in connectivity and digital infrastructure, which I am sure that the Department will look at closely over the coming weeks.

As the Chair said in her remarks, there has been no time that we, as a society and an economy, have been so reliant on technology. Whether in work, retail or education, the COVID-19 pandemic has accelerated changes that would normally have taken years to progress. On that note, like others, I welcome the progress on Project Stratum and the £165 million contract to Fibrus, which will see broadband rolled out across Northern Ireland. It should be noted that that was a key issue for our party in the confidence and supply agreement.

The report also touches on ensuring a flexible and skilled workforce. Many employees who have been placed on furlough or who fear that they will lose their jobs will need help to retain them as we come to the end of that period. I also welcome that the Department for the Economy is developing a new skills strategy that will take much of that forward.

The report also refers to transport infrastructure, and I broadly agree with the views of the stakeholders about looking again at the strategic roads plan to future-proof it and the need to improve public transport connectivity. That has also changed over the course of the pandemic.

Air connectivity was another important element of the report to ensure that businesses have proximity to the rest of the UK and, indeed, the continent, as that will be an important factor in our recovery. From our meeting this morning with the chief executives of the airports, I know that they are very worried about the current position, but they are also hopeful that, with the right support, we can get through this. We need to make the case for greater air connectivity,

including to the US, to consolidate Northern Ireland's reputation as a positive place for foreign investment. The Committee report rightly denotes the decimation of the tourism and transport sectors as a result of the pandemic. The ground-up approach to recovery must help those businesses and our airports to rebuild.

A further important area that the report touches on is tourism and the revival of our town and city centres. It refers to the need to review our city centre infrastructure, support our retailers, and to having a proper mix in our town and city centres. It refers to the need for a joined-up communication plan and campaign to promote the message that Northern Ireland is a safe place to visit. That is a cross-cutting issue for all Departments. The Department for Communities has a role in city centres, as do the Department for the Economy and the Department for Infrastructure. We want to see a joined-up approach in that respect.

Finally, we need to be ambitious. As the report states, it is not about "managing decline" but "rebuilding" and promoting a better and stronger economy as we emerge from COVID-19.

Like others, I want to put on record my thanks to the Committee, the Committee Clerk and the Committee staff for the way in which they conducted the micro-inquiry. As we go forward, I hope that it will encourage debate and inform some of the decisions that will need to be made over the coming months.

6.30 pm

Mr Catney: This is the second important report that we have seen from the Committee for the Economy in as many weeks. I thank the Committee and officials for their good work.

In order to build an adequate recovery from the pandemic, we must admit to long-standing issues with the economy. As has already been stated, productivity in Northern Ireland is 15.6% below the UK average. Low productivity puts significant constraints on growth in Northern Ireland, with knock-on effects on levels of investment and innovation. Low productivity feeds through to individuals and families through lower incomes and fewer opportunities for quality jobs. Northern Ireland has a much larger concentration of employment in lower-paid sectors, such as agriculture, retail, and health and social care, than the UK average. In contrast, employment in the rest of the UK is more concentrated in higher value added

sectors, such as professional services, ICT and financial services.

Northern Ireland's low productivity is linked to low levels of skills and historical difficulties with skills gaps in the employment market. There is a shortage of people with professional and industrial qualifications in the labour market. In contrast, Northern Ireland has a relatively high proportion of university graduates. However, the subject mix of graduates is not always proportionate to labour-market demand, with an oversupply in some areas. As a result, graduate skills may be underutilised in the economy, and lower-skilled workers may be pushed down the employment ladder.

In addition, we must identify the sectors that have been disproportionately impacted by the pandemic. Sectors with large numbers of low-paid roles are more likely to have employees who had been furloughed and lost their jobs. That includes demographics that faced pre-pandemic inequalities. Emerging UK studies indicate that women; young people; black, Asian and minority ethnic individuals, and people with a disability are at particular risk of the adverse social and economic consequences of COVID.

Turning to the other areas that were specifically covered in the report, it is clear that the Executive should commit to the transformation of skills. Northern Ireland's workforce has, on average, a lower level of educational attainment and skills compared with other UK regions. That leads to skills shortages, which reduce the growth potential of local firms, deter investors from locating here and limit productivity, growth and competitiveness. For individuals and families, low skills levels also mean that Northern Ireland has the highest percentage of low-paying jobs in the UK.

We must also commit to the programme of investment in infrastructure that underpins economic growth. Northern Ireland is held back by long-term underinvestment in key infrastructure. Congestion and pollution demonstrates the need to reduce our reliance on cars through investment in public transport, along with walking and cycling routes. Water and sewerage infrastructure is near or at capacity in many places, limiting new development and raising environmental risks. While Belfast is now a super-connected city, digital infrastructure outside the city lags far behind.

The COVID-19 crisis provides Northern Ireland with an opportunity to renew the commitment to address the climate emergency. The pandemic

has led to changing attitudes towards outdoor spaces and increased demand for green spaces, cycling and exercise. Yesterday, the Minister for Infrastructure spoke to that point with her comments on the potential for inland waterways and canals to fulfil that need.

The pandemic has also rapidly changed the way in which we work, travel and use towns and cities. Those changes provide opportunities to develop a more resilient economy through climate-friendly policies that make best use of the city centre, public transport and tourism.

The Executive have an opportunity to work with the business community and councils to consider —

Mr Speaker: The Member's time is up.

Mr Catney: — different strategies. Any vision for economic recovery will rely on collective persistency. The Department for the Economy —.

Mr Speaker: The Member's time is up. Thank you.

Dr Aiken: I thank the Chair and members of the Committee for the Economy for producing this macroeconomic report. Many of the things that I will mention are areas that we have covered before, but it is vital that we emphasise some of them. The first is the development, maintenance and retention of skills, particularly as we come out of the COVID period. I have talked about the impact that those skills have on our aerospace industry. That needs to be looked at. We need to encourage the retention of those skills and abilities. I encourage the Committee and the Minister to use their best endeavours with our Government when it comes to Ministry of Defence orders and other orders in terms of aerospace, the shipyard and other significant areas.

