



Northern Ireland  
Assembly

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# Northern Ireland Assembly

Monday 12 October 2020

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

*Members observed two minutes' silence.*

## Assembly Business

**Ms Rogan:** On a point of order, Mr Speaker. During the Adjournment debate last week, Mr Wells made an entirely inappropriate reference to the Nazi death camp at Belsen. How are you addressing that misplaced and offensive attempt at humour, Mr Speaker?

**Mr Speaker:** Last week, I was actually chairing the Adjournment debate when Mr Wells made what I thought to be inappropriate remarks. However, I was not sure about what I had heard and, therefore, did not want to raise it with the Member at the time. As soon as I left the Chamber, I checked with my officials whether I had heard what I thought that I had heard. We checked the Hansard report, and inappropriate remarks had been made. I immediately wrote to Mr Wells to advise him that he had made inappropriate and offensive remarks and to consider and reflect on his position. To be fair, he responded to me within the hour to withdraw the remarks and apologise for any offence caused. I took note of that. I further responded to Mr Wells that he should reflect on his remarks, and how he might further address the remarks if he wished to do so. I advised him that I had received a number of complaints from Members.

To answer your question directly, I wrote to Mr Wells and advised him that his remarks were offensive and inappropriate. I asked him to reflect on that, and he came back to me within an hour to withdraw the remarks and apologise. Again, as I said, I reminded him that he should not only consider and reflect on the remarks but ensure that that type of thing does not happen again.

## Executive Committee Business

### The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) Regulations (Northern Ireland) 2020

**Mrs Dodds (The Minister for the Economy):** I beg to move

*That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) Regulations (Northern Ireland) 2020 be approved.*

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

**Mrs Dodds:** I am seeking the Assembly's approval of this statutory rule (SR) that was made on 15 September and came into operation on 29 September. The regulations have been made under the powers set out in the Corporate Insolvency and Governance Act 2020, which was made at Westminster on 25 June. The Act includes amendments to insolvency legislation that applies in Northern Ireland, which was agreed by a legislative consent motion (LCM) that was passed by the Assembly on 2 June.

The Act includes a number of temporary modifications to insolvency legislation in Great Britain and Northern Ireland. The modifications are aimed at assisting companies and mutual societies that may be in financial difficulties as a result of the coronavirus pandemic. These modifications were originally to expire on 30 September 2020. However, the Act allows my Department to extend the temporary measures if it is considered necessary.

The coronavirus pandemic has not been the isolated and short-term event that was envisaged when the Act was passed in July of

this year. I consider it prudent, therefore, to extend three of these measures to provide continued support to local businesses. This statutory rule, therefore, extends two of the temporary modifications until 30 March 2021, and the third until 31 December 2020.

The main purpose of the Act is to create a new freestanding moratorium to give companies in financial difficulties a breathing space, free from creditor pressure, to explore options for rescue and recovery. The first provision to be extended provides for a relaxation of the eligibility conditions for companies entering such a moratorium. It also establishes a set of procedural rules for those who wish to enter or are currently in a moratorium. This measure will help companies that are struggling as a direct result of the pandemic to gain access to a moratorium that will give them protection from creditor action and improve their chances of recovery or rescue. This temporary measure will be extended until 30 March 2021.

The second extension is about contractual arrangements with companies that have entered insolvency proceedings.

When a company enters an insolvency or restructuring procedure, suppliers of goods and services will often stop or threaten to stop supplying the company. The supply contract often gives them the right to do that, but it can jeopardise attempts to rescue the business. The Act introduces provisions to prevent suppliers from using contractual terms to jeopardise a rescue in that way. However, any losses that may arise from having to supply insolvent companies can be expected to have a more severe impact on the small supplier. Therefore the temporary measure that is being extended provides an exemption for smaller companies during the emergency. Providing temporary exemptions for small suppliers will enable them to make any necessary adjustments to their trading policy in order to avoid potential financial difficulties to their businesses. That temporary measure will also be extended until 30 March 2021.

Finally, the Act introduces measures to help struggling businesses by temporarily removing the threat of winding-up proceedings where the debt is due to the coronavirus pandemic. It also introduces temporary provisions to void statutory demands issued against companies during the emergency. That protection has given businesses the opportunity to reach realistic and fair agreements with all creditors.

The third and last extension is to the period in which the measures are to apply. Accordingly,

petitions to have companies wound up cannot be presented where the statutory demand for payment of a debt was served between 1 March 2020 and 31 December 2020. Similarly, the prohibition on winding-up petitions being presented and winding-up orders being made, in cases where coronavirus has had an effect on the company's finances, will continue until 31 December 2020.

The extension of the modifications and the dates to which they have been extended correspond with what is being done in the rest of the United Kingdom. The regulations that you are being asked to approve have been agreed with the Economy Committee, and the Executive were advised prior to their being made.

The coronavirus pandemic has had a longer and deeper impact on the economy than had been predicted when the Corporate Insolvency and Governance Act was passed in July of this year. I believe, therefore, that the extension of these temporary measures will provide continuing support and assistance to local businesses.

**Dr Archibald (The Chairperson of the Committee for the Economy):** I will speak briefly to the motion as Chair of the Committee for the Economy. As the Minister indicated, the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) Regulations (Northern Ireland) 2020 will assist companies affected by the coronavirus pandemic. On 29 September 2020, temporary extensions of certain modifications were made. A temporary exemption for small businesses, with regard to maintaining supplies to companies that have entered insolvency proceedings, for example, was extended until 30 March 2021.

The Committee considered the SL1 for the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) Regulations (Northern Ireland) 2020 on 9 September 2020, and members were content with the policy direction. The Committee also agreed the statutory rule at its meeting on 23 September 2020, subject to the report of the Examiner of Statutory Rules. The rules came into operation in September 2020. The Examiner of Statutory Rules has no issue with the rules. On the Committee's behalf, I support the motion.

As the Sinn Féin spokesperson on the economy, I support the SR. It extends temporary provisions that were made earlier this year to give flexibility to businesses to

ensure continuity of supplies and some protection from creditors and other proceedings, as outlined by the Minister. As the Minister said, the impact of COVID-19 on our businesses continues to be grave, and it is likely that those impacts will continue and, potentially, worsen. Therefore I am supportive of these measures.

**12.15 pm**

**Mr Stalford:** I welcome the Minister's statement and affirm the Democratic Unionist Party's support for these measures.

I do not think that any of us could have envisaged in July, when these measures were first put in place, that we would now look to extend them well into another year. That, unfortunately, is the situation in which we find ourselves. The Minister has shown leadership in ensuring that the measures are brought forward and that a tailored solution can be delivered to help businesses through this very difficult time.

It is likely that we will have a very long, deep and hard winter in economic terms. Anything, therefore, that the Department or we as an organ of government can do to help the business sector get through this difficult time should be done. In that vein, we support the measures.

**Mrs Dodds:** I thank the Members who contributed to the debate. These measures are meant to assist companies and provide them with greater flexibility. Each of us has listened to the news reports over the weekend, and, as my colleague said, it is likely to be a long, tough winter for businesses and jobs in Northern Ireland. These are just some of the measures that we can take to alleviate difficult positions. I thank the House for its support.

*Question put and agreed to.*

*Resolved:*

*That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) Regulations (Northern Ireland) 2020 be approved.*

**Mr Speaker:** Members should take their ease for a moment or two while we change the arrangements at the Table.

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

## **The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020**

**Mr Principal Deputy Speaker:** The next item of business is a motion to approve a statutory rule.

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

*That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved.*

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

**Mr Swann:** The amendment regulations before the Assembly today placed additional restrictions upon gatherings at private homes within a defined period, which is referred to as the emergency period, and within a defined geography, which is referred to as the protected area. As Members will recall, on 10 September, the restrictions were initially introduced solely for Belfast and specific postcodes in the Ballymena, Glenavy, Lisburn and Crumlin areas, and BT60 was added on 18 September. Subsequently, from 21 September, they have been applied across Northern Ireland and remain in place.

The restrictions imposed by the regulations relate solely to the domestic sphere. They limit social interaction in homes and gardens, with the intention of preventing the spread of coronavirus. Principally, the regulations state that, in respect of the protected area, no one may participate in a gathering indoors in a private dwelling that consists of persons from more than one household, and no one may participate in a gathering outdoors at a private dwelling that consists of more than six persons or consists of persons from more than two households.

A number of important exemptions apply to allow gatherings to take place outside those limits in a number of specific circumstances. Those are where all the people in the gathering are members of a bubble — the regulation provides the definition of bubbling — or where people are gathering for one of these specific purposes: childcare; building or maintenance works; the provision of a trade or profession at the home; the provision of care or assistance to

a vulnerable person; giving or receiving legal advice or assistance or fulfilling a legal obligation; the provision of emergency or medical assistance to any person; a marriage or a civil partnership where one of the couple is terminally ill; a funeral or an event associated with a funeral; or a house move.

At the same time, advice was given to those living in the affected areas to avoid unnecessary travel outside the protected areas. Care homes and hospitals in those areas were advised to significantly curtail visits as soon as was practicable so that one member of a family is permitted to visit once a week while the restrictions apply. Medically vulnerable and older people living in those areas have also been asked to be particularly careful in following the advice on limiting household contact, social distancing, handwashing and wearing a face covering, given the local levels of COVID-19. The regulations place a significant imposition upon individuals and families, preventing them from socialising at home.

The Executive do not take these measures or any measure like them lightly, but the regulations are made for the purpose of preventing greater harm through the spread of the virus and the sickness and death of others. The deterioration of the situation since 10 September has meant that the localised restrictions have now been applied across all of Northern Ireland, and even further restrictions, commencing a week ago, have been brought to bear in the Derry City and Strabane District Council area. This is the current direction of travel, reflecting the increased levels of infection and the increased risks to health.

At this point, I would like to read a number of things into the record. I alert Members to the fact that the average number of new positive tests per day over the last seven days has increased from 241.4 to 518.6 — a doubling. The seven-day incidence, based on new positive cases per 100,000, is up from 88.9 to 191.1 — again, a doubling. Seven days ago, the seven-day average of the total number of positive tests across both pillars was 4.1%. In the last R paper, it was 8.94% — more than a doubling. The number of new positive tests among the over-60s in the last seven days is up from 189 to 420. COVID-positive hospital admissions in the last week are up from 43 to 77. The seven-day average number of COVID-occupied hospital beds is up from 44.7 to 76.1. The number of inpatients with community-acquired COVID is up from 51 to over 130 today.

There has been commentary in the public domain, but I firmly believe that decisions that are taken by the Executive should be dealt with in the Executive and not in the media. I inform the House that I provided the First Minister and the deputy First Minister with detailed recommendations on where Department of Health decisions should be taken. I confirm that I submitted a paper yesterday evening to the First Minister and the deputy First Minister spelling out the detailed advice from the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA). That paper recommends that decisive action should be taken urgently in order to save lives, prevent the health service being overwhelmed and protect non-COVID services to the greatest extent possible.

We all in the House realise that the issues are complex and that we need to take into account a number of perspectives and implications. The role of our Chief Medical Officer and Chief Scientific Adviser is to provide advice from the health perspective. Other sectors will, quite properly, have additional issues and concerns. It is, ultimately, for the Executive to consider all factors together. It is not, nor would it be, helpful to focus on any of those perspectives in isolation. I will continue to respect the Executive by not making public the guidance that we give to them before they have had time to discuss it.

The purpose of the motion is to allow Members to examine the terms of this set of regulations and to debate their merits. I welcome the opportunity to address those issues in the Chamber, and I look forward to colleagues' contributions.

**Mr Principal Deputy Speaker:** Before I call the next Member to speak, it was rightly and accurately pointed out that, in a previous debate on coronavirus regulations, 85% of the 10 minutes that the junior Minister had to speak was used to discuss stuff that was not related to the measures that he was announcing. Similarly, the Minister went a wee bit further than just these measures. Therefore, I will show some leeway to Members because, if a Minister expands on a theme, it is only fair that Members should be allowed to as well.

**Mr Gildernew (The Chairperson of the Committee for Health):** I want to start by reflecting on the very grave situation that the Minister outlined on the number of cases and the doubling of some of the key metrics at a rate that is of significant concern. I give my condolences to everyone who has lost a loved one since the start of this as a result of COVID-19, and our thoughts are with those who have tested positive in recent times, given all the

anxiety, stress and difficulty that that brings to them and their family.

I thank the Minister, his officials and the wider health and social care workforce for their relentless work on our behalf to tackle the pandemic, keep us safe and protect our health service and the vast array of services that are delivered daily without fanfare. As outlined by the Minister, these regulations put in place the enhanced restrictions that initially applied to a limited number of areas that were defined by postcode and that have since been extended.

While it is acutely aware of the need for effective measures in order to curb the rising infection rates, the Health Committee found these regulations challenging and considered them on two occasions before coming to a view. While we agreed to lend our support today, the Committee also agreed that I should put on record a number of concerns. The first challenge was access to the evidence, modelling and advice behind these and other coronavirus regulations. Whenever regulations come before the Executive, Ministers weigh up the merits of the proposals based on advice from senior departmental officials, who, we are advised, trawl a range of scientific papers and present a summary indicating the rationale and, presumably, modelling, anticipated costs and impact of the measures.

The Health Committee, on the other hand, has been asked to come to its view without access to that critical information. That is all the more important, given the haste with which some measures are having to be put in place, with no time for consultation. Despite challenging the adequacy of the information that was provided on a series of regulations, officials could not advise whether the Committee's request for access to relevant papers has been relayed to the Executive. The Health Committee believes that it should be equipped with all relevant information so that it can perform its statutory duty to scrutinise the legislation that comes before it.

For the avoidance of doubt, I say that that scrutiny allows us to play a role in assessing what measures have had an impact and what lessons can be learned for the future. We are not undermining the fact that many of the restrictions are necessary; we are saying that we want to be able to learn and to implement the lessons as a result of having good evidence and applying our scrutiny function. Moreover, in view of the impact that the regulations have on people's lives, there are benefits to be gained in being as transparent as possible about the underpinning analysis on which the regulations

are based in terms of securing and maintaining all-important public buy-in at this undoubtedly difficult time.

### 12.30 pm

The second challenge for the Committee is that the regulations provide that subsequent changes to the list of postcodes covered could be done by direction. As Members know, that means that there is no Assembly or Committee oversight; indeed, the directions listing new postcodes were placed on a website and not even copied to the Committee. The Committee might have had less concern if the directions were making minor technical arrangements, but they have a significant impact on people's families and lives. I want to be clear that the issue is not the merits of the enhanced restrictions or their legal validity but how reasonable it is to extend significant legal obligations to different communities by simple ministerial decision without any possibility of the Committee or, indeed, the House asking questions or taking a view. Again, that must be considered in the light of my earlier point about access to departmental analysis.

The Committee would want me to stress, I am sure, our understanding of the need to be agile in such difficult circumstances, but the question is whether this is the right balance between agility and scrutiny. Further to discussion, we remain uncertain that laying new SRs to adjust the restrictions, as has been the case in dealing with all other restrictions, would be unworkable. The Committee has asked the Department to look again at that approach and to use directions only where absolutely essential. I note that the increased restrictions in Derry and Strabane were brought in by statutory regulation, and, on behalf of the Committee, I welcome that approach, which is sounder.

The Committee sought and received an assurance from officials on the communication of future directions.

Considering the rules on linked households or "bubbles", the Committee discussed with the Examiner of Statutory Rules the necessity and proportionality of prohibiting a household from forming a new bubble with a second household, should a first bubble break down. While members recognised that the exemption would be open to abuse if there were no restrictions, we asked officials to consider the merits of amending the legislation to enable a new bubble to be formed after a safe time had elapsed.

Helpfully, officials reminded the Committee that, in addition to linked households, a further exemption existed to allow a vulnerable person to receive care and support in their home. They further pointed out that a "vulnerable person" was deliberately undefined, to allow for reasonable interpretation.

A member suggested rightly that isolation, as distinct from pure caring needs, should be further considered in terms of the exemptions and current limits to forming linked households. The Chief Environmental Health Officer again offered to give that issue further thought.

The Committee discussed with officials the growing body of evidence regarding transmission of the virus. The Chief Scientific Adviser told us that, whereas it initially seemed that the majority of infections resulted from household transmission, at present, the largest volume of cases appeared to occur through community transmission. He explained that "community transmission" was a broad category, comprising a range of settings, including sports and hospitality but not workplaces. The Committee has requested a further breakdown of the evidence on transmission, although we understand that it is often impossible to be categorical about where the virus was acquired. We will discuss the information gleaned through contact tracing with the Public Health Agency this week.

I reiterate the Committee's unwavering commitment to working constructively with the Minister and our solidarity with all those working to provide leadership and clear public messaging at this critical time. I again encourage everyone to stay informed, to reduce their social contacts, where possible, and to continue to observe the basic precautions of washing hands and social distancing.

In my role as Sinn Féin health spokesperson, I reiterate that there is a large body of worrying evidence on the spread of coronavirus and its potential and actual impact on the health service. We know that, in normal years, our health service operates very tight to capacity at times over the winter. We now have the additional element of COVID impacting on admissions and, critically, hospital staffing levels, which will face challenges. We also see an increase in the virus in care home settings. Many of our health services have limited capacity and must be protected. We all recognise the need to protect all the other services, and the Minister has acknowledged that he is working hard to do that. On behalf of the Committee and my party, I indicate support for the regulations.

**Mrs Cameron:** I also put on record my condolences to the families of those who have lost their life in recent days. Unfortunately, that will continue as time goes on.

The regulations represent another attempt to get ahead of the virus and control the spread amongst our community. In recent days, we have seen the number of new positive cases rise to over 1,000 a day. That is a worrying trend. It reminds us all how the virus transmits so quickly. It should serve as a daily warning alert to follow guidance, and that is what we have to do. We need to do the right thing.

We were told that much of the transmission was happening in households, and hence the regulations before us today were adopted. We all struggle with the restrictions on letting people into our home. The Ulster people are hospitable people. It is against our nature to let people stand at the door and not bring them in and offer them a cup of tea and a chat, yet it is just that sort of natural daily occurrence that, we are told, spreads COVID, so we have to say no. I welcome the bubbling concept. It is especially good for those who are single and live on their own, for whom recent months have been a lonely and difficult time. It is vital that particularly those who have care needs can bubble with one other household. Bubbling is to be welcomed.

The regulations also concern business. Who amongst us has not been inundated with calls and emails from businesses that are quite simply fighting to keep their doors open? It is a deeply worrying time. The latest note of caution sounded by my colleague the Economy Minister should serve as a warning to us that restricting businesses must be a measure of last resort. Of course, it goes without saying that lives need protecting, but we must learn to do that while protecting livelihoods. How do we expect businesses to survive? How do we expect employers to keep paying employees when the cash simply is not in the takings? To be blunt, how can we expect the Government to keep picking up the tab?

We need to learn to live with COVID by protecting people's health but also by protecting society, jobs and family incomes. We need a balance. Each of us, individually, has the power to provide that balance. Key to finding a balance is driving home the key messages: wash your hands; wear a face covering; socially distance; and, if you have symptoms, self-isolate and book a test. Follow the regulations, and follow the guidance. Too many times in recent weeks, I have been told of examples of

people with symptoms or who are awaiting a result being out and about in public spaces. That is simply wrong. I say this: "Stop it and wise up, for your actions prolong this period of public health risk and economic turmoil".

We need to monitor the impact of the regulations closely and decide which elements work and which do not. We also need to keep as a priority in our considerations mental health and the desperate loneliness that isolation brings. I encourage whatever actions are needed to keep our health service open, from GP services to surgery and from scans to chemotherapy and physiotherapy. We need our health service functioning for all who need it. We cannot shut down like before and leave the sick to get sicker, with a prognosis of deterioration. To do so would be seriously wrong. I therefore respectfully suggest that we look at requesting army medical support, if that would bolster our health service and keep vital elective care, including cancer operations, going in the second wave of coronavirus.

At this point, I thank the Minister, the Executive, the Chief Scientific Adviser and the Chief Medical Officer for their continued effort in what is an unenviable task. However, I respectfully ask the Health Minister what preparation he and his Department have made to deal with bed capacity, in particular, given the ongoing crisis in our healthcare system. We have known about this since early this year, and it would be good to hear what exactly he has done in preparation for what we knew was coming in a second wave. It is vital that a way is found to ensure that essential healthcare can continue, as highlighted by the Royal College of Surgeons last week, to avoid preventable non-COVID deaths as well as COVID deaths.

**Ms McLaughlin:** I support the motion. It is an important tool to help fight the cause of COVID. Minister, it is undoubtedly a worrying time, with significant rises in cases and hospital admissions in the last week. It is really hard to comprehend that 30% of the overall positive tests since March have been in the last week. It is getting out of control.

There is an obligation on me to share my concerns with the Assembly in relation to the escalation and spread of the virus in Derry. Astonishingly, in the space of a few months, Derry went from having the lowest rate of infection across the whole UK to the very highest rate. In the space of six weeks, that infection rate rose a hundredfold. The rest of the North, the rest of Ireland and, indeed, the rest of the UK need to understand what happened in Derry to avoid having the same

disaster that we are experiencing. That would be much easier if we had an effective test-and-trace system, but we do not. However, we know some things. There were house parties, dinner parties, birthday parties and first Holy Communion at which hosts and visitors were complacent. A funfair was approved by the Executive Office despite the concerns of Derry City and Strabane District Council, and large numbers of those attending — there were large numbers attending — did not socially distance and did not wear masks. Then — this is barely believable — we had a well-attended anti-mask rally last month. Inevitably, there was little or no social distancing. This is where it really becomes unbelievable: one of the speakers was a GP. She is also a political representative, an elected councillor. She is a qualified doctor. She spoke against wearing masks and against vaccinations. That level of irresponsibility must be condemned. It must have played a part in the spread of the virus, but how big a part we cannot tell.

As a result of the spread of the virus, there is potential for thousands of jobs to be at risk in the city and district. Hospitality businesses are at risk of collapse. Households will have difficulty paying their bills. The businesses and their workers desperately need our financial support. Firms in Derry and Strabane need to be covered by the extended furlough scheme, and Ministers in the Executive must stress that to the British Government.

My final words are these: beware of the conspiracy theorists, deniers and fantasists who are putting so many lives at risks and whose words will inspire people into their hospital beds and, perhaps, for a few, into their graves. There are few more dangerous things than politicians who ignore evidence, choose to believe what they want to believe and pretend that it is the truth. If they also happen to be doctors, that is just dangerous.

**Mr Chambers:** I certainly recognise the need for the motion and support it and those that will surely follow in the days, weeks and, indeed, even months ahead.

It is disappointing to hear leaks that can only have come from within the Executive being circulated in the public domain and debated on the radio. To date, the Executive's approach to the COVID pandemic has been an admirable, collective one.

There should never be a point when political point-scoring interferes with the responsibility of the Executive to protect the life and health of

our citizens and sustain our National Health Service.

### 12.45 pm

In recent months, the staff at every level of our health service have gone far beyond what we should expect from them. They have toiled for long hours and have taken threats to their health and safety head-on. The leadership and support that they have received from the Health Minister have been rock solid. For that to have been otherwise would have risked a collapse in staff morale and commitment. That leadership and support have been publicly supported by the Executive every step of the way.

Any cracks in that collective leadership will have bad consequences. That is the last thing we need as we find ourselves being hit by increasing infection rates and rising hospital admissions. Most worrying is the number of people who need the intervention of ICU teams. If those figures continue to grow at the current rates, as a society, we could be in really deep trouble. Many people will die. The measures that are needed to curtail that lie in our hands. The Executive must be prepared to take whatever action is needed to minimise the impact of this dreadful virus on our population. If ever there was a vital moment when collective responsibility trumps everything, it is now.

This morning, I heard some politicians asking why their areas should suffer intensified restrictions when their rates of infection are much lower than those in other areas. In my area of North Down, the figures of infection are low. However, Northern Ireland is too small to start finger-pointing across constituency lines. Every day, I see convoys of vehicles leaving Bangor with workers bound for Belfast and other places, and the reverse happens later in the day as they return home. It is impossible to guarantee that the virus is not making that same journey along the A2. That situation is replicated every day in every corner of Northern Ireland.