We should invest in our small manufacturing base. There seems to be an emphasis on fintech, which is very important, but we should also support our wider manufacturing base across Northern Ireland. Many companies feel that Invest Northern Ireland is there for FDI only. Invest Northern Ireland should be the engine room and incubator for small businesses across Northern Ireland. They must be closely linked to what goes on in our universities. On some occasions, our universities demonstrate best practice, but they also demonstrate some worst practice. We should link investment in our universities with investment in our economy very closely. We need to work on areas that we

can grow and develop. That should be a priority for any future strategy to get ourselves out of COVID and to deal with the problems of Brexit.

We have talked a lot about infrastructure. I welcome the fact that the Committee today met the airport chief executives. I would like to see a commitment from all members of the Executive to point out to the Treasury that air passenger duty is a significant disincentive to investment in Northern Ireland. If we are seeking to make Northern Ireland one of the best places for small businesses and innovation, we must have connectivity links. We need to do something about the infrastructure in Northern Ireland. I am talking not only about improving broadband with Project Stratum but about improving our green networks, specifically our bus and rail networks. That needs to be developed across —.

Mr Catney: I thank the Member for giving way. I have brought this up in the House before; there is a railway line between Lisburn and Antrim that has been mothballed. Over the past 20 years, at least £20 million has been spent on it. At its closest point, that line is within 400 yards of the International Airport. It could be linked up to the City Airport. There should be a united front to get that line open to serve the local community.

Mr Speaker: The Member has an extra minute.

Dr Aiken: We should appreciate the fact that even 10% of the money for the much-vaunted Boris bridge would transform our infrastructure in Northern Ireland.

Another significant area that we need to look at is our energy structure and policy. Our party is committed to zero net carbon by 2035. Given what is happening in the rest of our nation as it pushes towards electric vehicles and improvements in our green economy, that offers our manufacturing sector and our research and development sector another incentive to grow.

I cannot stand here without expressing my concerns for the excluded in Northern Ireland, such as small businesses, which are desperate for support. The Minister talked today about payments going out to people under section B. Time and time again, all of us as MLAs see people who are struggling with bureaucracy and forms.

If we do not support those companies, there will not be much of an economy left to bring back when we come out of COVID and get to the

other side, hopefully by the late spring of next year.

Finally, I want to talk about our towns and city centres. The impact on our high streets was mentioned earlier — the Member who mentioned that is not here now — as was the loss of jobs from companies such as Arcadia and Debenhams. Now is the time for us to think local and to use the opportunity that we have to help rebuild our high streets and incentivise them to bring jobs back. We might even have small manufacturing back on our high streets. The important thing is that we need to revitalise our town centres and villages, and we have the opportunity to do that.

I thank the Economy Committee, the Committee Chair and the Minister for coming to listen to the debate today. The Ulster Unionist Party supports the motion.

Mr Dickson: Before I start, I place on record my thanks to the Committee staff who worked on the report and to those who responded to it and helped to develop it for us.

It has been a very difficult year for Northern Ireland. We are no strangers to economic hardship, but the circumstances of this particular downturn are unlike any that we have seen before. COVID-19 has put many plans on hold but we cannot put the work of planning for the recovery on the back burner. We must consider what sort of recovery we want to pursue and how we can build a better economy out of all of this. Today, with the start of the vaccination campaign, we have a glimmer of hope on the horizon, and even better news is that the second vaccine is coming on stream.

Our report raises six key themes, and I would like to speak briefly about each of those. The first is technology and digital infrastructure, and 2020 has shown us the possibility of working remotely. More has been done online, but not everything. Day-to-day social interaction is a vital part of what we do. Collaboration, innovation and those idle moments chatting in a staff room have social as well as economic value in our lives. We are tackling digital exclusion, which, I know, is a Department of Finance responsibility, but it is more important that we address our telecommunications problems.

Project Stratum, which other Members mentioned, is due to begin immediately, and I hope that that will result in major change, particularly for rural residents and businesses. Connectivity has the potential to revive areas of depopulation, especially if many will not need to

go to the office as much as they did in the past. We also have great opportunities to build on our successes. The fintech sector is one such example, but we should not put all our eggs in one basket.

Secondly, we need to look at skills and employment issues, which will be key. The Minister knows that well, and the Department has done well to roll out skills opportunities for those affected by the pandemic. However, it is regrettable that, unlike in other European countries, there has never been a culture of support for lifelong learning in Northern Ireland. Once people left school, that was it. Investing in people and their skills should be our most important asset. I would like to hear from the Minister this evening what she is doing to strongly encourage employers to invest directly in upskilling employees. Childcare needs to be revamped. The Nordic countries have much more flexible workforces because of their attitude towards childcare. If we are to be serious about equality and improving the opportunities that are available to all, we need a radical approach to that as well.

We need to look to our transport infrastructure. Certain areas of our trunk road network need development. One such place is the York Street interchange, which is a source of frustration to many of my constituents in East Antrim. Beyond that, however, it is a vital hub for goods and supplies traversing a great part of Northern Ireland through that part of Belfast. We need to resolve that problem soon. Our railways need to be part of our future by offering a clean, convenient and cost-effective way of travel.

Two weeks ago, we spoke in the Chamber about our micro-inquiry into energy. Northern Ireland has the potential to be a world leader in clean energy. We must ensure that it is affordable and, of course, that there is always an adequate supply. The North/South interconnector will play an essential part in that, as will generating and storing electricity as part of our future capacity.

We need to be planning now to divest ourselves of fossil fuels and to invest in green, new-energy sources for Northern Ireland.

6.45 pm

Mr Storey: Will the Member give way?

Mr Dickson: Yes, I will.

Mr Storey: On that point, the Member will know that Wrightbus, in my constituency, along with

Energia, has been pioneering much work on hydrogen. The reality is, however, that when you compare the amount of money that is being invested in hydrogen with the millions, or perhaps even billions, of pounds that are required to achieve what the Member is referring to, you will see that we are not at the races. From where does the Member see the money coming? Although I support what he is seeking to achieve, these are big-ticket issues, and they are going to cost a considerable amount of money.

Mr Speaker: The Member has an extra minute.

Mr Dickson: I have absolutely no doubt about that, and I agree entirely with the Member that this requires imaginative and targeted investment for the future of Northern Ireland. Expanding businesses such as Wrightbus and others that are invested in the green economy and in delivering green energy is vital, because it is that energy that will drive the rest of our economy, whether it is by providing the lights in buildings such as this or whatever else it happens to be. All of those things are important.