I have also recently heard many Members calling for more evidence and data to support the actions that the Health Minister and, by extension, the Executive are taking. The evidence that I see and that convinces me that there is an issue that needs to be addressed is the number of people who have passed because of the virus and the number of people who have become infected and will endure a long and difficult recovery. What more evidence do any of us need?

I have also heard people put forward the argument of herd immunity. They say, "Well, sure, if everybody catches it, we will be fine". I would ask the same people who are making those arguments this: what is your evidence that, if someone catches it, as they recover, they will become immune, will not suffer a recurrence of it or, indeed, will not subsequently pass it on to others? Evidence from those people would be useful as well.

Will the Minister confirm that every minute of every day is vital as we fight against the virus? Will he also confirm that delay in taking decisive action could cause more misery and death?

The Minister spoke about the doubling time for COVID hospital admissions. Will he elaborate on that? I understand that, during the past weekend, around 140 people were admitted to hospital. Using that doubling rate, will the Minister tell us what he expects the rate of admissions to hospitals to be this weekend?

**Ms Bradshaw:** I too want to place on record my condolences to the bereaved families and my enduring thanks to our Health and Social Care staff in battling the virus.

I support the regulations and do so, in retrospect, out of necessity. I am extremely concerned about the interpretation of the evidence under which they, and amendment No 4, which was announced at the same time, were agreed. Once again, I need to repeat that there is a massive communications failure on the announcement of the amendment. These failures need to be urgently addressed.

First, with specific reference to amendment No 4, the First Minister said at a news conference on 21 September that the spread of the virus was happening in domestic properties and not in other environments. I believe that she meant primarily in domestic properties, but that was a clear statement to the public that the evidence from the Department of Health was that private homes were at a considerably higher risk than anywhere else. The deputy First Minister made similar comments in an interview at Stormont the following afternoon. However, that jarred somewhat with the Chief Scientific Adviser's advice that the spread of the virus, which had already begun to rise exponentially in some council areas, was being driven by community transmission. Community transmission, by definition, means that the origin of the transmission cannot be identified. Of the cases identified it may well be the case that they were in homes, as pubs were not yet open, after all, but we do not know where many of the infections of unclear origin had taken place. It

was subsequently confirmed that a significant share of cluster outbreaks is happening in gatherings in the hospitality sector.

We also have a problem with our contract tracing, which was identified just a few days ago by the acting Chief Medical Officer for the Irish Government. We are supposedly able to pick up where infections are taking place by working forwards from where the infectious people are at the time that others become infected. However, contact tracing in Asia works differently by asking instead where a positive case was at the time of infection and not just at the time of infectiousness.

Given the sheer scale at which case numbers grew, we need to accept that contact tracing was unable to give us the information about where people were at the point of infection. The Minister accepted that the scale of the rise in cases, particularly in the Derry City and Strabane District Council area, was totally unexpected. If contract tracing was providing us with the evidence that we need about the nature of infections, such things would not be unexpected. Are we to believe that contact tracing was resourced and able to cope with something so unexpected and to continue to give us the evidence that we need about the actual point of infection? The acceptance that most cases arise from community transmission is an admission that we do not really know. Therefore, I ask the Minister to improve the resourcing of the contact-tracing service and urgently to consider amending it to include questions that will identify the location where someone was first infected and not just where they became infectious, as is the case in Asia. That will be crucial in the evidence base needed for going forward with any further regulatory amendments.

Unfortunately, what we have seen, from when the regulations were first announced on 17 September, is that we have missed the main areas where infections were rising. None of the initial postcodes to which the regulations applied was in Derry City and Strabane or in Newry, Mourne and Down, despite the fact that those are two of the three council areas worst affected by the rapid rise in cases. The trends were simply missed. What does that tell us about the quality of evidence under which we are operating and developing restrictions?

Before I come to communications, I also ask why more attention was not given to the general situation concerning how such regulations would be enforced. The requirement for no more than a single household to congregate in a private home was introduced when students

were starting to congregate in our houses of multiple occupation (HMOs). I have spoken so many times about this, so I am not going to repeat it. However, we know that there are students who came to the Holylands in September, went home to their weekend jobs in the retail sector, bringing the infection back into their communities, and the inevitable and predictable happened.

I have serious reservations about the communications from the Executive Office and the Department of Health about the regulations, as well. Gloomy statements containing neither proposals nor action, late on a Friday afternoon, do nothing to guide the population at a time of significant strain. The point has been raised before on evidence that people are getting tired of the same message over and over again. We need to explain to people not only what they need to do but why a measure is being introduced.

Communication was not helped by the fact that, in September, amendment Nos 4 and 5 pretty much came in on the same date and were blatantly contradictory. We were led to believe that that was because domestic transmission was a driver so restrictions were required in private homes but not in public venues. When the Committee asked to see the evidence, it never appeared, and the reason has since become apparent. It was because there was never a solid basis for such evidence, and, indeed, the evidence from elsewhere — as far afield as Melbourne or as near as Newport — was that wet pubs and their equivalent would lead to an obvious rise in increased transmission. We were told that the evidence was nuanced, but it really was quite clear. We should not have encouraged social mixing in indoor public venues at exactly the same time as discouraging it in indoor private homes. Either we encourage social mixing or we discourage it.

As I said, we have to clarify the reasons. If we are to introduce further restrictions, people need to know what they must avoid because we have to rely on people doing what they think is right in their communities and for their families. We need more buy-in.

There is a lot of justified concern among the public. Many cannot face the prospect of a further lockdown while others still feel insecure about leaving things as they are. It is time that we started to improve our evidence and communications, and getting the basic things right. The Chief Medical Officer has been clear that social mixing is the problem, so let us start

with proposals from the Health Minister and the Executive for targeted interventions there.

**Mr Easton:** I intend to keep my contribution short. I am becoming more and more concerned about lots of issues — as, I am sure, the Health Minister is — including the lack of time to consider these restrictions. While I understand the need to adapt to the ever-changing circumstances of coronavirus, the inability to scrutinise properly is becoming a worry for me. The scene is changing rapidly; we change things every few days. I understand the need for that, but it is a worry because what we do and accept will have a huge impact on the population of Northern Ireland. I worry about the impact on our economy and any potential shutdown. It was deeply worrying and annoying to hear about that on 'The Nolan Show' this morning. Something like that should be at the Executive, and it should go to the Health Committee for discussion and to let us hear the reasoning behind it. It has caused absolute havoc out there for people who were listening, because they are not ready for it.

I hear about the ways in which people are handling the virus in different countries. Mr Allister mentioned the Swedish model last week, and Mr Chambers has just mentioned herd immunity: that is the same topic. Are we looking at that? Is the Chief Medical Officer looking at that? It is becoming a prevalent issue on the news, and I would like to know more about it. I am not a medical expert, but I would like us to know more about it.

I am becoming more worried as more cases are being reported. It is good that cases are being picked up in testing, but are we now reaching capacity with our testing? I hope that the Minister can update us on whether we can increase that capacity. I look at the mini lockdowns, as I call them, in Londonderry and Strabane and wonder whether those semi-lockdowns, as I should call them, are having any effect on reducing numbers in those areas. I really want to know about those things.

I am also worried about our capacity to handle the increase in coronavirus cases.

We have hundreds of nurse vacancies across Northern Ireland, and there are even some GP vacancies. Are we in a place to be able to handle the surge and the capacity issues?

I hope that the Minister can give me some updates on those issues. However, I am becoming increasingly worried about mental health and the increase in suicides. What we are doing affects people's lives, so I look

forward to hearing more from the Minister on whether he can help.

**1.00 pm**

**Mr Sheehan:** Gabhaim buíochas leis an Aire as teacht isteach anseo ar maidin. I thank the Minister for coming here this afternoon. I support the regulations, although my support is not unqualified for any of the coronavirus regulations. In normal circumstances, we would not support them, but, given the situation that we are in, they are considered necessary.

It has already been mentioned that the process for the Health Committee's scrutiny of the regulations has come under some criticism recently. There was an issue at the Health Committee last week, when the Chief Scientific Adviser was giving evidence. He was asked about providing the Committee with the evidence to support the introduction of the regulations. He said that the Scientific Advisory Group for Emergencies (SAGE) website was open to the public and that, if we wanted, we could go there, but there were thousands of pages. For me, it was not so much what he said as the way in which he said it. He gave the appearance of being reluctant to provide the Committee with the evidence that it needs to carry out its statutory role of scrutinising legislation. In terms of the process that the Committee is engaged in and what it needs to carry out its statutory role, the attitude of the Chief Scientific Adviser last week, in my view, certainly left a lot to be desired. If the Committee cannot be given the evidence that is being used to underpin the introduction of the regulations, it cannot do its job properly.

I understand — we all understand — that we are in a difficult situation, particularly now, with the rising number of infections. Added to that, there seems to be a rising number of pandemic deniers. We have anti-mask demonstrations, conspiracy theorists and every crackpot you can think of coming out and making sure that their voice is heard. We do not know how strong that view is out there, but there certainly appear to be cracks appearing in society's approach to the virus. That may be because, despite the rising number of infections, it appears that fewer people are dying. That can be explained in a number of ways. We are nine or 10 months into the pandemic, so we have more knowledge than we had at the start. There are treatments, drugs and so on available now that were not available when the pandemic first hit us. It also appears that, at the minute, the infections are disproportionately affecting younger people, who are healthier and less likely to succumb to serious illness. It may well

be that there is less fear in the community. However, we also have to take account of the fact that the numbers have risen very quickly, and, a week, two weeks or three weeks down the road, we could face an increase in the numbers of hospital admissions, serious illnesses and deaths. It is important that the Executive get that message out.

I agree with the issue that Paula raised on contact tracing. We have had six or seven months to get the contact tracing sorted out. I spoke here a couple of weeks ago about the difficulties that I had. We had a situation not long after that across the water where 16,000 people were not contact-traced as a result of some glitch in the technology, and the difficulties here have been well documented. I am concerned. I know that, when the contact tracing operation was re-established, only around 100 people were involved in it. You told us recently that there were recruitment adverts for other people to join that team. I am not sure that there were significant numbers; I think that it was 20 or maybe 40. If we are getting 1,000 cases a day, it will not be long before that contact tracing operation is completely overwhelmed. We need to take account of that.

It is not just about testing and tracing; it is also about isolating and supporting those who are isolated. I know of cases where people tested positive and did not isolate; they just went about their business. Some of them were in low-paid work and could not afford to isolate for a fortnight, so they went into work. When we talk about supporting those who have to isolate, we are talking about ensuring that there is financial support. I know that a £500 payment was agreed across the water and that people will get it, but it has not been introduced here, as far as I am aware. That is something that the Executive should maybe focus on.

Finally, we live on a small island. Irrespective of where we come from politically on that and on the partition of the island, if we do not operate collectively and collaborate across this island, it really does not matter what we do on either side of the border. We could put in place the best possible system, but, if those on the other side of the border do not do the same thing, that will be the weak link in the chain all the time. I implore the Minister to take account of the fact that the island should be treated as an epidemiological unit. Before any restrictions come in anywhere on the island, there should be discussions between the relevant CMOs and Health Ministers.

We are in a difficult situation. The Minister is in a difficult position. There are issues with

capacity in our health and social care system. Questions have been raised about what preparations there have been over the past six or seven months, because we are all aware that we were waiting for a second surge. It would be interesting to hear about the extra precautions and extra capacity that have been built into the system to ensure that we can deal with that.

**Mr Middleton:** I welcome the opportunity to say a few words on the issue, following my Health Committee colleagues. First and foremost, I pass on my condolences, thoughts and prayers to the families of the bereaved and to those who are currently in hospital or are unwell with COVID. It is important that we continue to remember those people as they go through their health situation. I also pay tribute to our NHS staff and all our carers out in the community. I thank the Health Minister for the role that he has played and, indeed, the Health Committee for its scrutiny role. We have seen the benefits of that over the past couple of months.

The regulations are welcome. Whilst we may not have wanted to see them, they were needed and will pay dividends. We know that the regulations have consequences and impacts beyond the health sector. Ultimately, it is about saving lives, but we must try to ensure that we balance the situation between lives and livelihoods. I have consistently said that we will not get out of the pandemic through regulations and restrictions alone. There will have to be personal responsibility, no matter what we say in the Assembly. Whilst we need to show leadership, we also need our communities and our neighbours to ensure that they follow the guidelines that are put in place and that they do so in a way that keeps them and others safe.

We also need a joined-up approach. In recent weeks, we have seen the Executive pulling together and trying to send out a joint message, but we also need our councils to ensure that that is implemented at all levels. I put on record my appreciation of the work done by my council, Derry City and Strabane District Council. We also talk about cross-border working. I was on a call last week with Donegal County Council and our council together, and that type of initiative is welcome, because this is not an orange-and-green issue or a North/South or east-west one. If we can drive down the number of cases, we need to do what we can to ensure that we do so. My council has taken the initiative with events and future planning, ensuring that we get in there at an early stage, and that is very important.

The Member for Foyle, my colleague Sinead McLaughlin, touched on some of the things that have happened at a local level that have been unfortunate. However, without politically point-scoring, I say that the Member may not be aware that her colleague, who is a Member of this Chamber, attended the funfair on a number of occasions. It is important that we all take personal responsibility and ensure that, when we throw stones, we do not do so in glass houses.

There is no blueprint for all this. We are all going through this at a time when we are trying our best. We need to give people the space to do that. As we look at further new potential restrictions, I urge the Health Minister and all Ministers in the Executive to look at the wider impacts, including the impact on our economy, on joblessness and employment and on mental health. I think that all Ministers will look at that, but, ultimately, we need to do what we need to do to ensure that lives are saved and protected.

Obviously, there is a lot of speculation about potential restrictions coming forward. My plea is around clarity. Members have touched on the issue of communication, and we need to articulate clearly what it is that we are looking at. We need to try to eradicate grey areas, because, as we have seen with some of the localised restrictions, there have been more questions than answers regarding what we do, where we shut down and what is able to open. If we can get as much clarity as possible and bring people with us on these issues, we will get out of it much quicker. I urge everyone to follow all the guidelines. Continue to wash your hands, keep a distance and wear a mask where appropriate.

**Ms Flynn:** I start by recognising the pain amongst all the families who have sadly lost someone to COVID-19. We are still in a really worrying and anxious time, and I know that many members of the public are deeply concerned about the rising numbers of new cases that we are see and about the increasing numbers of hospital admissions that we are starting to see.

The regulations that we are discussing today came before the Health Committee, and other Members have spoken about some of the concerns around that process and the power that it grants to the Minister and his officials to make some of these difficult decisions. I will not go over all of that in detail, as some of it has been covered. Will the Minister endeavour to ensure that the Health Committee is supplied with as much information as possible, as it is

requested, to help to make some of the necessary changes?

It is in everyone's interest that full scrutiny can occur. It is important that we have the full range of evidence to highlight when actions do not go far enough or are not proportional.

**1.15 pm**

I acknowledge that we are dealing with the regulations after they have come into play. Over the next few days and weeks, we will potentially be talking about other decisions that need to be made. Some Members have already quoted statistics, but I want to note how much the situation has changed since the regulations were made on 16 September. On that date, there were 129 new cases. Yesterday, there were 1,066. In the week leading up to 16 September, as has already been spoken about, Antrim and Newtownabbey had the highest rate of new cases, at just over 50 per 100,000 people. Yesterday, the rate for Derry and Strabane was at 946 per 100,000. On 16 September, there were 21 hospital cases of COVID-19, with three people in ICU. As of yesterday, there were 137 hospital cases of COVID-19, with 19 people in ICU. Even with restrictions already in place, it is alarming at how this virus can spread and is spreading. It is a stark warning. Restrictions are not the only answer to fighting COVID-19. Investment in public health services, such as testing and contact tracing programmes, is required, as is support for those who need to self-isolate and stay at home.

We are definitely not in a good place. We are seeing high rates, particularly around the border areas. That highlights the reality that the virus is spreading from community to community. As has already been said, we need to have a coordinated approach. Unlike with the first wave, we are now heading into the winter months, in which we know that Health and Social Care will be under significant strain and struggling to cope. So many operations are being cancelled and appointments being missed, and that is storing up problems for the future. The answer must include the central aim of suppressing the spread of COVID-19. Further action needs to be taken, but the Government and their agencies must provide support in order to have the appropriate systems in place that we need to help fight the spread of coronavirus.

**Mr McCrossan:** I support what I consider to be necessary regulations and the changes to previous regulations.

Minister, I pay tribute to you. This is a very challenging and difficult time. I do not envy the position that you are in or the very difficult and delicate decisions that you must consider and reach daily about this very fluid situation.

I also offer my condolences to the many families of the bereaved. To lose anyone at any time to whatever illness is a very difficult thing. To lose someone to this virus, which might have been picked up quite easily from someone who visited, is totally mind-boggling. It is beyond words and comprehension, particularly when the situation could have been avoided. That is the message that we need to get out to people. This virus transmits so easily. Some people do not even know that they have it, and, because they are not taking the necessary precautions, they may put others, perhaps in their own family or in their community, at risk.

I pay tribute to our front-line workers and key workers, who continue to provide a vital and life-saving service to our public and those in need. This has been a very difficult time. It has been a difficult year. There are businesses that have now been closed for almost eight months. Our society has been forever changed. Our lives have been impacted on by this virus in every way imaginable. It is difficult for everyone; it is difficult for all of our people, and it is certainly impacting on the mental health of our general population.

I was in isolation for two weeks. As a young person, I had symptoms of the virus and within those two weeks it impacted on me quite badly for five days and then eased. A very difficult part of that isolation was being at home for two full weeks without getting out. That was very tough, and I am a young person, so I can only imagine the impact that it has on people who have been at home for months, have made considerable sacrifices and are lonely as they live alone. Those people are severely impacted because they are so worried about getting the virus that they are doing everything possible to avoid it, often to the detriment of their own physical and mental health. Be in no doubt that it is having an impact on the health and well-being of our population. That is where we need to get the delicate balance right.

There are other people in our society who are struggling with other life-threatening illnesses and are concerned that the second wave, which has now arrived, will lead to their treatments being affected or cancelled. Those people need reassurance and need to be told that they will still be a priority and that cancer patients, in particular, and others will not be forgotten about and will not come second to the virus, because

that is what is being spilled on pages of social media daily. There needs to be a solid message from this House, the Department and the Minister that we will not forget those who are in those very difficult and challenging circumstances. We should also continue to encourage those who are in those circumstances to continue to present to their doctor, their GP or the health service generally should they need to do so, because the health service is there for them.

This is a very delicate situation between protecting lives and protecting jobs and our livelihoods. With that comes immense pressure on our society, our people and our business owners. Asking a business to shut for almost eight months, as has been the case in some instances, creates a very stressful situation for a person who has a mortgage to pay and a family to feed. It has an impact on their mental health as well. That is why we must get this right at every level. We have not got an endless pot of money — everyone knows that — but intervention for those in need at that time is absolutely critical, particularly to ensuring that they buy in to doing whatever they can to play their part. However, if someone is in a situation where they have to choose between feeding their family and keeping the business shut, they are in a very difficult place. That is why the intervention from this House, and from Westminster, for businesses needs to be meaningful and sufficient. This is not a direct criticism of the Minister — I understand that he is restricted — but the current intervention is not sufficient. I have heard that, and I am sure that his own party and others around the Chamber have heard the same.

As other Members have said, communication is absolutely vital. As Mr Middleton rightly pointed out, there is no blueprint for this; we do not have a book with all the answers in it that we can refer to. The situation is fluid, and we are learning about this new virus, how it affects each of us and how we live with it and move around it where possible. It is vital, in doing that, that we have confidence in the message. The Health Minister has continued to reiterate the message, as have others, but there needs to be confidence in the public message from the House. Yes, there is a five-party Executive, but we need to collectively pull together to ensure that we are all on the one page. That is difficult, because we are political parties with different views and opinions on how things happen.

One thing that we cannot toy with or play with is the clear guidance on how we protect each other and ourselves. Therefore, there is a job of work to be done to rebuild confidence in that

message, and we, as Assembly Members, all have a part to play in that, because the public are leading us. They are ahead of us in a lot of things, but they are starting to ask serious questions, and they are entitled to do that. Their lives are being impacted, and they are entitled to ask questions. They are not entitled to mislead and to go on Facebook and state as fact things that are completely and absolutely untrue, because that, again, puts others at risk.

We, here, have a job of work to challenge the false narrative and present the truth as we go forward and learn. How we do that is by having a clear and transparent message. We can talk about the levels of infection and the death rates, but this virus has been around for eight or nine months, and people are frustrated, concerned, worried and fed up.

We should also state publicly the level of recovery to reassure people that, although they could die, people recover and recover well. There is a huge amount of concern and anxiety, so we need to ensure that we provide the clearest possible information to challenge that. That is why we need to come back to the fundamentals of this. Should we provide the numbers of people infected? Yes. Should we provide the numbers of people who, sadly, have died? Absolutely. We should also provide transparent information around the numbers of people who have recovered and recovered well and what the impact was. I know that that is difficult, as there are so many cases, but we need to put that information in the public domain.

What do we know about the virus? If we are shutting businesses and people's lives are affected, we need to provide the clearest possible information about the virus. What have we learned? Are we dealing with a lesser strain? Are we dealing with a virus that has weakened, because we are not seeing the former high levels of death? Like other Members in this House, I remember watching footage from Italy on TV and seeing body bags on hospital floors and bodies being put in trucks and seeing them being buried. That scared the life out of me and many others. Luckily, we are not in that place, and I sincerely hope that we never will be, but we need to be very clear about what we are dealing with so that the public have confidence in the message.

There have been concerns raised around whether we have sufficient capacity to test people, and people have been asking whether tests are accurate. I am fed up listening to that question, and, thankfully, the Minister has

committed to providing that public reassurance because, again, it is about transparency.

It is important that we put as much information in the public domain as we can to build confidence in that message. That is why some decisions taken during this pandemic may be questioned, and that is why some of the situations that we have found ourselves in over the last few weeks may have conflicted with the message that we have been sharing from this House, which is to keep two metres apart. Many people, including teachers and principals, have asked me, "Mr McCrossan, why are 30 children allowed to go into a classroom and then go home to their parents and grandparents and spread it?". It is a delicate situation, and it is very important that we educate our young people and our children, but it conflicted exactly with the message of keeping two metres apart, and the public raised questions.

Also, on the subject of conflicting messages, Eat Out to Help Out was a great scheme, and it supported businesses, but was the timing right? Is that not something that would have been better in January or February? Did that spread the virus or contribute to it? When you consider that 64 million people across the UK availed themselves of that scheme, that would suggest that it definitely played its part. I understand that there is no blueprint, but we have to get this right, and the message needs to be clear.

We need to protect jobs and livelihoods for the exact reason that I have given. As much as people are worried about this virus and are doing their part, closing businesses and adapting their lives, they need support, and, if they do not have that support, their mental health will be affected, which again, will add pressure to our already crippled health service.

It is very important that, at all times, we are consistent in what we are asking the public to do, because otherwise they will leave us. They will go ahead and raise questions, and, as we have seen, social media can take legs of its own. People believe false narratives as fact, and we have a great job to try to challenge that. On every day of the last month, I have been challenged on the message, as I am sure other Members have been, but I am true to that message, ensuring that, at all times, we ask people to play their part to keep each other safe.

**1.30 pm**

Ms Bradshaw raised the point that the First Minister said in a press statement that transmission was largely down to parties and

social gatherings in houses, and I have no doubt that they have played a part. We are human beings. Naturally, we want to come together. It has been challenging to be apart for eight months. However, house parties have certainly, in my view and in that of others, played a massive role. Last week, I told the deputy First Minister that it is my firm view that, particularly with the closure of pubs, restaurants and cafes, an element of the community will still have social gatherings in their homes because they can easily access alcohol from off-licences. I asked why we have not closed off-licences. When there is nowhere to go — I am not singling out young people — they will gather together in some spot. That is difficult to police; we will not even know that it is happening. That is where the virus will potentially be transmitted.