Tourism and the revival of our town centres are also key to our future economy. Our report notes that tourism makes a vital contribution to our economy in many ways. It sells Northern Ireland to the world and supports thousands of jobs, but it also creates an internal market. This has been a terrible year for the sector, and we need to ensure that we support it properly to get through this, as we need to do with our air connectivity with the rest of the world, to which others have made reference. I believe that there are concerns about air connectivity for —.

Mr Speaker: The Member's time is up.

Mr Dickson: I thought that I had an extra minute.

Mr Speaker: You got six minutes. You got the extra minute.

A Member: It is his birthday. Give him another minute.

Mr Nesbitt: It is his birthday.

Mr Speaker: He got the additional minute. I know that Mervyn may have distracted him, but no matter. *[Laughter.]*

Mr Stalford: Ronald Reagan said that, when put together:

"The nine most terrifying words in the English language are 'I'm from the government, and I'm here to help.'"

It is all well and good for Members sometimes to stand up in the Chamber and rhyme off a shopping list of things that they think that the Government should do. It is all very admirable and laudable, but we have to be realistic about the role of government and what it can do. We can all play fantasy by directing business to do this or do that, but, in many cases, the best thing that government can do for business is to get out of the way and let businesses get on with the job of creating jobs and investment. It has been really frustrating — not from all members of the Economy Committee, I hope — to hear the idea that the economy is some sort of abstract construct that exists independent of everything else. The economy is everything. It pays for everything. When Members rise to their feet and say, "We want to invest in this project", "We want to re-profile this element of the economy" or, "We need to be doing x, y or z", they must remember that we can pay for those things only if we have a thriving economy. The best way in which to get to there is through the quickest opening-up of our economy as possible, within the bounds of safety — I understand that — in order to allow our people to get back to work, to earn and to spend in the economy.

Mr Catney: I thank the Member for giving way. The most important thing that businesses need is certainty. The House can supply plenty of that if it comes together and agrees on the economic policy that most of us are trying to get out there in order to deliver for our businesses.

Mr Speaker: The Member has an extra minute.

Mr Stalford: Thank you, sir. I absolutely agree that the development of sound economic policy is important, but there also needs to be a realisation that sound money is important. When we are talking about pumping billions into the economy to sustain jobs and businesses throughout the pandemic, there needs to be a realisation that that money will have to be paid back.

The Second World War ended in 1945. I think we finished paying off the debt for it in something like 2010. This investment, or this borrowing, will need to be paid back, and it will be paid back not just by me, but by my children and probably, if God spares us and blesses us with them, my grandchildren as well. It is important that people in elected office are cognisant of the fact that this is not talking

telephone numbers. This is real money that will have to be paid back. We are running up a massive national debt.

The report that has been produced is a useful resource and gives us lots of useful information. I will talk about where we are at for a few moments, before I talk about where we should be going. At the present time, the people who are being clobbered the most by the restrictions in place are those who can least afford it. I said this in a previous debate. It is well and good for people with the letters MLA after their name, sitting in a palace on top of a big hill in Belfast, to tell people that they cannot go to work, but that has serious impacts. As I said in my intervention to the Chair of the Economy Committee, around this time of year, people on low incomes are often forced into the hands of moneylenders and loan sharks. I prophesy that it will be 10 times worse this year, because people have had their capacity to earn removed from them.

I welcome the development of the voucher scheme that the Minister announced. I also welcome the clarification that she gave — that that will be paid to individuals, not households — because we know that, in the context of this pandemic, instances of domestic abuse and coercive control have increased. I do not want a Government scheme that is designed to help businesses to be used by people who abuse their loved ones, or the people whom they claim to love. The Minister sought £390 million, and she received one third of that. When Members stand up and tell the Minister, "We need to do this, that and the other", they also need to be honest about the resource that is available.

I move on to some of the issues that have been raised. We need investment in our infrastructure, particularly to the west of the Province. We also need reform of how we do procurement, which can be one way in which the Government can assist business. Reforming how we do procurement is something we should consider. I hope that the Minister will be able to speak to that. However, let us be realistic. The best thing we can do for our economy and the prosperity of our people is to let them get back to work.

Mr O'Dowd: I have no quotes from Ronald Reagan, you will be disappointed to hear, Mr Stalford. However, if you have to quote Ronald Reagan to back up your economic argument, you are on a beaten docket straight away.

Mr Stalford: Will the Member give way?

Mr O'Dowd: I will, quickly.

Mr Stalford: The Member will be quoting Hugo Chávez or Fidel Castro at us at some point, I have no doubt.

Mr Speaker: The Member has an extra minute.

Mr O'Dowd: Was it John Wayne who said, "Get off your horse and drink your milk"? Did you ever hear that one? *[Laughter.]* I welcome the economic report from the Committee. As someone else said, this is the second report from the Committee in a matter of weeks. It shows that there is a lot of work going on in the background across all the Committees, not only in scrutinising legislation, but in bringing forward reports in aid and support of the Departments that they scrutinise on a weekly basis. The report is a snapshot. It is not comprehensive and does not claim to be. We would like to have seen more voices in it, particularly those of the trade union movement, because that is an important sector and vital to the economy that everyone is speaking about. There cannot be an economy unless there are workers involved in production. When the workers are allowed to play an equal and inclusive part in the economy, the economy thrives from that.

I will touch specifically on the role of universities and colleges in promoting a healthy economy, particularly as we move out of the current COVID-19 recession into what might be the Brexit recession or the continuation of the Brexit recession. Although we are in economic difficulties now, Brexit will compound those even further. Talks that are taking place in Brussels and London will have a huge impact on livelihoods and businesses right across this island. However, universities and colleges can and should have a central role in economic revitalisation.

Universities can be economic drivers because of the money that is generated if they are located in a city or large town. The expansion of the Magee campus will be an economic driver for Derry. Universities also play a role in research and development, so they can bring tens of millions of pounds into an economy. However, universities need to be supported by government to do that. Today has, obviously, been vaccine day. If we support our universities to get involved in the sort of research that led to the vaccine and in the sort of work that, for a number of years, preceded it, we can bring tens of millions of pounds into society. If we increase our student numbers, we can bring tens of millions of pounds into society. If we stop the brain drain to England, Scotland, Wales and

elsewhere and educate our students here, we will have an investment in our economy.

I also want to refer to the poor cousin in the further and higher education debate: colleges. For far too long, our colleges have been the poor cousin in that equation. Our colleges provide excellent academic and vocational courses. When you look at the report, you see that concern is expressed about the lack of vocational skills and training. That has a lot to do with the perception that a good education means going to university. Yes, it does. However, a good education and having a good skill set also mean going to your local college, doing a trade, doing an academic course at a college and becoming a valued and productive member of society. I want to see a greater focus and emphasis placed on our colleges that is not to the detriment of our universities but for the betterment of our colleges.

If we suddenly have an east-west economy, we are going to continue to have a standard of living and productivity levels that are lower than those anywhere else on these islands. However, if we have an east-west, North/South economy, we can do great things. The Minister and her Department have to broaden their mind to the realisation that the people we represent in this part of the island can benefit from working in an all-Ireland economy. There is huge potential in that for our businesses, workers and families. I feel no threat from an east-west economy. I do not see why people see a threat from a North/South economy. We have to expand and liberate our minds to how we look at our economy for the next number of years.

In conclusion, I commend the report to the House, the Economy Minister and the Department as a snapshot in time and a valuable resource as we map our way out of the current economic difficulties. I will end on this point: I often hear Members, particular those on the opposite Benches, say that we have to open up the economy, and then the word "safely" comes along. The economy is restricted because it is not safe to open it up. When it is safe, there will be not be any objections from anyone about opening it up. So, yes, let us open up the economy, safely.

Mr Dunne: I, too, welcome the debate this evening. It has been very constructive.

The global COVID-19 pandemic has had a profound and unprecedented impact on our economy and employees right across Northern Ireland. The latest Office for Budget Responsibility outlook report, which was

published, in November stated that the UK economy will shrink by 11% this year. The largest drop in over 300 years is a stark reminder to us all of the challenges ahead. However, there is room for optimism as we begin the long road to recovery, particularly with the vaccine development, as a number of Members mentioned earlier, and we will all have seen the encouraging images of the vaccine roll-out that started today. We must embrace this opportunity to promote confidence, especially in our economy.

7.00 pm

The micro-inquiry on our economic outlook has been a useful opportunity for stakeholders to have their say on what the key priorities for economic recovery should be. There are six main themes in the report that stakeholders felt were central to a strong recovery, and they are absolutely fundamental. We must acknowledge the significant financial support that has already been delivered to businesses this year, with the various local funding schemes initiated by our Economy Minister, through her Department, complementing the various financial support measures from our UK Government, including one year's rent relaxation for many businesses. Those measures have been a lifeline to thousands of employees and employers in every corner of Northern Ireland. The medium-term recovery plan, 'Rebuilding a Stronger Economy', which was published in June by our Minister, rightly prioritises decisive interventions to sustain and support our economy over the next 12 to 18 months and beyond.

One of the key themes of the inquiry was transport infrastructure, including the importance of air connectivity. Indeed, as has been mentioned, the Committee had a very useful Zoom meeting this morning with our three local airport chief executives. In fact, there was a stark highlighting of the global challenges from the reduction of air travel. Our airports are operating at a reduced capacity of around 20%, which is hard to believe, and that will ultimately have a knock-on impact on staff and, indeed, on the wider aerospace sector, which is a valuable local employer that supports thousands of jobs directly and through the local supply chains.

As has been mentioned, digital connectivity is another key theme of the report, and it was encouraging to meet Fibrus on Friday to learn more about its exciting plans to roll out fibre broadband right across Northern Ireland. That £165 million investment contract was made possible by the DUP confidence and supply agreement, which I take great pleasure in

highlighting. The COVID-19 pandemic has highlighted the need for this investment. The workplace has been transformed, and businesses, schools and residents are even more dependent on good-quality broadband coverage to stay connected with friends, family, customers and employers. It can also open up global doors for local businesses to expand.

Town centres and tourism are another two key areas that have been greatly impacted by the pandemic, and, as they recover, there will be many challenges ahead for our high streets and our tourism sector. There has undoubtedly been an adverse impact on many young, part-time, lower-paid workers in the retail, hospitality and tourism sectors, and it will undoubtedly take time to rebuild and recover. However, there are opportunities that we must embrace. It was only last year that Northern Ireland demonstrated to the world that we could host top-class, world elite events such as The Open at Royal Portrush with great success. We look forward to building on that legacy and hosting such premier events through event tourism in the near future.

We need to get the balance right. COVID-19 has not yet gone away. We need to adapt, and we look forward to the reopening of non-essential retail, close-contact services and parts of our hospitality sector on Friday. I wish them well as they seek to reopen safely in the coming days. I commend the Minister for her ongoing efforts during what has been a very challenging year. I know that she is fully committed to, and focused on, supporting our economy as it rebuilds and recovers in the days ahead.

Ms Dolan: I welcome the opportunity to speak in the debate this evening, and I commend the Committee on the report, which is intended to be the beginning of a wider, much needed debate on economic regeneration following COVID-19.

As the report says, business and other sectors have yet to realise the full impact of the COVID-19 crisis, as has society as a whole. As I have previously outlined in the Chamber, if COVID-19 has taught us one thing, it is the value of our low-paid workers. There are patterns of repeated low-paid, insecure employment in deprived families and communities. Low pay causes in-work poverty and leaves families in danger of deprivation.

The pandemic has shown that retail workers are essential workers and must be valued. These workers generally earn minimum wage and work unsociable hours to put goods on our shelves. Sinn Féin is committed to ending

precarious working arrangements, which are commonplace in the sector, and I am hoping that my private Member's Bill to ban zero-hours contracts will be one step towards that. The consultation closes on Sunday, if you have not already completed it. During the consultation period, we heard some horror stories of how workers on zero-hours contracts have been treated. One employee told us that, if he went off sick from work with COVID, for example, or any other illness, there was no guarantee that his job would be there for him when he was well again. Therefore, it is imperative that trade unions such as the Union of Shop, Distributive and Allied Workers (USDAW) are included in conversations around the reform of the high street.