I have had parents crying to me on the phone because they have a son or daughter of 19 or 20 years of age who will not stay in the house and who is going out with friends. That parent is asking, "What am I to do: lock them in their room or put them out of the house?". Those parents are vulnerable and at risk, but they just cannot get the message through to young people, who think that they are invincible and that they will not spread the virus. That is what is so scary: as the Health Minister will know, some people who have had the virus do not produce any symptoms. That is the worry.

I ask the Health Minister to apply any pressure that he can to ensure that off-licences be dealt with, because many people are asking about that, and that he will do whatever he can to ensure that those who are making the sacrifices necessary to save lives — we are all making sacrifices — have the interventions necessary to support them in their closure, because that is critical.

I will finish by making the point that we all need to work collectively. We all know that, regardless of our political differences, the virus knows no border. It transmits with people. I live about three minutes' walk from the border. I sat at the famous Tinnies and watched the free flow of huge volumes of traffic on both sides of the border. In some instances, given that many people live in rural areas on both sides of the border, those were essential journeys by people who were going to shop. However, the interventions and regulations that have been made by the House do not seem to have had the effect that I thought they would. That concerns me. Things just seem to be as normal. One tries to explain whether it is a lockdown or restrictions, but what is it? That is very difficult. That is why the message needs to be clear.

As Mr Sheehan rightly said, we need to work right across these islands. We are one island. We need to work with the Irish Government, as I know the Health Minister and others have done, to ensure that we have the strongest possible approach to protecting human life and livelihoods. We all have a part to play, not just in spreading the message, getting it out there and ensuring that it is clear, but in challenging the false narrative that is getting many people's attention. The only way in which we can challenge that narrative is by clear, consistent messaging with the facts and supporting evidence.

**Ms S Bradley:** I did not expect to be called, Mr Principal Deputy Speaker, but I appreciate the opportunity because I, too, want to offer my condolences to all those who have lost loved ones throughout the pandemic. I also want to thank the Minister and all his colleagues, who face a situation that changes hourly and the difficulties that arise from it.

I have listened carefully to the commentary in the House. There has been much speculation, even by us, about the age profile of those amongst the number with the virus. That number is growing at a frightening and alarming rate. I am fearful about the growing narrative that, ultimately, young people are the rule breakers or lawbreakers. From my own outings, which I restrict at every opportunity, on many occasions, I see people who do not fit that age profile who are being equally as complacent. It may be that those individuals have exemptions from having to wear a mask or do not feel that they fit into any profile that specifically endangers them. If the latter is the case, what a selfish act that is. It is very selfish for people to go about their business and somehow feel that they are immune to the virus, showing no sense of responsibility to those around them or to the vulnerable. I join other Members in putting out that message. It is good to hear that the House is united against people with anonymous accounts, and some who are not anonymous, who spread absolute rubbish, with no foundation, that suggests that there is something other than facts behind the decisions that are made.

I listened to my colleague Mr McCrossan asking for clarity, because the messages can be contradictory. However, the messaging will be contradictory at times because this is not absolute situation; it is a balancing act. Of course we want our children to go to school, and life, as we all know it, to resume, but we cannot have it that way. We are all charged with finding out how much we can get away with without the risk of taking the virus home to the

people who will be most affected. I do not come here expecting absolute clarity or for all the decisions to follow logic. That will not be there as there is no absolute answer. We all have different perspectives. We all come with different priorities about what is important in our lives, which may be to do with your age profile or where you live. There is no doubt that everyone will have different solutions. We have to do our very best to reach out to everyone. If we ask someone to isolate, we have to know in our heart of hearts that they have the financial power to do that. That may be the £500 that was mentioned earlier, which still has to be announced.

We need to know that we can empower people with knowledge about support mechanisms. If people need to go into isolation or lockdown, they need to know that they will have access to food, medicines and support. Mental health and loneliness issues need to be recognised, and we must empower communities to support one another.

As I said, I did not expect to be called to speak, but I welcome the opportunity. I support the regulations and recognise that more may need to be done. All Members have a duty to stand up with one voice and explain to the public why they have as much of a role to play in this as we do.

**Mr Allister:** I will make a few comments in a moment about the pros and cons of various issues. I want to pick up on what the Chair of the Health Committee had to say in his opening remarks. I am not a member of the Health Committee, but I will take at face value what we were told. He rightfully made the criticism that, if the Committee is not being provided with the data that justify the regulations, that is a very poor situation. The Committee cannot scrutinise without knowing the facts relating to the issues that it is scrutinising. That is a valid contention.

The Chair said that there was concern in the Committee about the lack of oversight for any future additions and changes to these regulations. I strongly share that concern. At schedule 2 to the regulations, there are a couple of things that I find surprising. Paragraph 1(2) of schedule 2 states:

*"A direction ending the emergency period ... may be revoked at any time by the Minister of Health".*

"Fair enough", you might say, because that is after "consulting" the experts, but let us think about that. It talks about a situation in which the emergency has been revoked. The Health

Minister, and only the Health Minister, with no need to consult anyone other than the Chief Medical Officer and the Chief Scientific Adviser, can make a direction revoking the ending of the emergency period. It is there in black and white. It states:

*"the effect of such revocation is that the emergency period then immediately recommences."*

At the stroke of a pen, the Health Minister alone can decide to reinstate the emergency. If those plain words mean what they seem to mean, they drive a coach and horses through the idea of anyone, never mind a scrutiny Committee, or even the Executive, having any say. Paragraph 1(4) states that any direction or revocation of the emergency:

*"is made by being published online and must, as soon as reasonably practicable after it is made, be published in the Belfast Gazette".*

Therefore, by publishing online a revocation of the emergency, and by having it published in the 'Belfast Gazette', the emergency can be reinstated. That does not seem to me to be an adequate course embracing the basic concepts of consultation. That is in addition to the point that the Chair made about being able to take away from or add to the various postcodes etc simply by making a direction. You can do much more than that. Under this regulation, we are giving power to the Minister to reinstate an emergency that has been revoked by simply decreeing such. I am not sure that that is a healthy situation.

It is not that I do not trust the Health Minister. The Health Minister has, I think, the most difficult job in government. Any of us would be foolish to envy him his role, but we are giving him phenomenal power if we are giving him, by a mere direction made in that manner, the right to recommence the emergency. I therefore question why that regulation is drafted in such sweeping terms. The emergency periods had to pass through a legislative process here, but we seem to be adopting a great shortcut in respect of that, about which I, for one, am not happy.

The Chair mentioned the lack of data to back up some of these regulations. That is a real concern. However, if you listen to the media today, you will learn that that is a concern not only in the Committee. According to some anonymous source in the Executive, that is a concern in the Executive. Really? According to that source, the Executive are not being given the data that would justify such decisions as the

reported call from the Chief Medical Officer for a six-week lockdown.

I am staggered, if that is so, that data as basic, far-reaching and essential as that is not being given to the Executive, if that is correct. It is beyond appalling to think that they could be asked to impose a six-week lockdown without having the basic data. We need urgent clarity on the veracity of that claim. If it is not true, that needs to be rectified; if it is true, the circumstances that give rise to it need to be rectified. Either way, it cannot be right.

**1.45 pm**

**Mr Givan:** I appreciate the Member's giving way. Commentary on data can pertain to health data. Does the Member agree that, in considering any potential restrictions that would impinge on schools, for example, we need to look at the impact that the closure of schools had? In one school in my constituency that I am familiar with, a third of children engaged in zero online learning. There was no interaction at all. The impact that that has now on the school is phenomenal. Therefore, we need to look at the impact of previous lockdowns on children's education, on our economy and on employment as well as at the health data, which is important in informing people when taking such decisions.

**Mr Allister:** I agree absolutely. In fairness to the Health Minister, he said in his opening remarks that it was a balance and that it was not just about health, although, obviously, that is his primary discipline and concern. The Member is absolutely right: there has been considerable damage done — some of it may be irreparable — to some people's well-being and to kids. To think that we would move to a six-week lockdown without the data is staggering.

My fundamental question about moving into lockdowns is this: where is the exit strategy? How do you get out of the lockdowns? As I said last week, if, every time there is a rise in the infection rate, you introduce a form of lockdown, you will never build any immunity in the community. The Member for North Down does not like that idea. I think that most scientific data relating to COVID seems to agree that there is an element of immunity in those who have had it, though there may be some dispute about how much. If, every time the infection rate — not the death rate — rises, you go into a lockdown, when do you ever get out of it? The next time you come out and the infection rate rises again, because the virus is still there, you go into another lockdown. Where is the exit

strategy? It is that ongoing effect that will really begin to kill our economy and put us in a very perilous position.

Yes, it is necessary to have regulations and to supervise them, but it is also necessary to think through what the long-term strategy in all this is. I understand entirely that the first lockdown was premised on a great fear of our health service being overwhelmed. We were told that 15,000 people could die. In what was a balanced and considered speech made with the authority of someone who has had COVID, Mr McCrossan referred to the situation in Italy. We all saw that, and it was frightening. It was no great surprise, therefore, that there was a fear of our health service being overwhelmed back in March. Can we really say with the same vigour or conviction that that same threat exists today? There are 18 or 19 people in our ICUs with COVID-19, and there were two deaths, I think, last week. Can we really say, as justification for a wholesale six-week or whatever lockdown, that the threat is such to our health service that we must have that? When you put all that into the balance of what will be the increasing impact on the well-being of the wider community and of our economy, you see that, frankly, the threshold for lockdown gets higher, not lower. I fear that we are maybe a little too ready to rush to a lockdown, with no exit strategy and insufficient thought given to what it ultimately does to the whole community.

**Mr Principal Deputy Speaker:** It is now 1.51 pm. I assume that the Minister will take more than 10 minutes to respond to the points made. If not, you can indicate that to me. Do you think that it will take a bit more than that?

**Mr Swann:** I would say that it will take more than that, Mr Principal Deputy Speaker.

**Mr Principal Deputy Speaker:** That is what I suspected, and I do not think that it would be fair to the Minister to allow him to get nine minutes in and then bring him back after Question Time for the remaining three or four minutes, so I propose that we take our ease until Question Time.

**Mr Swann:** Mr Principal Deputy Speaker, I would prefer to start and see how much I get through.

**Mr Principal Deputy Speaker:** OK. Yes, that is fine. If you are happy with that, that is fine. I call the Minister.

**Mr Swann:** I am always at the House's call, and I have been since this place came back.

I am grateful to Members for their contributions to the debate. I deliberately widened my opening comments beyond the regulations that we are talking about today, because I am cognisant of the fact that, when we have come here to talk about such regulations, there has been a wide-ranging debate. Given where we are today, I thought that it was only just and right that the House had the opportunity to have a wider discussion. I appreciate the degree of goodwill that the Assembly has shown, given that this is not the usual process and that legislative scrutiny of the regulations is being applied only after the event. Nevertheless, it is important that scrutiny takes place in order to examine and comment on the measures that have been taken. In the current context, things move fast, and the observations and concerns of Members and colleagues are taken on board as we develop policy and work on the next set of amendments. The public must have confidence that the Executive are not acting without scrutiny, and, for that reason, I am happy to respond to questions and comments raised by Members during the debate.

As always, I thank the Chair and the Health Committee for their scrutiny of the regulations. As Mr Sheehan said, in normal times, the Health Committee would not be doing this, and the House would not be accepting the regulations. In normal times, I would not be introducing them. It is as simple as that — I have said that on a number of occasions — but we are not in normal times.

I picked up on the Chair's comments about a lot of this being done by direction and about the departmental analysis that is allowed, the timing and the openness that the Committee gets. Some of the struggles and challenges are because the regulations are being brought forward by Health and many of the underlying issues are outwith the Health remit, such as soft-play areas, pubs and licensing. The regulations, however, fall to the Health Committee to analyse, and that is why I endeavour to ensure that my Department provides as much support as it can.

The Health Committee's conversation about bubbles was brought back to me. The Chair indicated that the issue was the abuse of bubbles and how, if somebody was able to turn a bubble on and off in a matter of hours, if not the next day, that would start to undermine the whole principle and the benefit that bubbling brings in how we manage the transmission.

Where we were when the regulations were made — a number of Members referred to this — is a very different place from where we are

today. That is why they have been and will be superseded.

The Chair then spoke as Sinn Féin's health spokesman. Given the current spread and trajectory of the virus, I can openly and honestly say, hand on heart, that it is clear that our health service is under pressure. I have said many times in the House recently that we have been trying to run three health services. Long before COVID, when Bengoa proposed his changes, he made it clear that we needed to run a health service plus a transformation service. When the initial wave of COVID set in, we transformed to a COVID service, and many of our day-to-day services and elective surgeries were challenged and cancelled. We have got to a place in which we do not want that to happen again, but, given the current trajectory, if we do not have interventions and have them soon, we will have to revert to a COVID service, for the simple fact that we cannot turn people away at the door of a hospital because they have COVID.

When it comes to re-establishing ICUs and the specialty regional approach that we took in the tower block, we will need 100 nurses for 15 ICU beds. We can do that only by stripping ICU nurses from across the entirety of our health service in the Province. When we put that number of people into ICU beds, we need anaesthetists from across the Province. When we take anaesthetists out of our health service, no matter where they work or for which trust, that has an adverse impact on the number of operations that can be performed. When it comes to answering the question of how much we did and are doing to prepare, I say that I cannot create nurses or anaesthetists in two or three months. Beds are a physical thing, but I have said this before and maintain this view, and all of us in the House have championed them: it is the resilience of the health service staff and their flexibility and adaptability wherever they work across the health service that we rely on. They did a fantastic job in the first wave.

I will come back to my comments after Question Time.

**Mr Principal Deputy Speaker:** Question Time begins at 2:00 pm, so I suggest that the House take its ease until then to allow for a change at the top Table. After Question Time, the debate will resume, when the Minister will conclude his remarks.

2.00 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Economy

**Mr Speaker:** I thank the Minister for stepping in at such short notice to cover the swap today and tomorrow with the First Minister and deputy First Minister, to facilitate the deputy First Minister's inability to attend and the First Minister's dealing with the COBRA meeting. I remind Members that we have time constraints for questions and responses.

### Redundancy Entitlements

1. **Ms C Kelly** asked the Minister for the Economy whether she will bring forward legislative changes to deliver improved redundancy entitlements by the end of the current Assembly mandate. (AQO 892/17-22)

**Mrs Dodds (The Minister for the Economy):** I thank the Member for her question.

I have no plans currently to amend redundancy legislation operating in Northern Ireland. The existing legislative framework offers robust protection for workers in that difficult position with regard to redundancy consultation notice period and pay. Employers must adhere to that framework. Workers have a right to complain to an employment tribunal if they believe that they have been unfairly dismissed or that their redundancy rights have been breached. Employers and employees can also avail themselves of confidential and impartial information provided by the Labour Relations Agency.

Where the COVID-19 situation requires adjustments to employment legislation, I will of course make those adjustments. In August, I introduced the Employment Rights (Northern Ireland) Order 1996 (Coronavirus, Calculation of a Week's Pay) Regulations (Northern Ireland) 2020 to ensure that those furloughed under the coronavirus job retention scheme would not see reductions in any entitlements associated with the termination of employment that are based on the calculation of a week's pay. My officials will continue to engage with their counterparts in the rest of the United Kingdom to establish whether any further changes will be required as a result of the introduction of the new UK-wide job support scheme.

**Ms C Kelly:** Minister, thank you for your answer. It is completely unfair that, under current legislation, workers under the age of 22 are entitled to less redundancy pay than older workers, regardless of whether they have the same term of service. Young people are more likely to lose their jobs due to COVID. Therefore, will the Minister end the age discrimination in redundancy entitlements and standardise redundancy pay across all age groups?

**Mrs Dodds:** The calculation for statutory redundancy payments is complex. It is dependent on age, length of service and contractual earnings. Redundancy pay is calculated using an employee's normal wage and includes regular overtime and any bonus or commission. There are statutory limits to redundancy pay, which is capped at £16,800. The Member is correct when she says that young people are more likely to be impacted by unemployment as a result of COVID-19 and the economic conditions that we are suffering.

To help with that overall problem, I have introduced the apprenticeship support schemes and additional training places so that young people might reorientate and have a pathway in life, which is really important for them.

**Mr Catney:** Minister, can you tell me how many redundancy notices your Department has received since March?

**Mrs Dodds:** I do not have the exact figure, but I will of course write to the Member with it. Up to June, over 4,000 people had been made redundant. Many, many more redundancies are in the pipeline. I have warned on many occasions — and I took the opportunity to do so yet again in the House earlier today — that, in dealing with the increase in the transmission of the virus, any restrictions that we, as an Executive and as a community, impose on business will inevitably lead to higher levels of unemployment and greater difficulties in the labour market. I will do my best to try to help people in such very difficult circumstances.

**Mr Dickson:** Minister, can you tell the House what action you are taking with your departmental officials and local government to ensure that those who are unfortunate enough to have been made redundant are given adequate and full advice?

**Mrs Dodds:** There is full advice for young people through our Careers Service. In conjunction with the Department for

Communities and jobs and benefits offices, we give the type of advice in that area that people would expect. These are incredibly difficult times for the Northern Ireland economy. I cannot stress enough how we need to support each other and also support jobs. I am delighted that, even in the midst of such difficult times, we have announced 1,600 new jobs and new investment in Northern Ireland. It is important to remember that.

## Employee Support when Self-isolating

2. **Ms Sheerin** asked the Minister for the Economy what discussions she has had with private sector employers about the need to support employees that are required to self-isolate. (AQO 893/17-22)

**Mrs Dodds:** I thank the Member for her question. Throughout the COVID pandemic, I have continued to meet business organisations and businesses regularly to hear at first hand the impact being felt by businesses and their employees and the impact on the wider economy. During those discussions, I have talked to business organisations specifically about how they can support employees who are required to self-isolate. I have urged employers to show flexibility to employees who are required to self-isolate and to treat them fairly. I encourage employers to support self-isolating workers in working from home if practicable. I will be meeting business representatives again later in the week — I do that regularly — when I will be reinforcing this message. If we are to get on top of the health crisis that we are experiencing, it will be important that people have the space and ability to self-isolate when they are required to do so.

**Ms Sheerin:** I thank the Minister for her answer. Minister, you will be aware of the level of anxiety that exists around the virus. I am very conscious that, for anyone who cannot log in from the kitchen, the stress around COVID-19 will be exacerbated by the moral dilemma that they now find themselves in. The fact that, for most people, statutory sick pay is so much lower than a week's wages means that they are forced to choose between feeding their family and keeping themselves and others safe. Minister, will you advise the House whether you will consider some form of financial package to mitigate the financial loss to low-paid private sector workers who are asked to self-isolate and do not have the option to work from home?

**Mrs Dodds:** I fully understand the dilemma that the Member expresses. Last week, we met

members of the trade union Unite. There were young people from across Northern Ireland on that call, and that was one of the dilemmas that they expressed very clearly to me. The moral dilemma is the difficulty of living on statutory sick pay set against the need to isolate and make sure that they, their families, their wider community and their workplace are safe. The Department for Communities delivers a discretionary support scheme, and I will write to the Member with the details, because it is valuable and worthwhile that some folk will be able to refer to it in this situation.

**Mr Dickson:** Minister, what action is your Department taking to support employees who are either currently, or are likely to be very soon, banned from working, and what are you doing to address the knock-on effect on the supply-chain employees who will be equally affected?

**Mrs Dodds:** I thank the Member for his question. It is pertinent and apt in these very difficult circumstances.

The Chancellor's statement on Friday indicated that there will be support of up to two thirds of their salary for people whose businesses were asked to close as a result of the localised health guidelines in particular areas. We are looking for the further detail of that scheme, but, of course, that will not have an impact on businesses that have been curtailed because of the measures or, for example, businesses in the food-service sector, which will be equally curtailed, that are supplying to the restaurant and hospitality industries. These are very difficult choices, and the Executive will have some very difficult decisions to make. I expect that those choices will be made in full cognisance of the economic difficulties, the facts and the impacts on the economy and the various sectors.

## Sectoral Support Funding

3. **Mr Muir** asked the Minister for the Economy whether she will bid for funding from the £55.2 million central fund identified by the Minister of Finance for further sectoral support. (AQO 894/17-22)

**Mrs Dodds:** I thank the Member for his question. As I have said many times in the House, I remain committed to working with my Executive colleagues to provide support to as many businesses as possible as we deal with the health, economic and societal impacts of the pandemic.

The £55.2 million fund was identified as part of the Executive's discussion on our economic recovery response. Since that time, there has been a concerning rise in the number of cases of the virus. The Executive have now introduced further measures, including enhanced localised lockdown restrictions in the Derry City and Strabane District Council area.

It is important that any further support measures are considered within the ever-changing context that we are operating in, and we must retain the flexibility to adapt to the changes in virus spread and public health advice. I have met businesses in the north-west about the impact on them and the restrictions that they now face, and there will be a significant impact on those local businesses. The Minister of Finance has brought forward a scheme to address those local restrictions, and that will be pertinent to other areas, should they experience the same issues.

**Mr Muir:** I thank the Minister for her response. It seems inevitable that further restrictions will apply across Northern Ireland as we try to tackle the second wave of COVID-19. Can the Minister give me an assurance that she will bid for additional funding from this pot and from any other moneys available to the Executive to support workers and businesses and ensure that we, in Northern Ireland, do not have a situation where people are excluded from support when we are facing into what really is a cut-price lockdown?

**Mrs Dodds:** I thank the Member for his question. His concerns are absolutely uppermost, I presume, in the minds of most Members across the House today.

To satisfy the Member, I will refer to a letter that I sent to the First Minister and the deputy First Minister on Friday after the Chancellor made his statement and it was assumed that around £200 million in Barnett consequentials would be made available to Northern Ireland in light of any restrictions that we would implement here to deal with the pandemic.

In that letter, I identified a very full range of supports that are needed in Northern Ireland, including for those who have been excluded so far: manufacturing, microbusinesses, further discretionary funds, councils and, indeed, the need for an economic recovery fund, for which I think that we will need around £500 million in the next year.

**2.15 pm**

**Mr Middleton:** The Minister will no doubt be aware that we are facing a situation of further localised lockdowns or a national lockdown; we do not know at this stage. Do the Executive have the financial firepower to protect every job and business and ensure that we come out of this with some sort of economy?

**Mrs Dodds:** I thank the Member for his question. The House will be very aware that I have said that Northern Ireland cannot afford another lockdown. Just this morning, certain economists indicated very small green shoots of recovery for some sections of our economy. Those could be damaged by further restrictions and a further lockdown.

I was with the Member in the north-west when we spoke to businesses, the Chamber of Commerce and representatives of tourism and hotels in the maiden city. We all recognise that, by ourselves, the Northern Ireland Executive do not have the financial firepower to support businesses in the way that they were supported in March, April and May. The job retention scheme, for example, during that period was worth £75 million every week to the Northern Ireland economy with the level of support that it gave to jobs. Any subsequent schemes that have been announced by the Chancellor see a restriction of that support and certainly will not support jobs in Northern Ireland at that level. We simply will not be able to do it in the way in which we have done. Therefore, I urge caution in the way in which we proceed during the week.

**Mr Boylan:** Minister, during the first lockdown, industries such as construction and tourism suffered heavily. If more restrictions were to be introduced, what can you do to support those industries? They were hit very hard first time around.

**Mrs Dodds:** I was heartened to hear a discussion on the radio this morning. They were talking about recovery, particularly in the construction sector, and I think that that is reflected across Northern Ireland. Indeed, I was delighted to be in mid-Ulster, where we announced an additional 130 jobs that were driven by the manufacturing/construction sector and their access to the Great Britain market. That was immensely encouraging.

We will have national schemes, but we must at all costs avoid the propensity to rush without the proper facts, assessments and financial supports at our disposal. The Northern Ireland economy will suffer from the impact of COVID-19 and the restrictions for many years to come.

Indeed, we see that in hospitality and tourism, in which many businesses are just hanging on and nothing more. Any further restrictions, lockdowns or lessening of their ability to make a living will impact on their viability. We are at that stage, and we must recognise that. If we do that as an Executive, we have a duty to support those companies.

**Mr Stewart:** I agree totally that we need to speak with one voice and continue to lobby Her Majesty's Government for as much financial support as they can give to businesses. Back in September, when you were last at the Economy Committee, Minister, you talked about a scoping exercise that your officials were conducting with their Welsh and Scottish counterparts to look at a support package for businesses that had, to date, been unable to avail themselves of any funding and support. Will you give us an idea of how that scoping exercise is going and whether we are likely to see the fruit of their labour any time soon?

**Mrs Dodds:** Yes. I thank the Member for his question. My officials have been in touch with our counterparts in Wales and Scotland on this issue. We want to learn from the difficulties that they have had with the scheme. The main aspect of this that comes up, over and over again, is the fact that we need to have access to that HMRC data in order to make the scheme viable and be able to implement it. Wales and Scotland have highlighted that as a particular difficulty. Again, I refer to my answer and my letter, on Friday of last week, to the First Minister and deputy First Minister, which outlined the amounts that would be required for such bids.

**Mr McCrossan:** I thank the Minister for her answers so far. Minister, the Finance Minister recently announced the package for businesses in Derry and Strabane. Largely speaking, the reports are that it is not sufficient, given the challenges that they have faced. Does the Minister believe that it is sufficient? Has she had any conversations about increasing that funding, given that this is the second time that businesses in Strabane and Derry have had to close their doors?

**Mrs Dodds:** I thank the Member for his question. I, too, have spoken to those businesses and to many hotels in that area. The scheme that the Finance Minister introduced was one that was affordable by the Northern Ireland Executive. However, it clearly demonstrates the exact point that I make over and over again: without national interventions and the support of Her Majesty's Government,

we will be unable to support businesses at the level at which they require.

## Renewable Energy Targets

4. **Mr Catney** asked the Minister for the Economy how she intends to meet the target of 70% renewable energy generation for Northern Ireland by 2030. (AQO 895/17-22)

**Mrs Dodds:** I thank the Member for his question. I will begin by clarifying that I have not yet set a 70% target. Through the development of the energy strategy, my Department is considering a number of targets. My statement on 29 September set out my belief that this should not be below 70%. However, the strategy will inform how those targets are set more formally as we go forward.

A variety of actions will be required to deliver a target of this scale. Work is ongoing to assess the need for appropriate support mechanisms, whether they be financial, regulatory or otherwise, to bring forward investment. Consideration is also being given to how to bring about a more diverse technology mix and how to further involve and engage citizens to assist in meeting our decarbonisation goals. Through the development of the energy strategy, my Department is working with key stakeholders to provide cost-effective options, which I intend to put out for public consultation in March 2021, with a view to finalising the strategy later in the year.

**Mr Catney:** Thank you, Minister. There is no doubt that your strategy mentions the figure of 70%. On that basis, I think that, in this climate, that target is very ambitious. Will the Minister rule out any exploration for oil and gas in Northern Ireland, including fracking?

**Mrs Dodds:** We are to have a debate on that tomorrow, and I will outline the position on those issues during that debate.

We have a strong pipeline of projects in the planning process. However, if we are to meet that 70% target, we will need to ensure that we have an appropriate regulatory framework and that we are able to bring forward legislation that will support companies and individuals in trying to meet it. I have looked at some of the schemes that are operating in the rest of the United Kingdom, and I am keen to extend some of them here so that we will be able to get off the baseline of that target pretty quickly. Of course, I am ever mindful of this matter, and I remind the House that 48% of electricity in

Northern Ireland is generated through renewables.

**Mr McGuigan:** Further to Mr Catney's question, and I understand the Minister's saying that there is a debate on this tomorrow, given the climate emergency, the desire and, indeed, the necessity to meet targets to reduce greenhouse gases, does the Minister agree that her Department's time would be better spent further researching and developing renewable forms of energy rather than researching the well-documented effects of practices such as fracking and then committing to a moratorium on petroleum licensing for exploration?

**Mrs Dodds:** Again, we will debate that in full tomorrow. The legislation that we operate under for petroleum licensing is particularly old. It requires updating, and I will bring forward research to help inform how the House and the Executive go forward with those issues. The Member will also acknowledge that I have said that, for the recovery of the economy in Northern Ireland, we want to have a greener, cleaner and more sustainable economy. The Member will see my commitment to that when the consultation documents go out on the energy strategy. Indeed, in my 'Rebuilding a Stronger Economy' document, I recognised that a greener economy is essential for the future of Northern Ireland.

**Mr Allister:** Given that with renewable energy, particularly that from wind turbines, very significant costs have been passed on to electricity consumers, will the Minister undertake to publish an accurate audit of how much electricity consumers are paying for renewable energy?

**Mrs Dodds:** I will revert to the Member on that, but I also refer him to the regulator for a table of such costs.

**Mr Butler:** I thank the Minister for her commitment to the renewable energy scheme. Given how dependent households are on imported oil for home heating and that around 300 independent oil suppliers operate across Northern Ireland, what steps will her Department take to ensure that those operators are part of the solution and are encouraged to diversify?

**Mrs Dodds:** As part of the energy strategy, we have a number of different work streams to ensure that we have a complete picture of the energy that is required in Northern Ireland. Everyone is entitled to be part of those work streams. They are very wide and varied, and, of

course, all will be able to respond to the consultation in March 2021.

**Mr Speaker:** I call Pat Sheehan. You may not have time for a supplementary.

## Students: Financial Support

5. **Mr Sheehan** asked the Minister for the Economy whether she intends to increase the financial support for higher education students. (AQO 896/17-22)

**Mrs Dodds:** I thank the Member for his question. My Department is responsible for the provision of financial support to higher education students through Student Finance NI. In 2018-19, that amounted to £422 million across a range of products such as maintenance grants, loans, tuition fee loans, the disabled students' allowance and more. The demand for those products is monitored closely, and proposals to change the levels of student support may be brought forward as appropriate. For example, my Department will shortly launch a public consultation on postgraduate support that, amongst other things, will consider the level of postgraduate tuition fee loans that are available.

In addition, my Department provides support funds to the universities for distribution to students who are facing genuine financial hardship.

In April, I secured an additional £1.4 million of funding for student hardship from the Executive. I matched that with a further £1.4 million from my Department's budget, bringing the amount available for student hardship to £5.6 million in the current financial year. Any changes to the levels of student support provided must be considered in line with the needs of our students and our higher education sector and the budget available to my Department and may require Executive approval.

## 2.30 pm

**Mr Sheehan:** You will be aware, Minister, that many people have lost their job as a result of the pandemic and want to reskill and retrain and maybe do a second degree in a different field or postgrad study, but the cost of childcare and poor financial support for postgrad students are obstacles. Has the Minister had specific discussions with the Student Loans Company or the universities about increasing support for postgrad students?

**Mrs Dodds:** As I indicated in my answer, that is one of the areas that I have been talking about. I have given much thought to the position of postgraduate students, and additional funds have been made available via the monitoring round in respect of that. In the near future, I will also bring forward a consultation document on the issue.

**Mr Speaker:** That ends the period for listed questions. We now move to 15 minutes of topical questions. I advise Members that question 1 has been withdrawn.

## Transform to Deliver Strategy

T2. **Ms Sheerin** asked the Minister for the Economy how her Department has engaged with trade unions on the Transform to Deliver strategy, on which she has been contacted by a number of lecturers and teaching staff from further education colleges who are concerned. (AQT 532/17-22)

**Mrs Dodds:** I thank the Member for her question. As is right and proper, we have a wide range of consultation processes around that strategy, as we did on reopening the colleges recently. I will continue to work with the trade unions and the further education colleges to ensure that we do our best to have the best possible options for further education students in the future.

**Ms Sheerin:** I thank the Minister for her answer. My understanding is that, if implemented, the strategy would cut staff pay across the board, remove the cap on teaching hours and remove collective bargaining rights for teaching staff who oppose it. I am aware of serious concerns that departmental officials have failed to engage with trade unions and representatives on the changes. Minister, at a time when we are trying to support workers and families, will you give a guarantee that you will not subject teaching staff to unfair and exploitative conditions?

**Mrs Dodds:** Of course, much of this has been conducted by the further education colleges, as the paying body in relation to this. If the Member has specific allegations that she wants to raise with me, she would be absolutely entitled to do so, and I would be happy to meet her or to have some communication on that issue.

## Job Retention Scheme

T3. **Ms S Bradley** asked the Minister for the Economy whether she has any further information on the job retention scheme that was recently announced at Westminster. (AQT 533/17-22)

**Mrs Dodds:** The Chancellor made his statement on Friday. My Department is working to understand the full implications of that scheme. We know that it will offer two thirds of wages for businesses that have been instructed to close. However, as I said, the issue for the economy as a whole is that many businesses' activities are curtailed or are part of the supply chain where the scheme will not be applicable to them. That is a significant difficulty with the scheme in question. Of course, we will await the full detail as we assess where we are, but it brings it home to me and to Members in the House that the decisions that we take this week will have huge impacts on prospects and employment in Northern Ireland.

**Ms S Bradley:** Thank you, Minister. I noted your words about the Northern Ireland economy not being able to weather another lockdown. However, given that the Minister is not up to date on the possible closure dates for such a scheme, is it not important that she open her mind and consider that this may be the window of opportunity in which we can financially assist some businesses in some way?

**Mrs Dodds:** The national schemes that are available to us in Northern Ireland are the furlough scheme, which will end in October; the job support scheme; and the scheme that was announced by the Chancellor on Friday, which will be implemented from November. Those schemes will undoubtedly have the impact of helping some companies to deal with the space that they are in. For the scheme that the Chancellor announced on Friday, however, companies will need to be instructed legally to close by the Executive in order for them to avail themselves of it. We still do not know whether companies that are in the supply chain and whose business will be curtailed will be able to avail themselves of the scheme in the way in which they availed themselves of the previous furlough scheme, whereby they could place some of their employees on the scheme while servicing the bit of the economy that was still open.

As I said, these are extremely difficult circumstances for the Northern Ireland economy, for workers and for those who have spent their life building a business and may now

see it go under simply because of the circumstances in which we now find ourselves. It brings home to me over and over again the fact that we need to ensure that the Northern Ireland economy is viable, open and able to trade for the future.

## Apprenticeship Pathways

T4. **Ms Bailey** asked the Minister for the Economy for an update on the apprenticeship pathways that are to be included in the new skills strategy for Northern Ireland that her Department has been working on for 18 months or more. (AQT 534/17-22)

**Mrs Dodds:** I thank the Member for her question. The issue is extremely important to me. We need to ensure that our young people have career pathways. When we look at information from some of those who critically examine the Northern Ireland economy, we find that, at levels 3 and 4, we are missing many of the skills that are required really to drive our economy forward. Apprenticeships are a really important and valuable way of doing that. I have therefore been looking at the Training for Success programme, the apprenticeship programme and the higher-level apprenticeship programme, which has a pretty phenomenal rate of success. I want to increase and enhance those programmes. When we bring out the skills strategy next year, the Member will see my commitment to doing that. Northern Ireland deserves all-age apprenticeships so that not only can young people train and have a pathway and a career but people at any stage of their life can be allowed to retrain.

**Ms Bailey:** I thank the Minister for her answer. I fully agree that all-age apprenticeships are absolutely critical, particularly in the current environment.

The Minister spoke about the energy sector and the changes and upgrades that we will be expected to meet. Is she developing networks with our universities to support innovation and skills development in the energy sector so that people might be able to feed into apprenticeship schemes?

**Mrs Dodds:** That is an important question. One of the things that will be really important to Northern Ireland's energy sector is the potential for hydrogen in the Northern Ireland economy. There is exciting potential for a hydrogen academy, where we will take young people, train them and work with them in that part of the energy sector. I am committed — I have said it, and I mean it — that we will have a greener,

cleaner sustainable energy platform for Northern Ireland going forward. That is important for the environment, but it is also important for jobs and prosperity in Northern Ireland.

## FE Colleges: COVID-19 Outbreaks

T5. **Ms Flynn** asked the Minister for the Economy how many COVID-19 outbreaks there have been among students and staff in further education colleges since the resumption of on-site learning, given that, on 5 June, she established an advisory and oversight group to supervise the return of on-site learning in further education colleges. (AQT 535/17-22)

**Mrs Dodds:** I thank the Member for her question. I do not have those figures to hand, but I will, of course, write to her with the figures. It is important that education is open and available for our young people and for our further and higher education students. We cannot damage our young people further by closing schools, colleges or universities.

**Ms Flynn:** I agree with all of that, and I am conscious that it is a really worrying time for students who are trying to continue their education. Is your Department considering whether it can provide additional resources to help with well-being and mental health support, particularly for students who have been impacted directly by COVID-19?

**Mrs Dodds:** As I said in answer to my previous question, I have been working with the Finance Minister, and, so far, there is a budget of £5.6 million for higher education students. That is available through our universities and, indeed, in some of our further education colleges for our young people. It is a time of great anxiety for young people. We saw throughout the summer how, for many of our young people, that was manifested with their exam results; now, it is manifested in trying to keep teaching going so that those young people can sit exams and be properly rewarded at the end of next year for the work that they have done. It is important that we support those young people going forward.

## Post Office Accounts

T6. **Mrs D Kelly** asked the Minister for the Economy whether she has had any discussions with the British Government about the retention of the facility for people to keep their money in the Post Office as opposed to having to open a bank account, given that she will share the

concerns about the number of bank branches that are closing, with the impending loss of the ability, particularly for older people, to have a Post Office account. (AQT 536/17-22)

**Mrs Dodds:** It is an important issue, and we hear about it as constituency MLAs over and over again. The issue probably should be addressed to the Finance Minister, although I recognise how important it is to many people in our communities. I have had conversations with our main banks in the past number of weeks about how important it is to keep local branches open and functioning so that people can continue to have contact and do transactions as they need to, even during these difficult health situations.

**Mrs D Kelly:** Thanks for the answer. Minister, in relation to your discussions with the banks, I implore you to put some pressure on them in relation to mortgages and lending. They are seeking to lock the door after the horse has bolted, particularly in relation to dealing with first-time buyers. Have your discussions entered into the realm of the need for a more flexible approach to first-time buyers?

**Mrs Dodds:** Again, I agree with the Member. It is not specifically my responsibility, but I can opine on this for a moment or two. These are difficult circumstances, and I understand that some mortgage lenders have increased the contribution that they require, particularly from first-time buyers. We need to see the construction sector and the housing market move, and we need to see people able to afford their own home. Were this my area of responsibility, I would encourage the banks to look at the issues with greater flexibility.

**Mr Speaker:** I call Linda Dillon. You may not have time to ask a supplementary question.

2.45 pm

## **Excluded: Financial Packages**

T7. **Ms Dillon** asked the Minister for the Economy, albeit that it feels like Groundhog Day in that she has asked the question many times and is yet to get an answer, what measures she plans to put in place for those who have been excluded, given that, potentially, we are about to go in to another lockdown, with the fear that those businesses and people will again be left out of the packages that are in place. (AQT 537/17-22)

**Mrs Dodds:** Actually, as I have answered on previous questions today, I wrote to the First and deputy First Minister on Friday with a full list of those who had not been incorporated in the current Northern Ireland schemes or, more importantly, the national schemes, because many of these schemes are for the national Government to implement. I have outlined this very clearly to the First and deputy First Minister. I will, of course, write to Executive colleagues and the Finance Minister with those details.

**Mr Speaker:** Members, our time is up. I ask Members to take their ease for a moment or two while we prepare for the next questions.

## **Agriculture, Environment and Rural Affairs**

### **Irish Sea Border Infrastructure: Proposals**

1. **Mr Allister** asked the Minister of Agriculture, Environment and Rural Affairs why the details of his Department's proposals for Irish Sea border infrastructure at Larne port are not available for public scrutiny. (AQO 863/17-22)

**Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):** As the Member will be aware, an application for a proposed certificate of lawful use or development (CLUD) was submitted to Mid and East Antrim Borough Council on 15 September 2020. The application was submitted to confirm that the proposed development for the Northern Ireland point of entry at Larne port falls within permitted development rights, as set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015. Details of the application submitted in respect of Larne port are not in the public domain. Therefore, my officials are assessing this request under Environmental Information Regulations 2004 and will respond in due course.

**Mr Allister:** It is not only the planning application that the public cannot see, there was a letter from DAERA that the Minister says gave him instructions on these matters. A business plan has also been submitted. None of those are available to the public or MLAs. I understand the desire of the Minister to blame officials and the Department in Westminster to save his unionist conscience. Is he not in danger of becoming the Minister who provides the infrastructure for an Irish Sea border? Is that not what is really happening?

**Mr Poots:** I am certainly not blaming officials for anything. Officials are doing the job that they are tasked to do, and that is their role. However, if Mr Allister wants to apportion blame for this happening, then he should turn to the Government that he wishes all of Northern Ireland to be governed by, and that is the Westminster Government.

Brandon Lewis says that checks have been in place since the 19th century and that the Government would work to deliver in a way that works for Northern Ireland. The UK Government's view is that they are delivering on that and that there will be checks on sanitary and phytosanitary (SPS). Mr Allister is a keen supporter of moving to rule by a Westminster Government and not having a Government here. This is a solution to an Irish problem being imposed on Northern Ireland by a Westminster Government. We — Mr Allister, the people of Northern Ireland and me — are the people who will suffer as a consequence of that imposed solution. It is not of our making, and no matter what somersaults Mr Allister performs, he will not prove that to be the case because it is not the case.

**Mr McGlone:** The Minister has led nicely on to my question. What are the implications for the Department, the Executive and wider trade of the infrastructure at Larne not being ready by the end of what we hope will be the transition period?

**Mr Poots:** That remains to be seen, because it is not the only thing that will not be ready. I do not believe that the IT system, which is critical and is being led by DEFRA, will be ready either. There are a number of things that will not be ready, so a decision will be taken at that point. I imagine that the European Union, which has indicated how much it loves Northern Ireland, will hardly want to starve the people of Northern Ireland from 1 January.

**Mr McAleer:** The Minister will be aware that the recent assurance review into the transition programme gave it a status red and said that there was a need for urgent intervention. Given that east-west trade in agri-food and drink is worth in the region of £4 billion a year, what guarantees can he give that systems will be put in place so that unfettered trade can continue from 1 January?

**Mr Poots:** We have worked closely with the UK Government and indicated to them over and over again that unfettered access is critical. Some people thought that unfettered access was only important for trade between North and

South even though it represents a fraction of the trade that takes place between east and west. So, it is hugely unfortunate that people paid attention to those who said that could we have nothing North/South and that it was easier to do everything east-west because there will be a greater distortion on trade as a consequence. The UK Government have made it clear that trade between Northern Ireland and GB will be unfettered, but the EU has not accepted that. The EU needs to back off and accept that if Britain wants to accept goods from Northern Ireland unfettered, it can butt out. Northern Ireland needs to have the most minimal checks possible on goods coming from GB, and the EU needs to ensure that that happens and that the people of Northern Ireland are not hurt as a consequence of the horse-trading deals that it is engaged in.

**Mr Beggs:** The Minister referred to previous inspections. There were inspections on live animals, but there will be considerably more inspections following the imposition of a regulatory border down the Irish Sea, which is something that his party encouraged. Will he confirm that 12 additional environmental health officers are being recruited? Who will be paying for them? Will they be inspecting products coming to Northern Ireland? What will be the cost implication of that? What will be the cost of delays in getting food onto our supermarket shelves?

**Mr Poots:** The Member attempts to rewrite history. I ask him to turn to the parliamentary Hansard reports, which record every vote at Westminster, and identify one instance in which the DUP supported anything that he suggested that it has. He will find that he is totally incorrect.

In terms of the people who are employed, £6 million is being provided by Westminster to pay for issues that are over and above capital infrastructure.

**Mr Speaker:** As Mark Durkan is not in his place, I will move on to Pat Catney.

## **Food Safety Standards: US Trade Deal**

3. **Mr Catney** asked the Minister of Agriculture, Environment and Rural Affairs what guarantee he has sought from the British Government that there will be no change in food safety standards for imported meat and poultry as a result of a trade deal with the United States of America. (AQO 865/17-22)

**Mr Poots:** I have been very clear that all trade agreements, including one with the United States of America, must uphold the current high standards for food safety in the UK and that all imported products must meet those standards. I have, therefore, written to the DEFRA Secretary of State on the matter and will continue to make representations as the negotiations progress. I have received a response providing reassurance that legal protections for UK standards remain in place and that the UK Government are committed not to compromise on standards in trade agreements.

**Mr Catney:** I thank the Minister for his answer. Is his Department aware of an assessment of the impact on Northern Irish producers of the lowering of food safety standards for meat and poultry imported to the GB market, knowing the high standards that we have in Northern Ireland?

**Mr Poots:** I thank the Member for his question. A couple of issues arise from that. The GB market is hugely important for our produce, taking over 50% of it. It would concern us if produce of a lower standard came in. I have received correspondence from Liz Truss, who is leading on the issue, that they will not take chlorinated chicken or hormone-fed beef. That is their position. I trust that they will stick to that position and that it will not change, but that is a matter for them. We will keep on the pressure that that should not change.

I believe that the consumer is king, and consumers will probably resist the acquisition of such products in the shops. It will then come to the food trade and whether we can maintain the standard there. That is the area that concerns me most. When people go out to a cafe or restaurant, they tend not to ask where the food has come from. If there were a trade agreement that allowed such food to come in, there would be more of a challenge in the food service sector as opposed to the retail trade. Our target must be to ensure that the food that comes in to the United Kingdom beyond Brexit meets the current very high standards in the United Kingdom.

**Mr Dickson:** Would the Minister eat chlorinated chicken or hormone-infested beef? Is that what he would recommend to his constituents should the United Kingdom lower its food standards?

**Mr Poots:** It is not what I would recommend, but I have been in America and I assume that I probably ate chlorinated chicken and hormone-fed beef, as has anybody who has been in the United States of America.

**Dr Aiken:** Will the Minister seek to introduce food labelling for all products that are being imported to Northern Ireland to demonstrate that Northern Ireland food is of a much better standard, and, therefore, we can quantify to our consumers that eating Northern Ireland and British food is, in fact, best?

**Mr Poots:** There already is extensive food labelling, and we continue to engage with the Food Standards Agency on the matter. The Northern Ireland product is already exceptionally high, and it is my desire to have the highest standards of provenance, traceability, animal health, animal welfare and environmental standards. If we can do that, we can sell brand Northern Ireland food right across not just the UK and Europe but the entire world as the Rolls-Royce of food produce. Consequently, at that stage, cheap imports will be of less concern because the public will know that, if they buy something with brand Northern Ireland on it, they are buying something of the highest standard in every aspect of its production.

**Mr O'Dowd:** In answer to a previous question, the Minister said that he trusts the current Ministers who are involved in the negotiations. What gives him grounds to trust the officials and Ministers involved in the negotiations around US imports or anything else?

**Mr Poots:** I think that the Member may have picked up something slightly wrong. I did not mention trust; I mentioned Truss [*Laughter*] who is the Minister negotiating. I do not trust an awful lot of people. I am very cautious about that, so I assure the Member that I do not necessarily trust the people who are negotiating on our behalf, because I have been let down too many times previously. However, I am impressing on them that, post-Brexit, we want the same current high standards.

## **Waste Disposal: Non-recyclable Goods**

4. **Mr Blair** asked the Minister of Agriculture, Environment and Rural Affairs, in considering the outcome of the consultation on future recycling and separate collection of waste of a household nature in Northern Ireland, whether his Department will review the projected waste disposal processes of non-recyclable goods. (AQO 866/17-22)

**3.00 pm**

**Mr Poots:** First, I must state that the best way to deal with our waste is to prevent it being created in the first place. Following the principles of the waste hierarchy, where waste cannot be prevented, resources should be reused; and, where resources cannot be reused, we seek to produce a high quality recyclate, which, where possible, is put back into Northern Ireland's economy. After all that, it is, however, inevitable that, for the foreseeable future, some waste will be sent for residual waste treatment, to produce energy from waste or, indeed, to landfill.