Having a workforce that is flexible and agile to help local businesses to prosper is essential to any economic recovery model, but, in return, workers need and deserve secure, stable and unionised employment. While high-street retailers have suffered due to restrictions, global giants like Amazon have made extortionate profits. In the last quarter alone, Amazon's global revenues jumped to €80.6 billion. Sinn Féin recently supported a global campaign that called on legislators across the world to take action on Amazon's tax evasion and exploitation of workers. The Executive need additional taxation powers to level the playing field between these large corporations and small retailers.

Another sector that has already been touched on but needs attention in the aftermath of COVID-19 is tourism and hospitality, which has suffered more than any sector this year. As I come from one of the most scenic and beautiful counties in Ireland, I understand the value of tourism and the positive impact that it has on the local economy and workforce. In Fermanagh, it is our bread and butter, but tourism has been decimated by COVID-19, and the industry is, understandably, very concerned about the future. The significant fall in overseas visitors has been mitigated by a sharp rise in North/South tourism activity. The reality is that many of the hoteliers and B&Bs who come out the other end of COVID will have been kept in business by all-Ireland tourism flows. That has been acknowledged by the tourism recovery steering group set up by the Minister, which has found that, over July and August, visitor numbers from the Twenty-six Counties of Ireland to the North increased by 200%. The Minister and Tourism NI must invest in the all-Ireland tourism product and seek to build on its strengths as part of its recovery.

While we face unprecedented challenges on our way to recovery, we have an opportunity not to repeat the problems underpinning the economy. We must not seek a return to business as usual. We should seek to advance the objectives of social and economic equality, sustainable economic development and the protection of workers' rights and incomes.

Ms Bailey: I, too, welcome the motion. The Green Party believes that we can build back better and that the key to doing so is a climate change Act, that will transform and grow the Northern Ireland economy from being a fossil-fuel-driven economy to being a green-energy-driven economy. That, of course, involves talking about a green new deal and a just recovery. Climate action can be built into stimulus packages, bailouts and a planned retreat from fossil fuels that reallocates employment into secure and socially useful work while also making the global economy and supply chains more resilient to inevitable future shocks.

To create green infrastructure and jobs, green bonds could be issued directly by central government or through national or regional green investment banks, and that could also help to transform the electricity system into renewable energy generation, rolling out, for example, charging points for electric vehicles, building cycle networks and building low-carbon housing. It is also very possible to restructure national electricity grids away from a centralised model to one where energy generation is distributed among many sources, including wind and solar, but also includes community-owned wind farms. We need to end the subsidies that prop up the fossil fuel industry and reallocate that money to research and development funding for, for example, battery storage technologies and clean energy.

Given how weak the sector is at present, states could buy out oil and gas companies and take their reserves into public ownership, effectively keeping those fuels in the ground. Displaced workers could be compensated and retrained. That is what has happened in Spain, for example, with the coal industry.

The fragility of our food supply has recently come into stark focus, highlighting limited storage capacity, just-in-time supply model and dependence on imported food. The absurdity of flying and driving most of our food from big producers across the world has become apparent. During the pandemic, many have taken the initiative to support local small businesses and bought their food from local suppliers. Economic stimulus measures could

build on this by ensuring that large public-sector organisations are anchored in communities, with councils, hospitals and colleges sourcing their food from local producers. The Preston model has been used and has shown that the model can work.

Mr Dickson: Will the Member give way?

Ms Bailey: Certainly.

Mr Dickson: Does the Member agree that we run a very serious risk, once the pandemic is over, of going back to our old habits? We have supported local businesses, grown more vegetables and done things differently, and, unless we get strong government intervention, we run the risk of going back to our old habits.

Mr Speaker: The Member has an additional minute.

Ms Bailey: I thank the Member for his intervention. He makes very valid points. We need to realise that the COVID crisis is the start of many more crises. We have a health pandemic leading to an economic crisis. We have taken our eye off the ball: we have a climate crisis, and we have not really begun to take on board the ramifications of that.

With that in mind, the Bank of England is predicting that the worst recession for 300 years is coming. Two hundred and thirty leading economists were asked about spending money on climate-friendly green policy initiatives, which could not only help to shift the world closer to a net zero emissions pathway but offer the best economic returns for government spending. The respondents, who included academics, senior G20 Finance Ministry officials and Central Bank officials, all gave their highest ratings for climate benefit and economic outcomes to green measures, including clean energy investment and building retrofits. That was in stark contrast to the unconditional airline bailouts that were rated, by the same people, as "very poor" across all their metrics.

Recent findings suggest that a post-crisis green stimulus can help to drive a superior economic recovery. The top five policies agreed by the economists were clean physical infrastructure investment in the form of renewable energy assets and storage, including hydrogen, which we hear a lot about here, grid modernisation and carbon capture and storage technologies; building efficient spending for renovations and retrofits, including improved insulation, heating and domestic energy storage systems; investment in education and training to address

immediate unemployment from COVID-19 and the structural shifts we need from decarbonisation; natural capital investment for ecosystems, resilience and regeneration, including the restoration of carbon-rich habitats and climate-friendly agriculture; and, of course, clean R&D spending, which we heard about from Members this evening. The senior economists who were surveyed viewed green stimulus measures as among the most beneficial for the economy, as well as having strong potential cuts to emissions.

Over recent months, the House has had much discussion about a green recovery. Now is the time when we really need to see planned actions coming forward with delivery strategies. I support the motion.

Mr Carroll: I am conscious of the limited time so I will try to be as concise as I can. There is no doubt that we can agree with elements of this report. I will talk about the positive environmental moves, such as plans to retrofit homes as part of recognising the serious climate emergency that we face. Much of the report is aspirational and without concrete detail. For that reason, we will inevitably have to wait for the proposals in order to scrutinise them properly.

That said, considering the detail in the report and the way in which it is being presented as a benchmark policy by the Committee for the Economy, some 10 months into the pandemic, it is fairly disappointing how low the Executive have set their sights and how the same neoliberal framework as was geared towards a bargain basement economy before the crisis is being presented as a solution, effectively, to get us out of it.