The recent consultation is the first stage of the policy development process. It will allow us to consider the views of and evidence from all stakeholders and make informed decisions on the future of recycling and the separate collection of waste. Alongside that, I am also considering the future waste infrastructure needs for Northern Ireland. We need to consider the totality of waste recycling and disposal, as no element can be considered in isolation.

**Mr Blair:** I thank the Minister for his answer. Waste incinerators have been measured as an expensive method of generating energy and handling waste. Will the Minister give the House his Department's assessment of the economic burden that the proposed Hightown incinerator would have on local councils and their environmental services' capacity?

**Mr Poots:** Arc21 has negotiated for energy from waste in the form of incineration. The cost of construction would be well in excess of £200 million, and there would be running costs thereafter. Arc21 is making the argument that, financially, that stacks up.

First, when it comes to waste, our number-one aim is to reduce the amount that is produced in the first instance, particularly the amount of plastic waste. We will work to ensure that that is the case. Secondly, we want further recycling. Back in 2010, when I was Environment Minister, the Department brought out a policy indicating that we wanted to achieve 50% recycling rates by 2020. That was against the background of Belfast and, at that time, Derry City Council having recycling rate percentages in the low twenties. Some of the other councils had percentages in the higher twenties. We achieved that 50%.

Now, going forward to 2035 — sorry to have my back to you, Mr Speaker — we are looking to

achieve 65%. That will be in UK legislation. I would like, if possible, to push it to 70%. Then, you have the waste that is left thereafter. I do not want to impinge on any decisions that might be made. However, it is important that whatever decision is made takes into account our first priority, which is to recycle as much waste as possible, and that we leave as little as possible of that residual waste for refuse-derived fuel (RDF). It is important that we ensure that we absolutely minimise the waste that goes into that sector.

**Mr McGuigan:** I thanks the Minister for his answers so far. I was going to ask him about new recycling targets. I am glad that he said that he plans to have a target of 65%. The Minister said that reducing waste was the most important aspect of that. He also said that the Department was doing work on plastics. Given that he has answered the question that I was going to ask, will he give the House some detail on that work?

**Mr Poots:** We hope to bring forward something on that as time goes on. There is an evident need to reduce the amount of plastic that goes into the system. We have engaged with the sector to look at how we can further reduce that. One measure that we are looking at is a deposit regime whereby plastics that are sold in the system — for example, plastics for soft drinks — will come back and be recycled. We are also looking at the whole area of packaging and how to reduce the amount of plastic that goes into it. We are working with businesses and companies and hearing from them how they can develop alternatives. People are looking at a series of alternative packaging products out there — one that is made from eucalyptus, for example — that do considerably less damage to the environment and are serious alternatives to what exists currently.

**Ms Hunter:** I thank the Minister for his answer so far. Referring to Mr Blair's question, when does the Minister expect to bring forward new policies that are informed by the responses to the consultation?

**Mr Poots:** A lot of policy is being set at the minute. We hope to do consultations on a series of programmes over the next number of months. Work has been done with us on part of the waste recycling legislation that is going through Westminster, and a legally binding target of 65% for recycling is going into that legislation. I was not happy, as I wanted the target to go to 70%. We can still have a target of 70%, but it will be 65% in the Westminster legislation.

We will continue to work towards achieving the highest rates possible, and we believe they are achievable. It is important. Some people questioned whether the 50% rate was achievable 10 years ago. We did that. Some people thought that it would be a struggle for us to reach a 20% renewable energy target 10 years ago, but we doubled it to over 40%. Given the hunger in the industry to do the right thing, I believe that the 70% target is achievable and that the public will respond to it.

## Supply Chains: Post-Brexit

5. **Mr Lynch** asked the Minister of Agriculture, Environment and Rural Affairs for an update on his Department's work to ensure that essential resources and infrastructure are in place to guarantee minimum disruption to supply chains at the end of the transition period. (AQO 867/17-22)

**Mr Poots:** In common with the UK Government, I am clear that the Northern Ireland protocol needs to be implemented in a way that minimises any frictions on the flow of agri-food trade and does not increase costs for our businesses and people living in Northern Ireland. I am working on the assumption that, if the EU and United Kingdom Government are committed to minimising friction on trade, it is reasonable to assume there will be a very small number of checks. My officials are working to minimise the need for infrastructure as the SPS operational programme delivery is progressed.

The following details will provide a brief update. A business case for the necessary work, which includes building work, additional staff and IT functions, has been forwarded by officials to the Department of Finance and Her Majesty's Treasury. Funding of some £43 million has been secured, of which £37 million relates to capital expenditure. A further £6 million will also be required for recruiting, training and employing additional personnel and for programme implementation costs.

As you know, the proposed CLUD applications have been submitted to all the relevant councils for development at the proposed points of entry for Northern Ireland seaports. That includes applications to Derry City and Strabane District Council; Newry, Mourne and Down District Council; Belfast City Council; and Mid and East Antrim Borough Council. The applications seek to confirm that the proposed developments fall within permitted development rights as set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015. No determinations have been received to date.

The team has initiated the tender process for the design-and-build phase for the required inspection facilities in line with the programme procurement strategy, which was agreed with the Department of Finance. The contract award letters for the design and build of the proposed inspection facilities at Warrenpoint, Larne and Belfast harbours were issued to the successful contractors on 7 October 2020. Meetings with the successful contractors will follow in the coming weeks in order to agree the delivery timelines for the design-and-build programme of works.

Work also continues with initial ground survey work that is being undertaken for each of the seaport sites at Belfast harbour, Larne port, Warrenpoint Port and Foyle Port in order to inform the forthcoming detailed design process. Over the coming months, in order to ensure that businesses are kept up to date, a communication and engagement plan will be implemented. That will include a series of stakeholder engagement sessions to guide traders step by step through the journey from GB to Northern Ireland.

**Mr Lynch:** Go raibh maith agat, a Aire as an fhreagra sin. The Minister answered the part of my question about engagement with ports and ferries, but what engagement is his Department having with the haulage industry in order to minimise the disruption before the end of the transition period?

**Mr Poots:** As I indicated in the tail of my answer, we will be engaging extensively with industry. We will communicate with the industry about the engagement plan and on how it will be implemented. There are still ongoing negotiations between the UK and the EU; therefore, some of the issues are still outstanding. It is important that the haulage industry is allowed to function as smoothly and seamlessly as possible. In everything that we set out to do, we will seek to ensure that things that are currently seamless remain as seamless as possible in the new scenario.

**Ms S Bradley:** From the Minister's answer, it is fair to say that delays in our supply chain are an inevitable outcome of Brexit. He mentioned stakeholder engagements. I have spoken to hauliers who are still very much in the dark. They do not know what systems they need to invest in and what the costs will be. Can the Minister throw any light on that?

**Mr Poots:** The Member is half right: if delays are to happen, they will happen as a result of the protocol — the protocol for which people

cried out — not Brexit. People said that the protocol was wonderful, but then, all of a sudden, they realised that it was not so wonderful.

I recognise that the haulage sector needs more information than it has. I am not in a position to give it that information at this time, because of the ongoing negotiations. The Minister who has responsibility for haulage is the Minister for Infrastructure. I welcome the fact that, after months and months and months, we are looking at a scheme that will support the haulage industry. The industry kept going throughout COVID in very difficult circumstances, and the scheme was delayed, and delayed further, because no Minister would take it on. I welcome the fact that the Infrastructure Minister is now doing that.

**Mr Butler:** Has the Minister had discussions with his counterparts in London about protections that will be given to ensure that NI goods do not face competitive disadvantage or discrimination in the GB market after Brexit?

**Mr Poots:** Yes, that has been extensive. There is an extensive paper trail of letters going back and forward. I have engaged at every session of the interministerial group and, directly, with my counterparts in the UK Government. There has been extensive engagement. Throughout that engagement, the UK Government have maintained that there should be unfettered access between Northern Ireland and Great Britain. I would like to see unfettered access both ways, and I have fought and argued for that. Unfortunately, the protocol militates against that, but we should have unfettered access for goods going from Northern Ireland to Great Britain.

I will add a caveat. Northern Ireland cannot become a back door for goods coming from other places, entering the Republic of Ireland and ending up in the Great Britain market. We would become almost like what Albania was at one stage in Europe, when it was a place to which goods could come in and be transited to other places. We need to ensure that the integrity of our food system is retained. For that reason, I am fighting the suggested six months' free-for-all, which the UK Government seem to be inclined to go to. I trust that all in the Executive will adopt the same position and that it will become clear to the UK Government that we need to ensure that there are no back-door opportunities through Northern Ireland for goods that will be of a lesser standard.

## Rural Communities: Funding Programmes

6. **Mr K Buchanan** asked the Minister of Agriculture, Environment and Rural Affairs what funding programmes are in place to assist rural communities. (AQO 868/17-22)

**Mr Poots:** My Department currently supports a range of funding programmes that assist rural communities. This year, the Northern Ireland rural development programme 2014-2020 funded LEADER and rural tourism schemes that will make available £11 million to support investment in rural businesses, villages and basic services. The Tackling Rural Poverty and Social Isolation (TRPSI) programme will provide £10 million, this year, across 20 initiatives that aim to tackle social isolation, access and financial poverty, as well as support COVID-19 recovery in rural communities. A further £2.5 million is available to support pilot projects that address rural issues emerging from the draft rural policy framework and the need to respond to COVID-19. DAERA also continues to monitor and support the implementation of the Rural Needs Act (Northern Ireland) 2016 by Departments, public bodies and councils. It provides an effective mechanism in supporting the delivery of positive and meaningful benefits for rural dwellers.

3.15 pm

**Mr K Buchanan:** I thank the Minister for his answer. For some of the programmes, the process can be awfully complex and difficult, which in some cases it needs to be. Will he look into what he can do to remove the red tape, which can cause fairly long delays in getting funding from some of those programmes?

**Mr Poots:** My officials have reviewed some of the processes around the current programme and have started to revise certain procedures to reduce red tape and make the application process more efficient, within the context of 'Managing Public Money' and the audit responsibilities that come with that. It is something that I continue to drive home to them. There is a necessity to make things as practical as possible so that people can provide all the information that needs to be provided, without wading through 40 pages of documentation, in order to draw down relatively small amounts of money in some instances.

**Ms Sheerin:** As a consequence of Brexit, we are losing the rural development programme that you mentioned. What has the Department

planned to replace it, and how will it be funded, given that the substantial bulk of its funding came from the EU?

**Mr Poots:** The funding that you refer to will be replacement funding directly from the UK Government. That will be the source of future funding for rural communities.

**Mr Speaker:** I call Trevor Clarke. You may not get a supplementary question, Trevor.

## Landfill

7. **Mr Clarke** asked the Minister of Agriculture, Environment and Rural Affairs to outline how his Department is working with local councils to assist them in diverting waste away from landfill. (AQO 869/17-22)

**Mr Poots:** My Department has a long history of working with local councils to help them make sure that as many of our resources as possible are diverted from landfill. By following the principles of the waste hierarchy, DAERA has undertaken a number of initiatives involving local councils to prevent waste from being generated in the first instance, as part of the waste prevention programme. Reuse projects have also been provided with funding, notably the newly launched Northern Ireland Resources Network, which brings together a range of stakeholders, including local councils, to provide support and guidance in promoting reuse and repair.

Since the introduction of the Food Waste Regulations 2015, over one million tons of biodegradable waste have been diverted from landfill. Separate collection of food waste has also positively impacted on the levels and quality of waste recycling.

As a result of collaborative working between my Department and councils, Northern Ireland has reached, ahead of schedule, the EU and Northern Ireland waste management strategy recycling target of 50%. Building on that success, the current £23 million household waste recycling collaborative change programme financially supports councils to increase recycling rates further, improve the quality of recycling and reduce reliance on landfill. That financial support has been accompanied by my Department's work alongside the Northern Ireland national communications action plan, which has resulted in a common approach being taken to communications and behavioural change campaigns in Northern Ireland, ensuring that that important recycling messaging is delivered

to all residents. That has all yielded very positive results, but my Department will continue to build on them.

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

## EU Funding Replacement

T1. **Mr Gildernew** asked the Minister of Agriculture, Environment and Rural Affairs for an update on securing a replacement for European Union funding. (AQT 511/17-22)

**Mr Poots:** Considerable work has been going on. The UK Government will be providing replacement funding. It has been indicated throughout — through the Conservative Party manifesto — that they will supply the same funding as is currently supplied. It is for us to hold them to that and ensure that that is the case. That has been the case. COVID-19, however, is inflicting huge damage on the Treasury. The cost to the Treasury is mounting all the time, so there are significant pressures. One can never be absolutely sure, so we always need to be acutely aware of those things.

**Mr Gildernew:** Given that uncertainty, what assurances can the Minister give that the replacement funding will be secured?

**Mr Poots:** Had we been in the European Union, we would have no guarantees of having the same funding as previously. EU countries are going into a round of negotiations, and, in that, accession countries, which were treated less favourably than existing EU countries, will be treated the same.

That means either that Governments who face the same troubles as the UK Government face in supporting their country through COVID-19 will have to invest more or, indeed, that the cake will be made smaller and each country will have less money to give to their people. There are no guarantees in any of this, but we have a commitment, made in the Government's manifesto, that they will maintain current spending, and we will seek to hold them to that.

**Mr Speaker:** Question 5 has been withdrawn.

## Keep Northern Ireland Beautiful

T2. **Mr Butler** asked the Minister of Agriculture, Environment and Rural Affairs to join with him in congratulating the Lisburn and Castlereagh

City Council parks' team on achieving six green flags today from Keep Northern Ireland Beautiful, with awards also going to the Bells Lane allotments, Lisburn BMX Club, Billy Neill MBE Country Park, Moat Park, Moira Demesne, Wallace Park and the very beautiful Castle Gardens, the well-known green space above us, for their high-quality green spaces. (AQT 512/17-22)

**Mr Poots:** I remember, when I was on the council — Mr Butler would have been young at the time, and I suppose that I was relatively young at that stage — helping to secure funding for the Castle Gardens project. It is a fantastic project. The Lisburn and Castlereagh parks team have been exemplary over the years. Some of their floral tributes have been recognised at a national and, indeed, an international level. The parks team are excellent, and I thank the Member for raising the issue. It demonstrates the importance of our local government sector and the high-quality work that is carried out not just by Lisburn and Castlereagh council but by many councils across Northern Ireland.

**Mr Butler:** I thank the Minister for his answer and, in particular, his support for financing such projects when he was on Lisburn City Council. Can he give a further commitment that groups such as Keep Northern Ireland Beautiful and the councils will be supported financially by his Department to continue their good work?

**Mr Poots:** Keep Northern Ireland Beautiful has an important role. I worked extensively with it previously, and I am happy to work with it once again. We have a beautiful country in so many ways. We have the most wonderful coastlines and superb mountain ranges. Northern Ireland changes all the time. In County Down, there are so many different things: it does not matter whether you are in and around Rostrevor, Warrenpoint and the beauty down in Carlingford or whether you are in Strangford or, indeed, Slieve Croob. You could go over that for the various counties. Given the beautiful landscape that we have, it is important that we as human beings do as little as possible to spoil it. One way of helping to keep the beauty of our country is to ensure that we keep things tidy and do not throw litter and that we have a regime that picks it up. I will say this: some people really need to learn to take their litter and waste home with them. If it was not there when they arrived, it should not be there when they leave.

## Supertrawlers

T3. **Ms Rogan** asked the Minister of Agriculture, Environment and Rural Affairs what measures he has put in place to effectively monitor supertrawlers that enter our waters, given that a recent report from Greenpeace showed that they massively stepped up their activities during the pandemic lockdown. (AQT 513/17-22)

**Mr Poots:** Well, they should not be entering our waters. In most instances, it is our fishing boats and, indeed, Irish fishing boats that are out there. Supertrawlers tend not to come into the Irish Box so much because of the nature of the fishing. There are more nephrops there, and it does not lend itself to the supertrawlers that exist on the west of Ireland, for example, or in the North Sea. I should say that exiting the European Union will assist us in this, in that the waters will be ours and therefore the fishing will be dispensed by our Government and the Administration here. The 20% that was left to France was not utilised, but they took it off our fishermen anyway. The EU generously allowed French fishermen to come to Northern Ireland, but that will no longer be available, which, I think, we will all view positively.

**Ms Rogan:** Given the Minister's contribution during the recent Fisheries Bill debate on the damage caused by supertrawlers, will he now commit to doing all in his power to see supertrawlers banned from our waters?

**Mr Poots:** As I indicated, supertrawlers will not fish extensively in the Irish Sea. We are not responsible for the area in which they operate extensively, which is off the west coast of Ireland, in the North Sea and in the Bay of Biscay. For some reason, under the cod recovery programme. Northern Ireland fishermen could not fish for cod in the Irish Sea save for a very limited tonnage. Cod naturally progress north to south, and the French and Spanish supertrawlers waited in the Bay of Biscay to catch considerable amounts of cod. Let us be sensible about these things: there has not been a cod recovery programme, because of the boats in the Celtic Sea and the Bay of Biscay. It is important, as we go forward, that we have much better and much more practical solutions that aid the fishermen in South Down, in the main, and in Strangford, who are trying to make a living in those waters in difficult circumstances.

## Glenelly Valley: Landslides

T4. **Mr McAleer** asked the Minister of Agriculture, Environment and Rural Affairs for an update on his thinking in relation to a support scheme for the farm families that are still carrying the burden of the severe landslides in August 2017 that devastated the Glenelly valley and other parts of the Sperrins and their hinterland. (AQT 514/17-22)

**Mr Poots:** I recognise the desperately difficult circumstances that the people in Glenelly found themselves in as a consequence of the flooding that took place, resulting in landslides and damage to their land. The debris had to be cleared with diggers, and fences were taken out. I have spoken to my officials on the matter. As I have indicated before, I will have to take a ministerial direction on the matter, but I want officials to do as much work as possible so that, if I choose to go down the support route, the case will be as robust as we can make it.

**Mr McAleer:** I am glad that the Minister is still deliberating on the issue. I cannot emphasise enough the depth of feeling of the farmers in the region. On the night of that flooding, farmers in Inishowen were similarly affected, but they received their funding some years ago. I encourage the Minister to conclude his deliberations and look in a positive light at supporting those farmers at the earliest opportunity.

**Mr Poots:** Some support has been offered, but I understand that the farmers believe that something more significant is needed. We need to bring those deliberations to a conclusion one way or the other.

## Traffic Blockages: Post-Brexit Ports

T6. **Mr McGlone** asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the measures at Larne for the protection of animals and the like, whether he foresees any blockages at the Scottish side in the flow of traffic. (AQT 516/17-22)

**Mr Poots:** The Scots have made it clear that they do not want there to be any blockages. They do not want to have any infrastructure at their harbours. However, there may be potential blockages between Dublin and Holyhead. A lot of food goes from Northern Ireland through that route and ends up in the GB market. I want to see a dedicated Northern Ireland lane at Dublin harbour, and I hope that, when it comes to it, Dublin will do the decent thing, as good

neighbours, to help to facilitate that trade to continue as well as the support for their ports that comes from businesses here. I have also spoken to my Welsh counterparts to ensure that lorries that travel from GB to Northern Ireland via Holyhead will have immediate access to the boat rather than having to wait in the queue with everybody else.

3.30 pm

**Mr McGlone:** I thank the Minister for his answer. That issue was raised by representatives of the ports who presented to the Committee last Thursday. Have the Minister or Department done a scoping exercise of the ports to see where there might be problems as we work through the Brexit issues?

**Mr Poots:** I have made it clear, certainly for the Northern Ireland ports, that we are not to have any blockages. That is something that we have fought for. Provided that the European Union does not behave in a difficult way, most people in Northern Ireland will not notice any checks that are happening because it will, perhaps, be one lorry per boat that is checked. That check should last for about an hour, so it should not have a significant impact.

**Mr Speaker:** I ask Members to take their ease for a moment until we change the Chamber arrangements for the next item.

## Question for Urgent Oral Answer

### Education

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

### CCEA Proposals

**Ms Mullan** asked the Minister of Education to address concerns in relation to the Council for the Curriculum, Examinations and Assessment's (CCEA) proposals on the delivery of the curriculum and qualifications for this academic year.

**Mr Weir (The Minister of Education):** I thank the Member for her question. This has been a stressful time for schools and pupils anxious for clarity on the examination process this year. However, it took time for the ramifications of the full suite of proposals, some of which have been accepted, to be felt, to consider the views of a wide range of stakeholders, to liaise with other jurisdictions, and then make decisions that are in the best interests of all. As I confirmed on Friday, my priority is to ensure that public examinations can go ahead in this academic year if at all possible. They are the most valid and reliable measure of educational outcomes, and it is important that young people are given the opportunity to demonstrate their knowledge and skills through the examination process.

The decisions that I announced take into account the disruption that there has been to date as well as the potential for further disruption during this academic year. They go significantly further in adjustments and mitigations than in England and Wales, while ensuring that they remain robust, valid, comparable and portable. They will alleviate the burden of assessments on young people while providing as much opportunity as possible to cover the subject specifications, which are important for progression.

The changes are designed to ensure that young people are supported and that their well-being is prioritised. I hope that the clarity provided will give young people the confidence to enable them to complete their qualifications and

progress to the next stage of education or employment.

**Ms Mullan:** I thank the Minister for coming to the Chamber. However, I want to express my disappointment that he did not bring those proposals to the Assembly.

We all want schools to remain open. As a parent of a year 12 pupil who is on her third absence, I am acutely aware that her educational needs are best met in the classroom, as are her mental health and well-being needs. That said, schools must be supported to do so. The largest all-girl post-primary school in my city has closed for this week, with large numbers of pupils and staff in other schools also absent. Minister, in these proposals, I and others do not see meaningful recognition of this prolonged disruption to education. What contingency plans are you and CCEA putting in place?

**Mr Weir:** I thank the Member for her remarks. On timescale, a range of consultations took place involving the stakeholder group and the trade unions, and obviously there were discussions with CCEA. There was discussion at a number of levels with the other nations of the UK, particularly with England and Wales on GCSEs; that took place on Thursday. That was last piece of the jigsaw. I wanted to make sure that the information went to schools as quickly as possible after that. It was released to schools on Friday morning.

I take on board the Member's comments about disruption and about school being the best place for children to receive their education on a face-to-face basis. I hope that the Member will join me in urging the Executive, when they take decisions on what restrictions to put in place, to give schools priority so that they remain open throughout.

I felt that it was important to get the information out, particularly curriculum issues. There are a number of mitigations, particularly on assessment units, optionality and timing. We have made sure that this is compatible with the timing of examinations outside of CCEA. CCEA has been tasked to draw up a range of contingency plan options, and I await that information. It is not simply a question of a single contingency. A range of things could happen in May and June, the most likely being that, while exams will go ahead, certain individuals will not be able to do specific exams. I will wait for CCEA's options before making a further announcement.

**Mr Lyttle:** Does the Minister accept the criticism that, with this approach, he has prioritised an examinations system over the well-being of students? How many teachers and pupils are currently absent due to COVID? What level of absence would be necessary to move to teacher-assessed grades for 2020-21?

**Mr Weir:** As I indicated, a range of contingency plans will be put in place. The reality is that examinations must be the first option. Examinations must be regarded as the best option because they are objective in nature. If we have learned one lesson in 2020, it is that, ultimately, subjective opinions from centre-assessed grades or a mathematical formula based on previous data are all second best to a rigorous examination system.

If we are looking after our pupils' well-being, it is also critical that they are able to progress on a robust basis. Take A levels: it is clear that other jurisdictions will be doing A levels by way of examination. Other Ministers have come to the same conclusion and position as I have. If Northern Ireland went on some form of solo run and detached ourselves from the examination process elsewhere, that would have a detrimental impact on our pupils. It would make it more difficult for them to attain university places or compete for jobs on a level playing field. Therefore, in looking after the long-term well-being of our pupils, we have put examinations as the first option. As indicated, contingency plans will be required if, because of health circumstances, exams are unable to carry on in a full fashion.

**Mr Butler:** Given the scale of interest in and input to the pre-paper consultation, I see no equity across subjects. I do not see any impact assessment for those whom these measures may affect most. How many of the post-consultation CCEA recommendations made it into the Department's final paper?

**Mr Weir:** A distinction was put in place in a few areas. Adjustments were made, for instance, to English language, which made it compatible with other languages. That was principally on the grounds of health considerations. I appreciate that there is no perfect alternative to speaking and listening. However, the general position was to ensure that certain assessment units could be removed to try to lessen the burden of assessment. It means that, in practical terms, a student who is doing an examination will face slimmed-down content. Speaking and listening posed the greatest difficulty from a health point of view. There would be an impact on some other subjects,

such as those that involve certain practical lab tests.

One of the other areas has been to say to CCEA that optionality needs to be explored. There is a strong belief amongst schools in optionality, and it is one that I share. CCEA did not include that as part of its final submission. Optionality would give greater opportunities to pupils, and it needs to be taken into account to give some choice to students who are doing their final exam. It would also give protection to schools as they work through a range of subjects on the curriculum.

**Mr Newton:** Minister, recognising that these are extremely difficult days of the pandemic, will you comment on what progress Northern Ireland has made compared with the other jurisdictions of the UK and, perhaps, the Republic of Ireland?

**Mr Weir:** Directly speaking, there are a couple of things to point out. A lot of jurisdictions found themselves in a similar position, particularly with the timing of announcements. In an ideal world, we would like to have made announcements at a much earlier stage. Scotland announced what it was doing two days ahead of us, England announced subsequently, and Wales will probably announce the position for 2020-21 at the end of this month. It is about trying to get a balance and have that discussion. I do not believe — I stand to be corrected — that the Republic has made an announcement on its leaving certificate for this year.

As we are in a competitive market with those other jurisdictions, it is also important to note that all the considerations in those jurisdictions, particularly of COVID restrictions, are predicated upon schools remaining open. For instance, I note that, this morning, the Health Minister in the Republic of Ireland announced that it is his view that schools will not have any form of extended half-term break and that the key focus is ensuring that education is delivered to all. That is particularly pertinent to those doing public examinations, because they will be in competition with students from a range of other jurisdictions for the likes of university places and future employment.

**Dr Archibald:** Minister, in relation to GCSEs, as my colleague from Foyle outlined, this term has seen varying degrees of disruption across schools due to COVID, and, for many students, that will exacerbate the impact of last term's closures. There is concern that the proposed unit reduction for GCSEs will be somewhat

meaningless as it will be a unit that is covered in year 11. What further measures have you or CCEA considered to take account of that and to make up for lost teaching time?

**Mr Weir:** I thank the Member for her question. There is a range of measures. For example, the assessment of at least one unit can be reduced. Indeed, assessment can be reduced by up to 40% for most subjects. On English language, which is particularly important, the position taken, which was different from that of CCEA, enabled, effectively, a 20% reduction in English language assessment. The only GCSE unit that is not directly reduced — it is the same, I think, in other jurisdictions — is mathematics, which, probably more than any other subject, is progressive as it moves to A level. There was a concern that any reduction in mathematics would disadvantage students as they moved on to A level.

### 3.45 pm

As indicated, we also asked CCEA to look at optionality for GCSEs and A levels, which will widen the choice for students. As part of that, while I appreciate that there has been some constraint in Northern Ireland because of our traditional holidays in July and August, we have been able to push things back a little bit in order to ensure that GCSE and A-level examinations will, effectively, begin and end a week later than they normally would. We have worked with other jurisdictions to try to make sure that where students have examination timetables from other awarding bodies, those examinations are made compatible with that.

The Executive have also supported direct intervention. Initially, there were some initiatives over the summer, but we also have the Engage programme, which has £11.2 million. That has been distributed to schools, and they have been given freedom under it. It has been particularly focused at and advantage has been given to schools with higher levels of social disadvantage and above-average levels of free school meals. Funding has also been made available to all schools, including special schools, to try to ensure educational catch-up.

None of those things is perfect, but, collectively, we are trying to do all that we can to bridge the gap between where we are and where, ideally, all of us would like to be.

**Mr McCrossan:** Minister, the gross mishandling of the awarding of grades this year has been described as nothing short of shambolic. Will the Minister assure the House

that lessons have been learned, and will he update the Assembly on when the independent review of CCEA will begin and who will be on the panel?

**Mr Weir:** We have sought tenders from outside bodies and have reached the point where I have signed off on a tender. Given that there is still a slight level of commercial sensitivity, I will make an announcement on that soon. The organisation has no direct connection with the Department or Government, and there will be a direct contract. We have reached the point of submitting the business case to the Department of Finance. Once it has cleared that hurdle, the work can begin. Once that has started, I anticipate that, roughly, the panel will have a six-week timetable for examining precisely what happened in 2020, what lessons can be learned and what actions can be correspondingly incorporated if any are to be taken at any point in the future.

**Mr Beggs:** CCEA announced adjustments to the curriculum in some areas, but, in others, final confirmation is still to be given to teachers. When will all teachers be aware of the final curriculum for their subjects so that they know what to teach their students and what they will be examined on?

**Mr Weir:** I hope that the detail will be there very soon for any remaining subjects. I should point out that CCEA did a consultation, got responses and produced proposals, but adjustments were made to them by the Department and me and were announced on Friday. CCEA is dealing with, if you like, the outworkings of that announcement. Some subjects fit very easily into particular adjustments, but others will take a little more time. Consequently, we will work through those in order to get them finalised for every subject very shortly.

**Ms C Kelly:** Minister, what would you say to young people who worked very hard to achieve their AS-level grades and who will now not see those grades included as part of their overall A-level results? You said previously that incorporating those grades as part of the overall grades would be very different from the approach in England and Wales. Why will you not put our students first and recognise their hard work?

**Mr Weir:** We have to have comparability and portability. With A levels probably more than any other qualification, anyone from here is competing with those in a range of other jurisdictions, particularly for university places,

so our A levels have to be seen to be as robust as possible. The fact that we have reached a position in which AS levels and A levels are comparable across all jurisdictions that do A levels is important. We in Northern Ireland like to think of it as a special place. In many ways it is, and I am sure that we all glory in our homeland, but, when it comes to qualifications, we cannot go on a solo run.

A grade has been attributed for AS levels. In previous years, the position was that, effectively, that grade represented a particular mark and you could get 40%. Mathematically, you can get 40% of 65%, but you cannot get 40% of a B and then try to marry that with an examination system that gives a grade. It is not so much that you are comparing apples and oranges; you are comparing apples and orange juice, if I may use that analogy. Given the robustness of the decision, that should be avoided. To marry in some level of assessment with an actual grade that is produced by an examination, again, is not comparing like with like.

We have to be fair to everybody. We have to ensure that those who qualify in 2021 will be regarded by future employers and universities as having something that is robust and that there is no question mark over their examination. That is why it is important that the integrity of our A levels — indeed, of all our qualifications — is as robust as possible.

**Mrs Barton:** My question is about BTEC qualifications. BTEC qualifications are quite often compared to A levels. Has any thought been given to work being done on them?

**Mr Weir:** I think that there will be a bit of liaison with that. As technical qualifications, BTEC qualifications fall under the Department for the Economy's remit. Given the fact that, to some extent, a template has been set, I think that my colleague Diane Dodds will want to ensure that BTEC qualifications are in line with the qualifications that come through the Department of Education.

**Mr M Bradley:** I expect a reduction in the curriculum, but can the Minister give as early an indication as possible to teachers so that they can be prepared and clear on how to best prepare children for examinations? Will CCEA be more properly prepared for examinations than it was last term? Will there be test runs to ensure a smooth outcome that will benefit everyone — schools, teachers, parents and pupils?

**Mr Weir:** The Member makes a very valid point. Last year, we had a situation in which, across different jurisdictions and because of the level of uncertainty of COVID and the timescales, there clearly was not time to trial the actions that were taken. We will see what emerges from the independent examination of that. This year, we do, at least, have the opportunity to be able to test it out, where we can, with contingency arrangements, ahead of May and June.

As indicated, it is also the case that there will be a slimming down of the content in the curriculum that is assessed. As I said, there is no perfect solution to this, but it will at least enable a certain amount of cognisance to be taken of the level of disruption that there has been for pupils.

**Mr McNulty:** Minister, are you confident that these proposals will facilitate an assessment that will be a true reflection of students' ability? Can you outline how the proposals will impact on languages such as Irish, Spanish and French?

**Mr Weir:** I will avoid the temptation — it is beyond my ability — to answer the Member's question bilingually.

Yes, I am confident that this is the best possible route. As indicated, contingency plans will be put in place. We have tried to take, broadly speaking, a similar approach on a range of the language subjects, whether that be Irish, English, French, Spanish etc. That is, largely speaking, derived from a need, in a common way, to have a reduced level of content assessment to take account of the disruption. It is also the case that the information that we got — I appreciate that this will not be perfect for every student — was that an assessment of speaking and listening, which is what we effectively might describe as the "oral element", was the element that, potentially, may be most at risk, from a health point of view. A consistent approach has been taken across languages to reduce that level of content, and that, therefore, is something that is very clear [*Inaudible.*] It is not perfect, and, if we were in a COVID-free situation, a range of these measures would simply not be considered. However, I think that we have to marry in the educational and academic situation with trying to be fair to all students, while taking into account the health implications.

**Mr Speaker:** Members, that concludes this item of business on the question to the Minister of Education for urgent oral answer. I invite

Members to take their ease until we return, in just a moment, to the debate on the health protection regulations.

## Executive Committee Business

### The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020

*Debate resumed on motion:*

*That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]*

**Mr Speaker:** Members, we will resume the sitting. We were in the midst of the Minister making his winding-up speech on the motion. Minister, please continue.

**Mr Swann:** Thank you, Mr Speaker. I will now refer to Members' comments, beginning with the Deputy Chair of the Committee's. She rightly pointed out that we have to get ahead of the virus. A line that has been used many times is this: the virus does not spread itself; it is our actions that spread it. Every recommendation from and every step taken by the Executive or the Department of Health is therefore about breaking those infection chains. Members have referred to this, but when these regulations came in, the majority of our transmissions were in households. That has now changed to community settings, so our reaction has to be to move with the virus.

It is often said, and it is a phrase that the Deputy Chair of the Committee used, that we have to learn how to live with this virus. We learn to live with the virus by following the guidance and restrictions that the Executive bring in. That is how we make sure that people live with the virus and do not die from it. The message that she relayed to those spreaders — the people who do not care — was this: "Stop it and wise up". I thank her for that blunt message, because it is what is needed to get through to that very small minority who think that they are above this virus, immune to it or just do not care. That is the bit that worries me.

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

Her specific question was about what the Department and the trusts have done to prepare for the second surge.

She will recall the debate that we had last week, where I brought forward our winter surge plans and paused our rebuilding programme, because we had an indication at that stage that we would have to look at steps to protect a service that is already fragile and to support a workforce that is already under pressure, but still provide the essential services that we see as core to our health service. The surge plans across trusts show how we can do that, but it is all dependent on how many COVID inpatients and ICU patients we actually end up with. Every step that we take that reduces the number of inpatients and ICU patients means that we can do that bit more that is in our surge plan in the normal running of things.

#### 4.00 pm

I said before in this place that, when Bengoa started, we were asked to run a health service and a transformation service. Recently, we have been running a health service, a transformation service and a COVID service. The more pressure that comes on our general services, the less that we can do on the first two. Sinead McLaughlin referred to the specifics around the Derry City and Strabane council area and how others could learn from that. One of the things that we saw when the additional restrictions went into the Derry City and Strabane council area was a reaction from elected representatives in Newry, Mourne and Down, and Mid Ulster and in other council areas, who really stepped up their messaging to the general public.

One of the issues that she raised — again, it is a concern of mine — was the anti-mask rally that was held in the Guildhall, where that group spoke against masks, vaccines and regulations. There is one thing that I think everyone who attended that rally has in common with all of us: they expect the health service to be there for them. While they rail against it, while they attack the regulations, while they attack the guidance that is coming out from our scientific advisers and the heartfelt pleas from our nurses, our doctors and anybody in the health service who is asking people to follow the regulations, they still expect those people, at the end of the day, to be there to make them better, should they contract COVID or anything else.

Mr Chambers spoke about how we compared, or could compare, areas across Northern Ireland. I have heard that on the media this morning. What I will say to the Member is to compare where we were on 27 September to the present day — roughly 14 days. In the Antrim and Newtownabbey council area, positive cases have increased fivefold. In Ards and North Down, they have increased fourfold. In the Armagh City, Banbridge and Craigavon council area, they have increased threefold. In Belfast, they are up fourfold. In Causeway Coast and Glens, they are up sixfold. In Derry and Strabane, they are up fivefold. In Fermanagh and Omagh, they are up fourfold. In Lisburn and Castlereagh, they are up fourfold. In Mid Ulster, they are up fourfold, and in Newry, Mourne and Down, they are up fourfold.

People try to say that their area is not as bad as Derry City and Strabane, but being the best of a bad lot is not a good place to be. In fact, the Mid and East Antrim council area, which is partly in my constituency and partly in Mr Allister's, is now the lowest. We look at that and hold it up and go, "Mid and East Antrim is now low". It is at 83.7, according to yesterday's figures. That was when we brought in the initial measures in the Ballymena BT43 and Belfast areas. When the regulations that we are debating today were actually brought in, Mid and East Antrim was lower than it is today. It is in a good place, because it is the lowest of our council areas, but that does not mean that it is doing the best that it can, because we have so much to do across the entirety.

One of the challenges that we have when we talk about our council areas and then try to compare them with council areas in the Republic of Ireland and England is that we are talking about a population of 1.8 million or 1.9 million, which is smaller than Manchester. When we hear of restrictions being brought in in Manchester, we try to compare that with what is being done in Derry City and Strabane, when the scale, complexity and number of people involved are not a direct comparison. It is about how we get our messaging right to reflect that as well.

Mr Chambers also asked about time. Time is critical. Every day counts. As I said in my opening remarks, we are looking at a seven-day doubling of cases and hospitalisations. We also see other indicators, such as increasing positive cases among our over-60s. Every day counts when it comes to bringing in additional steps.

Ms Bradshaw mentioned Executive messaging about these regulations back in September. I do

not have a detailed account of what the First Minister and deputy First Minister said in the press conference that day, but I will refer her comments to the Executive Office and the Executive information service to see where they fall.

One of the most critical points in our contact-tracing system is the information that the individuals whom it contacts give to it. The more information that our contact tracers get from people who have tested positive, the more that it helps us to shape the data that we have and the understanding of where we see the virus going. On Friday, the contact-tracing service moved to an online offering as well. When someone receives a positive result, they will receive a text message and a link to a specific website, where people can enter their details and contacts. That is to try to enhance and speed up the transfer of information. It is about utilising modern technology in the work that we want to do. One of the things that makes our contact-tracing service unique in comparison with some of the others is that we still hold it in-house. It is not operated by a private or for-profit organisation; it is run within the confines of the Public Health Agency.

Ms Bradshaw also asked why we did not include the Derry City and Strabane or Newry and Mourne council areas when we brought in the regulations on 21 September. The reason was that they were in a very different place back on 21 September; they had among the lowest infection rates in Northern Ireland. What we did at that time was proportionate to where we were; we then moved to increase the regulations from ones that covered postcodes to ones that covered the entirety of Northern Ireland.

I share Mr Easton's concerns about everything that he raised, from the pace of change and what we have seen in the past seven and 14 days, to the trajectory that we are on. That is why we are saying that we need to make the interventions. He expressed his annoyance at the message that was put out this morning because it undermines the general health message. I agree, but I will not get involved because we still have work to do to try to get out a united message from our Executive and the House about what needs to be done.

Mr Easton also indicated concerns about testing. We have continued to access pillar 2 testing and have enhanced our testing in pillar 1; in the past couple of days, we have hit more than 10,000 tests per day. We need to ensure that our public dashboard shows the number of tests per day, the number of people tested and

the number of positive tests. There is a specific indicator for the number of people who have been tested for the first time. There is further information on the dashboard that shows everybody who has had repeated tests and how the positivity rate ties in to the percentage of positive tests and the number of successfully completed tests. That is information that needs to be clarified.

Mr Easton has continually raised one of the most salient questions since I came into post and this place was reestablished: do we have enough nurses, whether through recruitment of international nurses or local recruitment processes? The answer is no. We did not have enough nurses in March, we did not have enough in January and we do not have enough now. The more the virus spreads in the community, the more that our health staff, including nurses, are at risk of contracting it, no matter what precautions are taken. That is the challenge that we face when we look to support the patients with COVID while trying to maintain the service that needs to be provided. Those are some of the challenges and changes.

It goes back to the points made by Mrs Cameron and Mr Sheehan about the changes that we have made regarding orthopaedics moving to a regional service, the elective surgeries at Lagan Valley and our cancer reset services. All those steps are critical in ensuring that we can maintain a service. It is not the service that I would like or want, but it is so that we can maintain a service while we have to support and help all those coming forward with COVID-19. There is no point in our health service where we can ask somebody to make a judgement and say to someone who is walking up to the door of a hospital, "You have COVID-19. I don't have a bed for you today". I do not expect our health service to do that, so the additional pressures come at that point of challenge.

The Member is right about the statutory challenge role of the Committee and of the House. I have raised that point before in the Committee and in the House, and it was addressed when the junior Ministers came from the Executive Office to address some of the regulations. Many of the regulations are cross-sectional, they cross all Departments, and they have implications across other bodies apart from mine. As these are health regulations, I am here to table them, but they are brought by and for the Executive. The point that the Member made is valid because there is a dangerous narrative that more people are getting the virus but not as many people are dying. Not as many people are dying at this

time, but we have always seen a lag from infection to hospitalisation to ICU to deaths, and that is why we are taking steps now to reduce the number of deaths. There are improvements in treatment and in knowledge, but the best thing that we can do is stop people getting the virus. Pat rightly challenges that narrative. Not as many people are dying now, but I ask people who put forward that narrative: what is your trigger point? How many people dying a day from COVID-19 is the point at which you want us to take action? Should we sit back until you say that a certain number of people have died so I, as Health Minister, have to do something? That is not how I work, that is not how our health service works, and I sincerely hope that nobody in this House thinks that we should measure our reaction in that way with the severity and the proportionality of the regulations that we bring in.

We have had conversations round the Executive table about some of the other points that Mr Sheehan raised. There is the challenge of encouraging people who are contacted through our test-and-trace procedure to self-isolate. I know that a conversation is going on between the Department for Communities and the Department of Finance to make sure that we get the support payment measures that are available in England.

The Member for Foyle Gary Middleton said that everyone has a role to play and that we must all take personal responsibility. I do not think that we can simply legislate or fine our way out of this. If I did, I think that we would see a lot more draconian measures. There is a role for enforcement and encouragement, but there is an onus and emphasis on personal responsibility. I think that the majority of people in Northern Ireland are taking that upon themselves, but a small minority is doing damage. I echo his comments about the role of local councils. Derry City and Strabane District Council in the past few weeks has been an example to other councils. The messaging and coordination and having voices at a local level have got people engaged. We have not seen the outworkings of that through a decrease in numbers up there yet, but the message is now there. That was replicated across other council areas as they saw the incidence in their areas start to increase.

Daniel McCrossan spoke about his personal experience, and I think that Mr Allister picked up on that. That is so valuable. A number of Ministers are now self-isolating because they have been in contact with somebody who has tested positive. That goes to show that this

virus excuses nobody and misses nobody and that nobody is above it or immune from it.

The Member talked about the information that is available. Much more information than people realise is available on our dashboard about the number of hospitalisations and the number of people who have been discharged. The information is broken down in great detail and gives the number of hospital admissions, the numbers in ICU and a breakdown of positive cases by age group and council area. There is a lot of information there.

#### 4.15 pm

The Member also raised another challenge that is often repeated: people saying that this is a lesser strain. No, it is not. There is nothing to prove that it is a lesser strain. It goes back to the earlier point: we now have better ways to treat the virus. In most cases, we know how to treat it. We now have medications that we did not have at the start of the pandemic, and we know which ones work. The dangerous narrative that people do not have to worry about this and that it is no worse than a minor flu falls.

The Member raised the issues of enforcement and compliance, which have been raised across the piece. That is why I asked for a group to be set up within the Executive to work across Departments and with outside agencies to increase the emphasis on enforcement and compliance so that we can give a clear signal to those who abide by the guidance and the regulations that anybody who thinks that they are above it and bigger than it will be held to account. I welcome that.

Sinéad Bradley was called to speak without knowing that she was going to be. I thank her for her comments. She had a heartfelt approach to the message that needs to come from this place: this is about what we can do for others. It is a balancing act; there is no win-win. It is about making the best decisions with what we have to prevent the collapse of our health service and prevent more people getting COVID and to ensure that our education and our economy can go ahead. The Member was right to say that there is no absolute. So many people expect, want or ask for an absolute. They call on the Executive to produce that absolute, but there is none. Things are done from personal perspectives, understanding and approaches, which we as an Executive, as an Assembly and as a society have to take on. One of the most important words that the Member used was "empower". It is about the actions of individuals and communities to

support those who need help, whether as a result of COVID, self-isolation or mental health challenges, and that is the challenge that we also have to address. The Member's final comment was that more may need to be done. We are in this together. That is the message from society and Northern Ireland as a whole.

Mr Allister talked about the detail of the regulations, as I expected him to. The paragraph to which he referred states that, after consulting the CMO and the CSA, I can make a direction. If the Member thinks that my Executive colleagues are so timid and so afraid of me that they simply go with what I say without challenge or contest or without putting forward a different option, I wish that his impression was right, because it would make this work an awful lot easier. He is right that the detail of the law, as drafted, gives me phenomenal power, but he knows me well enough to know that I take the use of that power very seriously and would not use it without guidance from and consultation with the CMO, the CSA and my Executive colleagues.

Mr Allister referred to anonymous sources in the media. I say to him — he is a long-standing Member of the House and of the legal profession — would he base a legal argument on anonymous sources whom he heard quoted on Radio Ulster? I do not think that he would, as a professional or a politician, so I will not engage in that debate. It was designed solely to set a direction of conversation before that conversation had, in fact, happened. The Member is right, and this is something that I have always said: the impact of what we do must be balanced by the Executive as a whole. That is about me putting forward my case as Health Minister to ensure that our health service is not overwhelmed and does not run into the same challenges as it did in the first wave. Today, we have 22 people in ICUs and 140 in inpatient beds. Those 140 people need to be nursed, supported by auxiliary workers and domestic staff, fed and looked after. They need to be in those beds while they combat COVID, but those are 140 beds that our health service cannot use for other patients.

Mr Allister raised the issue of community immunity. That will come about through the implementation of vaccination and the uptake of the vaccine. We still do not know how long a vaccine will be potent for. It is not about getting out there and seeing how we survive. We do not do that with the flu, polio or other medical challenges that modern society has faced and combated through vaccination. Simply letting the virus rip and seeing where it ends up, which is what many interpret herd immunity to be,

although Mr Allister moved away from that phrase, is not something that I will support as Health Minister, and I do not think that it is what the Member means.

**Mr Allister:** I am grateful to the Minister. His message is that, until there is a vaccine, the only response that we have to an upsurge in cases is to clamp down with various shades of lockdown. That is the only strategy that there is. Is it not the case that the balance of the scientific evidence suggests that people who have had COVID acquire some element of immunity? Is that right or wrong?