7.15 pm

The report came off the back of engagement in the macroeconomic outlook micro-inquiry, which does not roll off the tongue. It drew on a range of business stakeholders, including employers across all major sectors — retail, hospitality and tourism — the Chamber of Commerce and the CBI, among others. I do not deny that those groups have things to say or that they should have a voice, but it strikes me as glaring that the trade union movement was not engaged with in the same way. No unions are referenced officially in the appendix or in the meat of the proposals, and that is very concerning. This comes from an Executive whose members, many of them, spent months clapping for workers. It smacks of an approach that continues to pay lip service to the very

workers who have kept people and society alive. That is utterly unacceptable in my opinion, especially as the current membership of the Minister's Economic Advisory Group already has too large a focus on big business.

I do not criticise the lack of trade union voices for the sake of it. I do so because I recognise the deep class divide that exists in our society. Unlike some MLAs, and maybe some Ministers, I do not believe that big corporate employers and their workers have common interests; quite the opposite. I suggest that the labour movement and the working-class interest generally is better placed to inform our economic recovery. For example, we cannot address the economy without addressing the past 10 years of austerity and its continued existence in the form of public-sector pay cuts. This report states, for example:

"consumer confidence must be boosted to drive productivity and sales".

Ministers can, to be blunt, waffle all day about consumer confidence. However, if the biggest employer on this island continues to deny decent pay to public-sector workers, people will simply not have the money in their pockets to spend.

A similar point has to be made about the claim or idea that workers need to increase their productivity. Reducing the argument to one, essentially, about being productive or unproductive implies that whether workers are good or bad is based solely on the amount of profit that they produce. It calls into question the viability of some jobs. It is exactly that kind of Tory-speak that has led many of us growing to despise it because of the impact that it has had, and will have, on our communities.

Finally, we have the question of revenue. The Executive and the Committee — maybe more so the Executive — pass the buck, claiming that we cannot raise revenue and that our hands are tied. I consider myself a James Connolly socialist who wants to see a socialist Ireland. I do not doubt the problems of partition or the nefarious role of Westminster in our affairs. However, considering that the DUP and Sinn Féin spent the last decade arguing for tax cuts for the wealthy and for corporation tax to be lowered, which would have stripped hundreds of millions of pounds from our block grant, it is simply unacceptable to say that there is nothing we can do.

The Executive need to shift the focus of their economic policy. They need to urgently do the opposite of what they have done for the last 10

years. They need to reject austerity, fight to tax the rich and do everything in their control to reverse wealth inequality, including lifting the cap on rates for high earners and wholeheartedly rejecting the privatisation of public services and the continued wasted expenditure that that creates. None of this seems to be in the report in front of us or in the mindset of the Committee for the Economy. I would welcome the Committee including that in future reports or in amendments to this one.

Mr Speaker: That concludes contributions from Members. I invite the Economy Minister, Diane Dodds, to respond to the debate. The Minister has 15 minutes.

Mrs Dodds (The Minister for the Economy): Colleagues, I am grateful for the opportunity to respond to the debate, and I thank the Committee for this important work.

When devolution was restored earlier this year, many of us thought that the mandate would be dominated by the end of the transition period and establishing our new relationship with the EU and wider world. None of us could have predicted the enormous shock that would be delivered to our economy as a result of COVID-19. Since early in this pandemic, I have been warning that this was not only a health crisis but an economic one.

It has brought huge challenges to businesses and job losses for workers. That impact, unfortunately, is being felt most acutely by part-time workers, young workers and low-paid workers, many of whom are female. Again, that is why I have consistently warned of the impact of a cycle of restrictions and lockdowns and made it clear that, irrespective of what level of grant is available, it will not compensate for the loss of earnings or protect every job.

Recovering from the pandemic will require a Herculean effort, but I and my Department are determined to use the disruption as an opportunity to refocus and rebuild, concentrating on growth areas of the economy and on sectors in which new jobs will be created in the coming years. Many Members indicated that we will need to stimulate the high street, and I am looking forward to rolling out in the new year the high street stimulus scheme, which I hope will support Northern Ireland shops, businesses and jobs.

The report quite rightly identifies Brexit as being a major challenge. Unfettered access to our biggest market and freedom to trade within the UK's internal market are hugely important. I

note the agreement announced today, but I will resist comment until we see the details.

Throughout all of this during the past year, I have been hugely impressed by the resilience and determination of our tech sector. Northern Ireland is a global leader in cybersecurity, fintech and legal tech, but we can also lead the way in life and health sciences, advanced manufacturing and clean energy. The Economic Advisory Group will continue to advise me and my officials on where else it sees opportunities for Northern Ireland in the global economy.

To capitalise on those opportunities, we need to be flexible and quick to respond. We must focus on the here and now but with an eye to the future. I understand the Committee's desire for a long-term economic strategy, but I question whether producing more long-term, strategic plans, stretching many, many years ahead, is the most sensible thing to do when technological advances are happening so quickly and changes to our way of life have accelerated so quickly. I have often said that COVID-19 is a clear demonstration of that. It has been both a disruptor and an accelerator for the economy. The process of digitisation has proceeded at a pace that perhaps in other circumstances would have taken years, not months.

Mr Storey: Will the Minister give way?

Mrs Dodds: I will give way this once, but I have —.

Mr Storey: On that very point, the Minister is well aware that a company in Ballycastle in my constituency has launched a new air sterilisation product and therefore taken advantage of an opportunity. The company also has a cross-border element, in that it has joined up with other companies in the Irish Republic. Will she welcome that innovation, which proves that, although there have been many challenges, there have also been opportunities for businesses, with many rising to the challenge of the opportunity presented to them?

Mrs Dodds: I absolutely will. I commend that company, and I look forward to visiting it in the near future. It is a really classic example of entrepreneurship, innovation and support from our universities working together to create a new product for the time that we are in.

The Assembly is littered with long-term, glossy strategies that sit on a shelf only to be made redundant as they are overtaken by events. I must say that I favour shorter, more-focused

plans that allow us to be more agile in our response.

I caution strongly against the Committee report's view that having greater tax-raising and revenue-raising powers would enable us to plan for the longer term, and with greater certainty. We must be very careful about which additional powers we seek and be clear on what we would do with such powers, if they were devolved. Devolving and using tax-raising powers would, as we all know, have to be offset against our significant subvention from Westminster. That would come at an enormous financial cost to the block grant. Anyone who thinks that now is the time to increase the level of taxation on hard-working families or struggling business is completely detached from the reality in our community across Northern Ireland.

Considerable work has already been undertaken to assist businesses in their recovery. Earlier this year, I set out my vision for economic recovery in 'Rebuilding a Stronger Economy'. That paper sets out a short- to medium-term plan for recovery. I have also brought forward a number of initiatives. In addition to the various financial business support schemes, I have launched supports for digital capability and a scheme to keep apprentices in jobs, and I have announced financial planning grants and a high street stimulus plan to help us exit the period of restriction and deliver a shot in the arm for our economy as we firmly enter our recovery phase.

I understand the Committee's concerns that sometimes the delivery of these schemes is slower than some of us would like, but the Chamber would rightly be the first to hold my Department to account when mistakes are made. I note that the report calls for decisions to be taken more quickly and the adoption of a less risk-averse approach. However, I caution that we are in charge of taxpayers' money, and it is important that reasonable requirements are in place to ensure that funding is directed to those who need it most and to safeguard against fraud and error.

The report makes a number of recommendations. While I cannot respond to them all now, I would like to address some of the key themes. The world of work has changed beyond recognition. As the report points out, we are more reliant than ever on our technology infrastructure. Our everyday home lives have become intertwined with our work lives. We have all enjoyed watching our colleagues dealing with unruly children during important Zoom calls, delivering, perhaps, their most

perceptive insights when they think that the mute button is still on. Thankfully, it is no longer seen as unprofessional but as part and parcel of how we work in 2020.

However, working from home has been extremely difficult for some, especially in rural areas, let down continuously by their broadband connections, creating stress and frustration. The House is aware that, only a matter of weeks ago, I announced the awarding of a £165 million contract to Fibrus Networks. Many of the contributions today have recognised the importance of that connectivity. It will transform the landscape for many of our citizens and businesses, but primarily across rural areas of Northern Ireland, and I welcome that. Broadband connectivity has always been important, but the pandemic and the restrictions that we have all had to live under have stressed its importance over and over again. The project is vital to our recovery and represents a considerable step towards bringing next-generation broadband services to the people who need them most.

Whilst working from home has been an option for many of us, for others it has not been possible. Restrictions have seen businesses closed to the public and staff furloughed. Many of these businesses have not been able to reopen, and employees will lose their jobs. They will need our help to retrain and to develop new skills to maximise their exposure to the jobs market. Many Members have mentioned this impact of COVID, and we are working on a skills bridge programme for our manufacturing sector, as well as our apprenticeship programmes.

The Committee's report is correct in that a flexible, agile and skilled workforce will be essential to our economic recovery. As members of the Committee know, I am a firm supporter of investing in skills. I will very shortly be laying out our new approach to skills, a key element of which will be a skills system that addresses inequalities, providing everyone with access to education and training opportunities that will enable them to fulfil their potential. I look forward to working with the Committee in addressing the skills gaps and, indeed, the gaps in skills funding. It would be a tremendous testimony to the work of the Minister and Committee if we could make sure that we restored skills funding in Northern Ireland to its 2012 levels.

In response to Mr O'Dowd's comment, I say that skills are about research and development. Yesterday, I was speaking to the vice chancellor of Queen's University, which is now

noted as one of the best universities in the whole of the United Kingdom for its entrepreneurial activity. Investors tell me that that link between academia and industry is a reason to come and invest in Northern Ireland.

We need that kind of approach, which allows us to look at research and innovation as essential to the development of the economy.

7.30 pm

I want to address another remark that Mr O'Dowd made about the further education sector, which he said was perhaps the poor relation in the education sector. I just want to put on the record that, very shortly, I will open new further education colleges in Banbridge and Armagh. I look forward to opening the new further education college in Enniskillen as part of the South West College. Just last week, I announced an investment of £45 million in a new further education college in Coleraine and the tender for the contract for the new Ballymena further education college. I would like to think that, in Craigavon, after the legal case is settled, we will see the new £50 million further education college there. I hope that that demonstrates to the House that further education is something that we are incredibly proud of. We want to invest in it, we are investing in it, and it is nobody's poor relation.

Connectivity was mentioned by many Members. I know that connectivity is key to economic success. I assure Members that I have been using my influence on it. I spoke recently to the people doing the Union connectivity review, and I have just secured £2 million to support connectivity and an air routes fund.

We had some observations about tourism and hospitality and how they have been so devastatingly impacted by COVID-19. Our tourism recovery steering group already has a draft report. I hope to work, as a matter of priority, with the sector as demand for travel returns and as we can see, with the roll-out of the vaccine, a more normal approach to our everyday life and to our holiday and tourism plans.

We have secured an additional £12 million in funding in order to encourage consumer confidence and stimulate demand. That is an area that we intend to focus on in the new year in order to reboot and renew that really important part of the community.

The green recovery was mentioned. Many in the House will have heard me speak time and

again of the importance of the green recovery to Northern Ireland, the economic opportunity that we will have in clean energy and the commitment to ensure that at least 70% of our electricity by 2030 is generated from renewables. That is a huge commitment, but it is a whole-Executive commitment because it will also require sensible planning decisions to allow those commitments to be fulfilled. Economic recovery is not for just the Department for the Economy; it is for the Executive, and it will require cross-party and cross-departmental working in the Executive if we are to be effective with our economic recovery.

I thank the Committee for publishing the report. An effective Committee needs to strike a balance between supporting a Minister and holding a Minister to account for the decisions that they make. I trust that, as we plot our way through the coming months, the Committee will continue to play a constructive role and will work with the Department. We will get through this, and we will emerge more determined and more focused than ever before, and we will develop an economy that is fit for Northern Ireland's second century.

Ms McLaughlin (The Deputy Chairperson of the Committee for the Economy): I am pleased, on behalf of the Economy Committee, to make a winding-up speech on this important debate, which seeks to map out key issues for the Minister and Executive to consider and to incorporate into their planning for economic recovery and to build back better.

The Committee has proactively engaged with the Minister and risen to the challenge of ensuring that the Committee and stakeholders play a key role in the policy development process, and it will continue to do so. I thank the Minister and all the Members who contributed for their participation today. I also thank the many stakeholders who contributed their views to the Committee's special report through an online discussion event, as well as the Committee team for its work.