**Mr Swann:** The Member's point is that there is some level of immunity, which we do not know yet. This is still a new virus. Northern Ireland had its first case in February. Members keep talking about what we knew eight months ago. Eight months ago, this scared — I will not use the language that is in the back of my head, but I know how I felt as Health Minister at that point.

The point that I made earlier and that the Member has made is that the issue is how we live with the virus. We will live with the virus using various shades of — I will not use the word "lockdown" — implementation of regulation and restriction. That should be proportionate to the increase in cases, hospitalisations and ICU admissions. It would be different if this were simply about positive cases that were stand-alone and did not lead to an increase in hospital admissions. We have seen admissions increase over the past seven days, and we will see them increase further over the next seven days. Those hospitalisations lead to further ICU admissions and further deaths. Positive cases translate to hospitalisations, ICU admissions and potential deaths. We have to learn to live with the virus, and we do that by bringing in the regulations and restrictions that we have brought in to date. There is only one set of steps that we know to work, and that is the set that we used at the beginning of this year, but we have to make sure that the steps are proportionate and balanced.

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

**Mr Swann:** Yes, Mr Chambers.

**Mr Chambers:** Does the Minister agree that, if we were to go down the road of herd immunity, we would, effectively, sacrifice the weakest and most vulnerable to the virus?

**Mr Swann:** That is the interpretation of many of what herd immunity means. It is not what

Sweden practised, even though many claim that it is.

We all have a responsibility to help to curb the spread of the virus. We do that by maintaining social distancing; by maintaining good hand hygiene and respiratory hygiene; by wearing face coverings; and by self-isolating immediately if we experience any symptoms, including a new, persistent cough, a fever or a loss of or change in smell or taste. We do that by seeking a test if we experience any of those symptoms, by downloading the StopCOVID NI app and by complying with the restrictions and regulations that are in place. By following that advice as we go about our daily life, we can protect ourselves and others from serious illness, protect our health service, our economy and our education service and help to avoid further prolonged and more stringent restrictions.

*Question put and agreed to.*

*Resolved:*

*That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020 be approved.*

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

## Private Members' Business

4.30 pm

### Increasing the Number of Police Officers in Northern Ireland

**Mr Clarke:** I beg to move

*That this Assembly recognises the importance of effective, responsive and visible policing across Northern Ireland; highlights that better-resourced neighbourhood and local policing teams stand to improve outcomes in addressing traditional and emerging crime threats, preventing harm and promoting grassroots support for law and order; stresses, moreover, the critical need to ensure the Police Service of Northern Ireland is appropriately resourced to deal with the enduring threat of terrorism and paramilitary activity; welcomes, to this end, the Executive commitment contained in New Decade, New Approach (NDNA) to increase police officer numbers to 7,500; expresses deep concern with the lack of progress and inaction to date; and calls on the Minister of Justice to work proactively with the Minister of Finance to honour and implement the commitment to enhanced local police numbers by the end of this Assembly mandate.*

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

**Mr Clarke:** I declare an interest as a member of the Northern Ireland Policing Board.

Today, my colleagues and I call on the Justice Minister to implement the commitment that all five parties signed up to under 'New Decade, New Approach' to take the strength of our police force in Northern Ireland to 7,500. In 'NDNA', reference was made to the figure 7,500 and to how:

*"The Executive will deliver committal reform to help speed up the criminal justice system, benefiting victims and witnesses."*

At a time when other obligations, which may be worthy, are being met in what seems to be an accelerated fashion — one example of that is the medical school at Magee — we have to be sure that all provisions are handled fairly and evenly, including this one on the police.

On 21 May, the Justice Minister stated in response to a question from my party colleague Mervyn Storey that that commitment was not a priority. I must say that it gives me great concern that that would be suggested in that letter at that time. It, therefore, seems as though the Minister has failed to accept the importance of that measure to address an ageing and overburdened police force, to meet the dangerous gaps in investigative expertise and to relieve the pressure on specialist departments, including the teams that deal with rape crime, child abuse and cybercrime, to name but a few. It may not be her priority today, but, sadly, the reality is that it will be society's problem tomorrow if that is not addressed.

In recent years, the general trend has been for fewer police officers and reduced police budgets. The annual budget cycle has precluded strategic thinking. The Chief Constable has struggled to maintain current officer and staff numbers let alone increase them. Indeed, if we look as far back as the Patten proposals, we see that they made it clear that the figure of 7,500 should form the basis of the budget that is given to the Chief Constable. It is important to note that the delivery of enhanced numbers should, therefore, go in tandem with ensuring that budget arrangements are strategic, sustainable and meet the recurring costs of additional manpower.

None of us would suggest that we did not want better resourced neighbourhood and local policing teams. The local policing review indicated a desire in local communities for more visible and effective neighbourhood policing. Indeed, we do not have to look at reports to see that. Many of us have been on PCSPs and to public meetings where the police is a topic and have heard many members of the public express concerns about the lack of visibility of policing. I put on record my thanks to Simon Byrne, because he recognises the importance of neighbourhood policing, and, when he came to Northern Ireland, one of the first things that he suggested was to put neighbourhood officers back on the streets, unlike his predecessor.

The PSNI has invested in 400 new neighbourhood officers, with at least one in each electoral ward. I am sure that you will agree, Mr Deputy Speaker, that that is insufficient and cannot deliver on public expectations. Indeed, it will never deliver any good outcomes. Local communities want to see more officers in front-line roles to give everyone

more confidence in their everyday life. It would also help to promote grassroots support for the police in each and every community. We know that the PSNI has many communities to police, some more difficult than others. In some communities, it is nigh on impossible. We know that, in areas where they have to travel in heavily armoured vehicles, it makes their role much more difficult, as opposed to other areas where they can take a much lighter approach. Indeed, in some areas, they can enjoy the use of a bicycle. The sooner we see that, the better. We are a long way off that. I commend the officers who do their job in those difficult circumstances.

Support in other communities needs to be built upon. The numbers would help to address that. Resource is also needed to help to address paramilitarism and the threat of that activity. As we know, Northern Ireland sits at the highest level of threat, as it has for a number of years. One of Patten's recommendations was that:

*"Provided the peace process does not collapse and the security situation does not deteriorate significantly from the situation pertaining at present, the approximate size of the police service over the next ten years should be 7,500 full time officers."*

It is sad that we have never got to that stage. Indeed, one other emerging problem, which Simon Byrne has noted, as have many in the Chamber, is the fearmongering about Brexit and concerns about how that will be policed. Yet, we have not been concerned to address those numbers. I hope that the Minister will address that issue today.

In these unprecedented times of change in everyone's life during the past months, the police have not been immune. A number of months before COVID-19, Simon Byrne had reintroduced neighbourhood officers. Then, COVID-19 came along. The first place where he could strip back the service in order to help to make the police more resilient was to remove those officers and change their roles. Again, that shows that there is no meat in the service that could make the police more resilient to those demands.

In these exceptional times, there is an expectation that the police will be at every corner. In the Chamber, we all know that that will not necessarily be the case. I commend them for the work that they did during the first wave of the pandemic. They had a very difficult task. Expectations were high. Expectations of enforcement were extremely high. The police did a good job on that.

This is not said to minimise the effects of COVID-19, but, as we move into the second wave, the expectation that the police will be on every corner to make sure that people are wearing face masks is unsustainable, to say the least. It is made even more unsustainable by the fact that there are so few officers on the ground.

In my constituency, the Antrim town police station was closed for almost a week because officers had contracted COVID-19. At the weekend, we heard that the Strand Road police station had to be closed for a number of hours as more officers were infected with COVID-19. I put on record that I wish the officers well, a speedy recovery and a return to duty as soon as is humanly possible. Those events all highlight the difficulty of having a force that has insufficient numbers. Indeed, the Chief Constable said at a Policing Board briefing that, based on stats, predictions and some of the evidence, at one stage during the first wave, it was predicted that the police could lose up to a third of its workforce. That puts into sharp focus the difficulties that we will have with the limited numbers that the police have today.

The Sinn Féin amendment suggests that a funding package is needed from the British Government to deliver the 7,500 officers. I wonder whether Sinn Féin will come forward with the same suggestion when bringing forward the Irish language Bill and the other language Bills? Will those Bills be predicated on money or go ahead regardless of what money comes forward? We will therefore not be supporting the amendment. The workforce deserves to be increased to 7,500, as outlined in New Decade, New Approach.

From 2009 to 2019, police force numbers dropped from 7,300 to 6,700. Even with numerous recruitment processes, numbers, as of today, stand at a little over 6,900. In Northern Ireland, the police force loses approximately 5% of officers through retirement and resignation annually. In Northern Ireland, the PSNI has a particularly ageing workforce, with 20% of officers eligible for retirement within the next three years. The most recent resilience review by Her Majesty's Inspectorate in 2017 cited a review that took place in 2013, which stated that if efficiencies were made elsewhere, the savings could be redirected to meeting police demand, but that has not happened.

The demands on the PSNI are more wide-ranging than those faced by most forces in England and Wales. The PSNI faces an ongoing threat from dissident terrorist activity in

Northern Ireland. To put that into perspective, dealing with the dissident threat alone accounts for 20% of MI5's budget. Spiralling overtime costs are now soaring. If those costs could be reduced, there would be clear benefits. A way in which to reduce overtime would be to increase the size of the service. We are mindful that, without a corresponding increase in training provision and recruitment processes, the commitment to 7,500 will take longer to materialise. Indeed, it will take even longer if we do not start the process.

The figure is not only part of the Patten proposals but part of the 2005 recommendation on the part-time reserve. That seems to have been airbrushed by some, but it is vital that it be pursued as quickly as possible. It is also vital that the Justice Minister work with the Department of Finance and the joint board set up under NDNA to oversee the public transformation of policing, and they must work with both Governments to seek funding support to allow policing capacity to become fully operational. I commend the motion.

**Ms Dillon:** I beg to move the following amendment:

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

*"that the costs of delivering the full range of priorities set out in New Decade, New Approach are far in excess of the funding package provided by the British Government; and calls on the British Government to provide adequate funding to take forward the New Decade, New Approach priorities, which will enable the Executive to honour and implement the commitment to enhanced local police numbers by the end of this Assembly mandate."*

**Mr Deputy Speaker (Mr Beggs):** The Member will have 10 minutes in which to propose the amendment and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Ms Dillon:** I thank the Members who brought the motion to the House today. I currently sit on the Justice Committee but was formerly on the Policing Board, so I do have some knowledge of the issues. I absolutely accept what you are saying about the number of police that we need, and we need to get to that 7,500 figure. All Members, or at least most Members, in the Chamber will agree with the main thrust of the motion, which concerns the importance of having an "effective, responsive and visible" policing service across the North.

I am glad to see the emphasis placed on neighbourhood and local policing teams, but I would expect no different. From my time on the Policing Board, I know that we placed an emphasis on them. As Mr Clarke has outlined, and as I am sure we all accept, that will improve outcomes in many if not all types of crimes, including the scourge of drug dealing in our communities, domestic violence, ongoing paramilitary violence, child sexual exploitation, human trafficking, antisocial behaviour and rural crime, to name but a few.

Members will know that Sinn Féin's argument and support for policing with the community is a core and fundamental part of a modern police service. That concept was also at the centre of the Patten report, as was the view that 7,500 officers was the appropriate and necessary size of such a new service here. As the motion states, that commitment from the Executive is contained in NDNA. Such commitments need resources. It is only here that Sinn Féin's amendment adds more realism and improves the motion. Where does the financial resource come from? The increase in the number of police officers will cost tens of millions of pounds. I am not the first Member to say that the Executive do not have the resources to cover all of the commitments in NDNA. In fact, the range of priorities are far in excess of the funding package provided by the British Government.

It is, perhaps, timely to remind Members that the British Government are refusing to pay for a victims and survivors' pension, which could run into hundreds of millions of pounds. That is the same Government that have legislated for that pension, and the scheme is to be hierarchical and discriminatory. It is also the same Government that has refused to set up such legacy mechanisms as the Historical Investigations Unit, which was agreed by both Governments and our five main parties in the Stormont House Agreement.

Successive Chief Constables agree that this would take massive pressure off the PSNI, not just in respect of resource but also in increasing confidence in present and future policing. That last example shows that the issue is not solely about financial resource, but financial resource is essential. As far back as the Stormont House Agreement in 2014, £150 million was promised by the British Government to the legacy mechanisms. Julian Smith, the previous British Secretary of State, added £100 million. Has anyone seen a single cent? Absolutely not. Instead of asking the Justice Minister and the Finance Minister to turn water into wine, the amendment simply asks that Members support

our Ministers in going to not only where the money is available, but where the duty is to supply it: the British Government.

**Mrs D Kelly:** I support the amendment. It is unfortunate that we are not singing from the one hymn sheet, because it would be a good signal from the Chamber if we could unite around additional financial support for policing. I know, from a Policing Board perspective — I declare that I am a member of the Policing Board — that there is a business case, if not already with the Justice Minister then en route to her, for additional financial support for the recruitment of officers to bring the numbers up to 7,500. Of course, as Mr Clarke said, that was a Patten recommendation and set in a context in which there would no longer be paramilitary violence, as we had hoped that we would have moved on, almost 19 years later, to a more normal society, however one would define "normal" in Northern Ireland. It might require some better minds than mine. However, we should, at least, have moved on substantially.

The British Prime Minister has recognised that there is a need to invest in additional support for policing across England and Wales, and it had been hoped that there would be additional recognition for policing here in Northern Ireland.

Like others, the SDLP is supportive of the neighbourhood policing teams. We already see those teams making a difference across our districts. The Chief Constable and the senior team are to be commended for the reintroduction of those teams.

There is a huge need for greater representation and a challenge in relation to the recruitment programme. Mr Clarke is right to point out that there are difficulties in capacity within the police college. The police have tried to adopt online recruitment and to commission some of the test online, rather than candidates having to attend a particular venue. More needs to be done in that regard and more needs to be done right across the piece to attract a greater number of recruits from west of the Bann, from Protestant working-class communities and, particularly, from Catholics.

#### 4.45 pm

It is unfortunate that the British Government decided to do away with the 50:50 recruitment, because that would have seen a Police Service that was representative of the community that it seeks to serve. In only the last few months, Her Majesty's Inspectorate of Constabulary

published a report in relation to police representativeness. It states:

*"Creating a more representative police service for Northern Ireland is a complex issue. It will only happen as part of a process involving the whole of society. But the PSNI has made considerable efforts to address the problem."*

We all know that much more needs to be done. The legitimacy of the Police Service relies upon it being much more diverse. By enabling a greater number of recruits, we enable that diversity to be better represented by how we seek to bring forward recruits and by offering a greater number of opportunities for them.

Members are quite right to thank the police who, as front-line workers during the pandemic, put themselves at risk and were at the forefront of imposing some of the restrictions on our lives in a way which was sympathetic to the needs of the health service. They adopted the approach of, "engage, explain and enforce if you need to", as the best way of gaining community cooperation.

The Justice Minister well knows that there is a real necessity to increase the number of officers, especially from under-represented sections of the community, including BAME, and for improving the gender profile, both in the senior team and at recruit level. There are issues as to how we move forward with policing. We want to see people who reflect the society and background that we come from. We want to see, through the rank and file, equality of opportunity right across the Police Service. Work needs to be done at recruitment level, but measures have to be put in place that are going to stop the —

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

**Mrs D Kelly:** — downward trend, whereby, in four years' time, we could be at serious risk of running to 19% of Catholic officers in the Police Service.

**Mr Nesbitt:** I declare an interest as a member of the Northern Ireland Policing Board. I am happy to say that the Ulster Unionist Party will support the motion but not the amendment.

I note that reference is made to the commitment in the 'New Decade, New Approach' document. The figure of 7,500 officers is cited only once, on page 7. I quote:

*"The Executive will increase police numbers to 7,500."*

It does not say: "The Executive will seek funding from the British Government to increase numbers." Therefore, it is a commitment, as Members, have said, and it predates NDNA and goes all the way back to 1998. The Ulster Unionist Party has been consistent in its support for the figure of 7,500. My colleagues Doug Beattie and, before him, Ross Hussey, who preceded me on the Policing Board, and probably members before that, were supportive of that figure.

It is interesting to note, almost in passing, that Chris Patten did not recommend 7,500 as a solid figure. On page 77 of his report, he makes clear that the number is "approximate". I quote:

*"This cannot be a precise science, and it is an important proposition of this report that the Chief Constable should have some discretion as to the precise numbers and ranks of officers and civilians who should be employed within the budget at his/her disposal; so the figure of 7,500 is a notional one, which we believe should form the basis of the budget given to the Chief Constable."*

This debate and direction of travel is not simply about the numbers, but about what those officers do. Let us recall that, when we reformed policing in 1998, we were hoping to take the opportunity of the Belfast/Good Friday Agreement to allow the police to evolve from what they had been forced to become, which was a police force dedicated to an antiterrorism strategy.

With the Belfast/Good Friday Agreement came the opportunity to transform from a force into a service — a service keeping our communities safe. At the core of that was a transformation into community policing.

I have again been reviewing the Patten report. He said:

*"Policing with the community should be the core function of the police service and the core function of every police station."*

He also stated:

*"Every neighbourhood (or rural area) should have a dedicated policing team with lead responsibility for policing its area."*

Interestingly, he said:

*"members of the policing team should serve at least three and preferably five years in the same neighbourhood"*.

In other words, they should get well embedded in the community to deliver the new concept of neighbourhood and community policing.

I know that the Chief Constable — Mr Clarke made point this point — is very keen on that direction of travel. In supporting the increase to 7,500, we must also support the Chief Constable, who, of course, is in charge of the PSNI's operation, in putting a focus on neighbourhood and community policing, because that can transform how the community views the police.

I go back to Patten just one more time. On page 13 of his report, when talking about the perceptions of the police force at the time, he said:

*"Interestingly, when asked about the performance of their local police, as opposed to police performance in Northern Ireland as a whole, the satisfaction rate among Catholics has tended to be higher, while the Protestant rate has consistently been lower than their respective approval ratings of police performance in Northern Ireland as a whole."*

There is the key to transforming the interaction between the Police Service of Northern Ireland and the people and the communities that it serves.

Again, the Ulster Unionist Party will support the motion, but we emphasise that, while there is a need to increase officer numbers to 7,500, it is also about what those officers do and about making sure that we do what we can to get rid of the paramilitary and terrorist threat and the organised crime that soak up the resources that we would rather see working in the community.

**Mrs D Kelly:** I thank the Member for giving way. Does he acknowledge that the police service ought to reflect the community that it seeks to serve and that, therefore, we need to see representatives from all sections of the community in the police on a proportional basis that reflects the geographic and demographic make-up of Northern Ireland?

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

**Mr Nesbitt:** I thank the Member for her intervention. Yes, I think that a police service

that is as reflective of the community as possible is the best way to go forward. We also think of our increasing ethnic minorities and how we want to see them represented in the police force. I have been asking questions to that effect at the Policing Board, and it appears that we are making some ground on ethnic representation, although, at a senior level, I think that superintendent is the highest rank of any member of our ethnic community. Having 7,500 officers who are as reflective of the community as possible and who are embedded as deeply as possible in our community is the way to go.

**Mr Blair:** On behalf of Alliance, I support the amendment in the first instance. At the outset, I should declare an interest as a member of the Policing Board.

The amendment, I believe, correctly addresses the realities of the long-awaited increase in PSNI officer numbers, as well as the significant shortfall in UK Government funding made available to fulfil New Decade, New Approach commitments. The motion, whilst addressing the importance of visible neighbourhood policing and other matters, references inaction when, in fact, there might have been some progress already, as mentioned by Dolores Kelly a moment ago. I also feel that it falls a little short in addressing the need for collaborative action, forward planning and, indeed, collective responsibility for New Decade, New Approach. The amendment also references UK Government funding directly and calls on the Executive to take action to follow up on that existing commitment. I should say, however, that we understand the core intent of the original motion, and I, like all Members, support the call for increased policing resource.

As a Policing Board member and an MLA, I am acutely aware of the challenges facing policing, not least in the current COVID-19 scenario.

Members will be only too familiar with the expectation that is placed on the PSNI in policing the pandemic, as has been only too well publicised in recent days. That expectation should be measured in the context that the police are often responding, with their own internal COVID human resource challenges, in a situation in which 101 and 999 calls and antisocial behaviour reports are now back at pre-lockdown levels. That, of course, comes in addition to the very worrying pressure that is created by increased domestic violence reports since the beginning of lockdown in March. All that is being policed against the backdrop of continued severe dissident terrorist threats and

uncertainties for policing in light of eventual EU exit outcomes.

I have no doubt that, like her Executive colleagues and Members throughout the House, the Minister of Justice sees the policing resource issue as a priority, and I am sure that she will respond accordingly today. I am also sure that the Chief Constable knows the importance of efficiency, process review and modernisation of service delivery as part of the equation. I hope that the message from the House today is one of support for those who are trying to deliver in the interests of keeping people safe.

Perhaps, on that theme of people and community safety, we can also use today as an opportunity to review and refresh approaches to joined-up policing. We all know the line, "Policing cannot be done by the police alone", and some of us have used it in the past. We know that it is more true today than ever, with changing societal need and a rising mental health response requirement. We know that police officers are often delayed for hours on end in A&E units and that much police work is done with young people in places where there is no structured youth provision. We know that, despite successful nurse-led custody work, triage response teams and other multi-agency trials, there is not yet an agreed, collaborative, interdepartmental and inter-agency framework for delivery. The police continue to lead on issues and in areas that are not essentially policing issues.

Those arrangements, like the need to address the current year-on-year funding set-up, are vital if we are to plan properly and use any increase in police numbers to the best effect. They can also assist in delivering associated Executive plans on mental health and tackling paramilitarism. In the expectation that agreement in the debate will be focused on effective delivery as well as increased resource, I am happy to support the amendment as a step towards a better-resourced, politically supported, inclusive and representative Police Service.

**Mr T Buchanan:** I declare an interest as a member of the Policing Board. It is fair to say that there is consensus across the board that the PSNI is not the fully representative organisation that it ought to be, despite the huge demand on its services, which is more far-reaching and demanding than that of any other police service throughout the UK. The police have faced budget cuts year after year, which have consequently forced them to curtail the number of officers and police staff. With fewer

numbers, it is inevitable that the same quality of service simply cannot be provided to the community. It should not come as any surprise to us that, as the level of overtime has gone up and the level of sickness and absence from work has increased, morale levels in the PSNI have gone down.

Investigations and reports into the running of the PSNI have found a consistent theme, with difficulties for long-term planning because of the short-term nature of the funding that is provided for the service. Patten has been mentioned today but it bears repetition. The Patten report recommended that the number of police officers should not be reduced below 7,500:

*"until Northern Ireland can be judged with confidence to have become a permanently peaceful society."*

Nobody in the Chamber today can put their hand on their heart and say that we are living in a Northern Ireland that is a "permanently peaceful society". We have recently seen reports about the New IRA recruiting significant numbers of young people. Its operations are still being uncovered by MI5, and we welcome that. MI5 itself has said that the threat presented by dissident republicans still exists and is still dangerous in Northern Ireland. The Police Service faces many issues, with COVID and all the other pressures, and it has to deal with the dissident republican threat, yet its numbers are not where they ought to be.

#### 5.00 pm

It is important to point out that Patten recommended not only that the numbers should not go below 7,500 but that the number of part-time Reserve officers should be increased to 2,500. I wonder where that has got to and what work the Minister has been doing on that. Perhaps she will tell us in her response.

For the Police Service to be sustainable and effective, funding needs to be made available to recruit additional officers, and the required mentoring must be made available, as stated in 'New Decade, New Approach'. Patten made it clear that the figure of 7,500 officers:

*"should form the basis of the budget given to the Chief Constable."*

Therefore, it is important that the delivery of enhanced numbers should go in tandem with making sure that budget arrangements are strategic and sustainable and meet the recurring cost of the additional manpower.