I will now make a very brief comment on behalf of the SDLP. I wish to stress the extent to which the proposals from stakeholders are aligned to my party's policies. The SDLP's recipe for economic recovery and progress involves investment in our energy sector, broadband, transport, childcare, renewing and saving our traditional urban centres amidst the crisis that they are suffering, and protecting our locally owned and independent businesses.

We believe in investing in the future by investing in the infrastructure and skills development that will build our productivity. It is only by improving our productivity that we will create the economic success and wealth that our society so desperately needs. Investing in the technologies of the future rather than the fossil fuel industries of the past will see our society prosper. That involves commitments to renewable energy sources, including hydrogen and geothermal as well as wind and solar. It involves building a world-class health sciences sector. It involves not just using the most advanced technologies but having our universities, colleges and businesses develop those most advanced technologies. In short, the recommendations from the micro-inquiry are, to a very large extent, the same as the policies that the SDLP has produced in the last few months.

A Member: Will the Member give way?

Ms McLaughlin: I have only 10 minutes and have a lot of Members' contributions to get through; I am sorry.

It will come as no surprise that I warmly welcome the recommendations and hope that all parties will do so and that our Executive will work together to implement them.

I will now reflect on Members' comments. Kicking off the debate was my Foyle constituency colleague Gary Middleton. Gary concentrated his observations on the impact that COVID-19 has had on our high streets and town centres. He addressed the issues of low-paid workers, particularly in the retail, tourism and hospitality sector. He highlighted that, significantly, a large number of those low-paid workers are female and part-time. He also raised a number of constructive themes regarding telecoms and mentioned Project Stratum and the confidence and supply money that went towards developing and rolling out that project. He talked about transport infrastructure and referred to the importance of air connectivity to developing and growing our markets in Northern Ireland.

Next, Pat Catney my party colleague talked about productivity. He concentrated on how essential building productivity is to growing our economy. He talked about skills development and indicated that low productivity also reflects low incomes and lower skills, mentioning in particular the agri-food and retail sectors. He indicated that, in order to develop our productivity, we need to concentrate on skills development and that that should be done through our universities. He indicated that help

is required for sectors that have been disproportionately affected by COVID-19, mentioning the help and support needed by young people, women and people in the BAME community. Pat also raised the issue of areas being left behind and the need to level up right across Northern Ireland.

Steve Aiken brought some Royal Navy comparisons to the table. He talked about the manufacturing industry, particularly our indigenous manufacturing industry, being the engine room of our economy. I agree with him. Although I do not have the flair for Royal Navy comparisons, I heard it very much from his comments. He also talked about improving our railway and connectivity infrastructure and about the energy strategy.

He finished his comments by talking about businesses that have been excluded from any support and how desperately they need some of the support packages that have been delivered to be redressed so that they, too, can be supported and be here for us all in the future.

Stewart Dickson — the birthday boy — said that Northern Ireland is no stranger to economic hardship. He also said that this is an important moment to build back better and stronger. He spoke about the six themes that are contained in the macroeconomic report and concentrated on skills and employment. He indicated his regret that there is a lack of lifelong learning opportunities in our economy and said that we should address that. He indicated that that was being addressed in many areas but that we need to make sure that it is taken forward. He spoke about connectivity and railways that are green, clean, convenient and cost-effective. That was a theme that we heard from many of the contributors to the debate.

Next up was Christopher Stalford, who threw in a wee dose of reality. He poured down on everybody's parade —.

Dr Aiken: That is Christopher. *[Laughter.]* My apologies, Mr Speaker.

Ms McLaughlin: He asked who would pay for it all and told us that everybody should just get out of the way and let businesses crack on and start to do what they do best, which is create a healthy economic environment and allow innovation. He also discussed the need for businesses to be allowed to open up and said that that was the best way to get the economy back on its feet. Unfortunately, Mr Stalford said that he has had many sleepless nights because

he is worried about the national debt and who will pay for it. Will it be him, his weans or his grandchildren? He just did not know, but he knew that somebody would have to pay for it.

John O'Dowd concentrated his remarks on the report. He indicated that it is just a snapshot and contains themes for further discussion and debate. It is certainly not "oven-ready". We know what that means; it does not mean oven-ready. It was just a snapshot and a look at how we can build back better. He indicated that he was disappointed at the lack of input from trade unions and how important listening to the voice of workers will be in rebuilding the economy. He discussed the role of universities and further education and said that they are central levers and key drivers for economic recovery. He indicated that Brexit would compound what is an already very damaged economy and spoke about the need for an increase in R&D and student numbers and a greater emphasis on vocational training. He also talked about the all-island economy but said that it should be North/South and east-west. An all-island economy will bring us all opportunities.

Gordon Dunne told us about the 11% shrinkage in the economy but urged optimism. He said that today was a day to be optimistic because the roll-out of the vaccine had started. Although our hearts sank with the 11% shrinking of the economy, there are reasons to be optimistic. He acknowledged the significant financial support that has been received to date by businesses and employees and welcomed that. He expressed pride in the £165 million investment in Project Stratum and —

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

Ms McLaughlin: — said that that had come from the confidence and supply agreement.

Jemma Dolan — I thought that you were from Derry because you said that you are from the greatest place in Ireland. You are not.

Mr Speaker: The Member's time is up.

Ms McLaughlin: Sorry. *[Laughter.]* I apologise. I did not get through everybody's contributions. It was a good debate. Minister, thank you for joining us and giving us your time.

Question put and agreed to.

Resolved:

That this Assembly welcomes the Committee for the Economy's special report [NIA 56/17-22]

providing evidence on how the economy has been impacted as a result of the COVID-19 pandemic, and ideas on how to rebuild it better; supports the development of cross-departmental plans to boost our economic, health and social well-being, by investing in infrastructure, skills, manufacturing and industry; recognises that collaboration across government is vital and will translate into social progress where people, communities and high streets thrive and prosper, and where good jobs are created along with the skills and networks needed to raise productivity and earnings; and calls on the Minister for the Economy, and her Executive colleagues, to use this evidence in planning our economic recovery and future.

Adjourned at 7.45 pm.

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