Let us not be distracted by the amendment, which calls for more funding from the British Government and takes away from the core issue. Policing and justice is a devolved matter. Therefore, we cannot lose sight of the pivotal role that the Justice Minister, working proactively with the Finance Minister, has in progressing the matter. I hope that, in responding to the debate, she will be so kind as to inform the House what progress she has made since taking up office to champion the cause of adequate police numbers as brought forward in the 'New Decade, New Approach' document.

**Mr Clarke:** I thank the Member for giving way. Much has been said about money. My constituency colleague Mr Blair talked about how the Chief Constable controls his budget. However, if he had more officers and could reduce overtime costs, he would have more control of his budget and would be able to make better use of the money.

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

**Mr T Buchanan:** Thank you. That is a good point, and it is one that the Minister needs to take on board.

If I remember correctly, the Minister, in an interview shortly after taking up her post, indicated that she could not commit to an increase in police numbers. As my colleague Mr Clarke said in his opening remarks, the Minister, in response to Mervyn Storey, stated that this was not a priority for her. I wonder what message of confidence that sent to the rank and file of serving police officers. Those officers continually stand on the front line, and, because of the lack of numbers, they are continually asked to provide extra services and to do overtime in order to fill the gap.

Does the Justice Minister doubt the Chief Constable's evidence of need and demand? Let us hope that, after this debate, we will see a change of attitude and that the Minister will be more determined to work proactively with the Minister of Finance and others to honour, by the end of the Assembly mandate, the commitment to implement enhanced police numbers in 'New Decade, New Approach'.

**Mr Lynch:** I declare an interest as a member of the Policing Board.

As other Members have outlined, we support going back to the 7,500 officers envisaged by Patten. I welcome the renewed focus on

strengthening the approaches to and support mechanisms for policing in the community. That needs to be complemented by an increase in resources — human and financial — for neighbourhood policing teams. If we are to have a police service that commands community confidence, it needs to reflect the community that it serves. That requires affirmative action to bring traditionally unrepresented groups into policing to ensure equality of opportunity in promotion. That means an ongoing commitment to having more women, nationalists, ethnic minorities, LGBT and people from working-class backgrounds in policing. It is not good enough to have those groups join the ranks of the PSNI; they must be in visible positions at both rank-and-file and leadership levels. Representativeness remains a problem. In the recent recruitment for senior officers, representativeness was disappointing. I acknowledge that the PSNI is aware of that and is looking at ways to improve it.

Everyone is entitled to policing that serves the people by enhancing community safety. Forging a good relationship between the police and the community is vital for effective civic policing. That relationship must, in the first instance, be based on mutual respect, and that can happen only if police activity is informed by a focus on human rights and equality. Furthermore, it must be based on partnership with the community and community consent. Those are the elements of the approach that we call "Policing with the community".

From my experience — Mr Nesbitt also mentioned this — in the original PCSPs, community policing often fell down when officers who had built a good relationship with a local community were moved to other duties, leaving much good work lost. The new neighbourhood officers should not be extracted from their main duties. Back in September, at the partnership committee of the Policing Board, I asked the Chief Constable for an update on the neighbourhood extraction plan and any other measures to ensure that officers have the time and space for meaningful engagement and partnership work with communities. I welcomed the Chief Constable's intention to minimise any extraction of neighbourhood officers from their community duties. The PSNI must ensure that policing with the community is embedded in training for new officers that includes mediation training and effective problem-solving.

For Sinn Féin, policing with the community is the overarching principle that should be at the core of civic policing. That overarching policing with the community approach incorporates the

deployment of neighbourhood teams in addition to ensuring that all officers, without exception, incorporate that approach to their own duties and areas of responsibility. Police officers who are visible, take a proactive partnership-based approach that is community-orientated and focus on outreach and problem-solving as well as enforcement will help to secure public confidence in policing. That should, in turn, improve outcomes in addressing crime and enhancing community safety.

**Mr Givan:** I thank our party colleagues on the Policing Board for the excellent work that they do and for bringing the motion to the House.

This is an issue that members of the Justice Committee have touched on. We had the Chief Constable before us very recently — on 24 September. When we were speaking about the range of challenges that the police face, we asked him about the number of officers at his disposal. We asked about the New Decade New Approach commitments — the 7,500 officers — and the discussions that the PSNI had had with the Department. The Chief Constable was able to indicate that the issue has formed part of the comprehensive spending review business case for the next three years. A submission has been made to that effect, and a bid has been put forward to get us to that 7,500 complement. I appeal to the Department of Justice to give it the priority that it deserves, and I am sure that the Minister will touch on that in her response. Any organisation can put in bids, but we really need the Minister's support in getting behind this and making it clear that it is a priority. I know that colleagues have alluded to the correspondence with the Member for North Antrim Mr Storey in which the Minister indicated that it was not a priority because of other inescapable pressures that face the Department. I am sure that the Minister will also touch on that in her response, but we really need to see this made a priority.

Members commented on Patten and the commitments that it made. A huge number of changes were made as a result of the Patten reforms, but this one has fallen by the wayside. We need to see that commitment honoured.

The part-time Reserve is another issue that colleagues have mentioned. A real look needs to be taken at that. The Member for South Antrim Mr Clarke touched on the police's increasing overtime expenditure every year. One needs to ask this: if you had a part-time Reserve, would there be the same need for overtime? If we had a properly resourced part-time Reserve, could those Reserve officers be given the workload of policing the new COVID

regulations that have been put in place rather than that being taken on by full-time officers who are already stretched in dealing with normal crime? There needs to be a focus on the part-time Reserve.

The debate has, of course, touched on the need for community representation and for policing to reflect the community. For a long time, we had the stain on this Province of discrimination against people because of their Protestant faith. Indeed, many Protestants who joined the police had never been in a church and were not remotely interested in religion but had been defined as "Protestant" on the basis of the school that they went to or because that was the faith of their parents or grandparents. It did not just discriminate against those who were practising Protestants; those who were agnostic to it all were identified in that way. That is an appalling place that we got to, and we should avoid that.

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

**Mr Givan:** I give way to Mr Clarke.

**Mr Clarke:** The Member makes a good point about that and about religion. Is the Member aware that, in terms of the recruitment processes, people in one community in particular — the community that some Members on the other side want to be better represented — do not actually apply to join the police?

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

**Mr Givan:** That takes me on to the next point. If you are to tackle why a certain section of the community does not apply, you need to look at the causation factors. If the GAA was more supportive of the police force, more welcoming of officers and actually encouraged that and if the community that they come from was supportive of that, more people would apply. You do not then punish the Protestant community.

Mr Lynch has added in that we need to have more nationalists in the Police Service.

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

**Mr Givan:** I will not. Usually I would, Linda, but I have got only 90 seconds.

We are not saying that we need more unionists in the police force. I do not want to see more nationalists in the police force. I want to see the

best-possible police officers irrespective of community background, and we should not get dragged back into that debate. The motion would allow us all to get behind the need for 7,500 officers who can do the job and properly represent us and allow us to get behind a recruitment campaign that would flow from that. Sinn Féin, for only the first time, went to the launch of that recruitment exercise this year. Despite having bought into the policing structures, it was only this year that Sinn Féin went to that. We need people to actively encourage people from their community to apply, not penalise the other community. We need to get away from "Them-uns" and "The others" and ask for people who are capable of doing the job.

We need to strengthen our police force. The specialist units that deal with rape crime, child abuse and cybercrime are all understaffed, and there are pressures on the different units in the PSNI. Let us get behind the need to honour Patten and New Decade, New Approach. I encourage the Minister to make this her top priority and take it forward through a Department of Justice bid to the Department of Finance. Let us support our police officers, who are out there trying to support the whole community.

**Ms S Bradley:** As the SDLP spokesperson on justice, I support the motion as amended, and I speak to the obvious pressures on resource in the PSNI that were sufficient to, rightly, justify putting this into the 'New Decade, New Approach' document. Since then, the Justice Committee has heard directly from the Chief Constable about how COVID has impacted further on stretched resources. Initially, the types of crimes shifted during lockdown, with an increased emphasis on domestic violence emerging. Since then, the restrictions have eased and crime has resumed, but all of that happened in addition to the pressures that COVID brought along. Furthermore, the Brexit disaster rumbles on, with negative soundings that we may not strike a deal with the EU. If that is the case, let us not pretend that the Chief Constable has not already put it on record that the pressures on policing will become immense. We could face disruption, through to slower and more laborious working practices, and the absence of data sharing will lead to immense problems in the Police Service. While I support the motion, I do not think that it is fair not to give that consideration.

The 'New Decade, New Approach' document has many items in it, across all Departments. Do we intend to bring each Minister in front of the House to put each priority item to him or

her? Perhaps we would do that in normal times, but these are not normal times. The House has to get behind the document as best it can under the circumstances. I do not think that it is valid to say that the amendment that has been proposed is a distraction. It is not. The amendment is steeped in reality.

### 5.15 pm

Any party that signed up to New Decade, New Approach had only to go through the list of priorities in it to see that extra money would be required to achieve them. If people did not think that extra money would be required, they really have to ask themselves some very serious questions. The understanding was that additional money would be required to achieve anything in that document, and we all have to unite behind holding the Government to account to bring forward that money.

**Ms Dillon:** I thank the Member for giving way. It is baffling that people do not think that we should ask the British Government to give the money that they said that they would give under NDNA. They said that they would give resource to go with what was agreed in NDNA, and it baffles me that people think that we should instead be dipping into resources that we need for our children's education, our health system and everything else. Almost everybody in the House has a Minister. Those Ministers are crying out for resources and money, yet Members are saying that we should not ask the British Government for more money. I am absolutely baffled by that attitude.

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

**Ms S Bradley:** Thank you, Mr Deputy Speaker. I thank the Member for her intervention, and I agree entirely. We could go through the document. There are pledges in it for 900 nursing and midwifery undergraduate places, palliative care service improvements and IVF cycles. There is a list in there, and none of the pledges is prefixed with the words "additional money" that the Member referred to. It was the understanding that there would be additional money.

**Mr Nesbitt:** I thank the Member for giving way. On a point of clarification, did her party sign up to NDNA? I have a clear recollection of her party leader saying that he did not support many aspects of the document.

**Ms S Bradley:** There is, of course, much in the document that parties have issues with.

That brings me on to another point nicely. Members opposite have referred to Patten, and I appreciate that there are Members in the House for whom Patten was very difficult — exceptionally difficult — to take on board. With hindsight, however, was it not the right thing to do? Did it not bring us from a very dark place to relative peace? I give credit to the Members opposite, because there were times that agenda items came up that we half-anticipated Members walking away from. We had to come up with ways of keeping those Members here and ensuring that they did not walk away, but they did not walk away. They stood firm at the time, because there was a consensus that we all had to work together to get to a better place. We are not in a place of absolute peace, but are we not in a better place? Have we not achieved something? Let us at least recognise what we have achieved together and realise that that is important going forward and that we can learn from each other and those who came before us.

I bring my remarks to a close by referring to the absolute need for the police to reflect our society and everybody in it. We all deserve to have confidence in reaching out to the Police Service. My colleague Dolores Kelly rightly referred to 50:50 recruitment. If we are serious about growing our Police Service, and I think that we need to, we must grow it in a way that we know has the absolute confidence of everybody in society.

**Mr Chambers:** I thank the Members who tabled the motion for bringing this important issue before the House. I have no problem in fully supporting the motion insofar as it goes. I feel that some important issues have been missed in its crafting, and I will come back to that point. The key question is whether the Justice Minister has made a bid for funding to deliver the commitment in New Decade, New Approach or has plans to do so. Perhaps she will share with the House how she sees that important commitment being delivered and the timescale that she envisages for it.

For a number of years in the 1970s and 1980s, I had the privilege of serving my community as a part-time member of the RUC Reserve in my area.

The wide range of people who served with me included teachers, pharmacists, nurses, clergymen, butchers and bakers but, regrettably, I do not recall a candlestick maker in my group. Every evening of the week, up to 40 part-time officers gathered to be detailed on a local area to patrol. Estates and outlying villages witnessed the presence of a team of

uniformed officers with local knowledge who were patrolling their area and who were engaging positively with the young people of the area. The reassurance that that offered local communities is hard to quantify, but it was certainly welcome. Regrettably, that visibility on the ground is largely missing now.

At that time, the RUC could call on a complement of around 13,000 officers. In 2001, Chris Patten was charged with the responsibility for making recommendations on the numbers that he reckoned that the PSNI would require to offer a service in a peaceful environment. At the time, the population of Northern Ireland was around 1.69 million; 20 years later, it stands at around 1.91 million. Do the Patten figures need to be readjusted to reflect that increase in the population? I think that my colleague Mr Nesbitt perhaps clarified that by stating that the figure of 7,500 was the starting point.

The motion calls for 7,500 officers, but it makes no mention of the 2,500 part-time officers that were proposed by Patten. This seems to have become some sort of elephant in the room. The reason that is given by police sources is that part-time officers would need to be trained and equipped to the same standard as full-time officers. I do not accept this excuse for ignoring this aspect of Patten's recommendations. The small number of Reserve officers who are employed by the PSNI are long-serving and quite experienced officers, and yet their monthly hours of deployment are rationed. It smacks of a resistance to the employment of part-time officers. I am disappointed that the motion makes no mention of the establishment of a part-time Reserve complement, but I accept that Mr Clarke and Mr Givan referred to it. However, it is missing from the motion and I would have liked to see it in there.

Given that around 300 officers retire or leave the Police Service annually, that number has to be recruited just to stand still. It will take a huge push to not only continue to replace these officers, but to build towards the 7,500 figure. Does the police college have the capacity to deliver these figures? I am confident that many in our communities would be happy to help make their areas safer by serving in a PSNI Reserve service. Eight hundred new full-time officers will very quickly be absorbed across Northern Ireland, but a substantial Reserve service would provide more visibility.

Turning to the Sinn Féin amendment, I doubt, given the challenges, that it is possible to bring the figure up to 7,500 by the end of this mandate. I recognise that this is also an aspiration in the original motion. It would be

great if it could happen, and I would fully support such an achievement, but, regrettably, I think that it may be an unrealistic aspiration. I also note the Sinn Féin call for even more funding from the British Government to take forward the New Decade, New Approach priorities. I am sure that they recognise that it is useful to have a generous family member to turn to in times of financial stress and strain.

I conclude by thanking all those who serve in the PSNI for their dedicated service. I place it on record that, when I ask for police assistance and a police officer comes to my home or to my business, I am not really interested in what school they went to.

**Mr Deputy Speaker (Mr Beggs):** I call Kellie Armstrong, and she will have the remaining four minutes in this debate to make a contribution.

**Ms Armstrong:** Thank you very much, Deputy Speaker. I probably will not take the full four minutes.

I support the amendment, as confirmed by my colleague John Blair earlier in this debate. If we are to deliver on the priorities that were agreed by the Executive parties in New Decade, New Approach, we absolutely need more resources to do so, and that has been highlighted today. The Minister of Justice has not been inactive on the number of police officers across Northern Ireland, and the PSNI has been not inactive. I take this opportunity to thank the Chief Constable and all the officers who have throughout the pandemic while others have worked from home.

Those on the Policing Board will have had updates on the strategic outline case that was submitted by the PSNI on police officer numbers. We all know that we could meet the New Decade, New Approach target numbers if there was the money to do so. The Chief Constable has already said that he is looking to grow officer numbers to 7,100 by the end of this financial year. That is hardly him being inactive. In fact, we are currently standing with 6,903 full-time officers and 242 part-time officers. Mr Chambers, if a recruitment process were to go forward, we could at least hit that 7,100 target and, by the end of the mandate, the 7,500.

To reach that target, we all need to support the Minister to ensure that her Department has enough funding to achieve that shared goal. Indeed, the role of Committees is not just to scrutinise but to assist the Minister to fulfil her role. It would be helpful if Members of Executive parties do what they can to help the Chief Constable and the Minister deliver increased

policing numbers, as we all agreed to do in the publicly published 'New Decade, New Approach' document. Ministers will fail if we do not have the resources. We do not have the resources, so we have to ask elsewhere. That is why I am supporting the amendment today.

It came as no shock when this came up. We know the resource implications because, after all, we were all in shock when New Decade, New Approach came forward without the required funding for it, earlier this year. I say to everyone, across all Benches, that we do need more police officers. We have a Minister who is working for more police officers. Let us work together and let her achieve that target.

**Mr Deputy Speaker (Mr Beggs):** I call the Minister for Justice, Naomi Long. The Minister will have 15 minutes to respond to the debate.

**Mrs Long (The Minister of Justice):** I am grateful to the Members for bringing this important motion to the House. I fully agree that it is vital to have effective, responsive and visible policing in Northern Ireland. Therefore, Members can be assured that I will continue to give my full support to ensure that the needs of the PSNI are represented, at the Executive table and beyond, to ensure that it has sufficient resources available to deliver.

With regard to how policing resources are deployed within the PSNI, you will appreciate that that is a matter for the Chief Constable. One of the priorities within New Decade, New Approach was to increase police officer numbers to 7,500. I welcome this opportunity to inform Members of the progress that has been made to date on that matter.

However, before I do, I want to correct what has been stated as fact by Mervyn Storey, in previous debates, and by Trevor Clarke and some of his colleagues today, when they said that, in the correspondence, I said that this was not a priority for me. That is not correct. I will share with you what I actually said in a long letter to Mervyn Storey about the three strategic outline cases that were presented to my Department. Let me just quote the letter:

*"I met the Finance Minister in February 2020 at one of the bilateral meetings held with each Department, during which the level of pressures from across the Justice family, including the PSNI, was discussed. That meeting also touched on the early indication of NDNA costs that had been provided. I made clear at that meeting that my priority would be the inescapable pressures, in the*

*first instance, as these related to just standing still. Only once these pressures were met could I consider allocating funding to NDNA-related costs. In the end, the 2020-21 budget allocated to my Department fell short of the funding required to meet all inescapable pressures, and, to date, no additional funding for NDNA commitments has been forthcoming."*

So it is not the case that it is not a priority for me, but Members will appreciate that it is necessary that inescapable costs are met first.

With respect to Mr Buchanan's statement, can I also clarify that, in the interview to which he referred, I did not say, as he suggested, that I would not commit to that number of officers. I said that I could not commit to that number unless the funding was made available to my Department. It would have been wrong for me to do otherwise.

Members will be aware that the funding package accompanying New Decade, New Approach falls well short of the amount needed to deliver all the priorities, and sufficient funding for increasing police officer numbers is not currently within my departmental budget. Therefore, it will be for the Executive to make decisions around which priorities are funded and to what extent in this mandate. Having said that, Members will be reassured to know that my Department and I have been working closely with the Department of Finance and PSNI colleagues on progressing the strategic outline case relating to increasing police numbers.

First, I will address the issue of police officer numbers. The figure of 7,500 police officers is not a new one. It was noted as far back as the Patten report on the review of policing in 1999, which said:

*"provided the peace process does not collapse and the security situation does not deteriorate significantly from the situation pertaining at present, the approximate size of the police service over the next ten years should be 7,500 full-time officers."*

Subsequently, an internal PSNI assessment of its own resilience and capability was carried out in 2013. It concluded that a police officer strength of 6,963 officers was required to deliver policing in Northern Ireland. As of September 2020, the PSNI has 6,991 police officers, full-time equivalent. I understand that the PSNI aims at having 7,000 officers in place by the end of March 2021, within their existing budget envelope.

### 5.30 pm

Turning to the progress to date in ensuring that increased police officer numbers are represented at Executive level, Members will fully appreciate that it is important that decisions on police numbers are underpinned with sufficient reliable information and an evidence-based assessment, especially given the financial climate within which we operate. It is public-sector funding, after all, and we must satisfy public accountability on this matter. Therefore, the PSNI was advised to bring forward a strategic outline case for consideration.

Members should also be aware that the PSNI has advised that the increase in police numbers is one part of its transformation programme and that all elements are interlinked. The other two elements are additional investment in digital technology and estates transformation and renewal. The PSNI has submitted strategic outline cases for transformation of the service in each of those three areas. The Department of Justice subsequently submitted the strategic outline case, seeking Department of Finance approval for the PSNI to proceed to outline business case stage for an additional 600 officers, at a cost of £40 million per annum.

My officials are engaging with the PSNI and the Department of Finance on the strategic outline case, as well as the two others on additional investment in digital technology and estates transformation, which have also now been submitted to DOF. These strategic outline cases are subject to approval processes, and all three are being considered by the DOF before approval is granted to allow the PSNI to proceed to the development of outline business cases for each.

I want to assure Members that all parties involved in this work have sought to progress the outline cases in a timely manner. They are potentially significant investments. Estates renewal and transformation is costed at £544 million over 20 years, and digital technology is costed at £89 million over five years. Therefore, if funding is to be made available, it is right that the consideration process is thorough, that value for money is at the heart of our thinking, and that they are submitted to the Department of Finance in a fully justified and robust state.

We also need to understand how the strategic outline business case for increased police officer numbers sits within the context of the overall transformation programme proposed by the Chief Constable. Discussions with the PSNI will include ongoing requirements and

operational considerations, which are a matter for the Chief Constable. Any decisions will take into consideration the funding available. At this stage, the total funding envelope available to the Executive for 2021-22 and beyond is not yet known.

As part of the recent information-gathering exercise to inform future budgets, the Department has highlighted the costs associated with the increase to 7,500 officers, noting the ongoing engagement on the strategic outline cases and the considerations, including discussions with PSNI on ongoing requirements and operational considerations, which are a matter for the Chief Constable.

The motion also speaks about better-resourced neighbourhood and local policing teams, and I fully recognise the importance of effective, responsive and visible policing. One of the clearest messages from the consultation on the local policing review in 2018 was the need for a return to a more visible neighbourhood police service. Work to increase officer numbers in that area has already taken place, with 376 additional officers uplifted to neighbourhood policing teams, with a further 24 to be posted, to bring the total number to 713 officers. The benefits of strengthening neighbourhood policing teams have been recognised by policing and community safety partnerships, with whom they work to deliver many of their initiatives.

Neighbourhood officers attend policing and community safety partnership meetings, community safety and antisocial behaviour forums, and support community engagement initiatives, all of which are a critical link with local communities to address fear of crime and community safety issues. I support the increase in officer numbers in those teams, ahead of any agreement on overall police officer numbers.

The motion also references emerging threats, and there are many, not just criminal, as we have seen with the COVID-19 pandemic. For example, ensuring that organised crime groups are not able to exploit Brexit is an important part of the work. Considerable effort is being put in by PSNI and other agencies, including the Organised Crime Task Force, to militate against that, and I commend them for it.

In anticipation of the new challenges that the Northern Ireland protocol will bring, a new smuggling subgroup has been established to develop a full strategic picture of smuggling in and out of Northern Ireland and Ireland more generally. An analysts' forum has also been established to ensure that the Organised Crime

Task Force is well informed about evolving threats. The forum will draw on expert knowledge and insight to inform our collective understanding of the changing organised crime picture in Northern Ireland.

My Department recently consulted on a new Northern Ireland organised crime strategy to protect individuals, communities and businesses. The draft strategy has been informed by and developed in collaboration with the main Organised Crime Task Force partners. Following analysis of the responses and engagement with the Justice Committee, a finalised strategy will be published. The draft strategy acknowledges the breadth of organised criminality and the interdependency of work ongoing in Northern Ireland to tackle paramilitarism and work in other jurisdictions to tackle similar issues.

The dissident threat was raised by a number of Members. An additional £160 million, jointly funded by the Northern Ireland Executive and the UK Government, was ring-fenced in the last SR period in addition to the main grant funding. Work is ongoing to end paramilitarism. It is an important objective of the Executive. That is reflected in the cross-Executive action plan on tackling paramilitary activity, criminality and organised crime. Under the action plan, the PSNI paramilitary crime task force was set up to tackle all forms of crime linked to paramilitaries. I am grateful for the work that it does in targeting groups that seek to control and exploit communities. The action plan also reflects the importance of policing with the community and of collaboration with statutory and voluntary partners. However, tackling —

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

**Mrs Long:** I am sorry; I do not have time.

Tackling paramilitarism effectively also requires each of us to address the underlying issues, such as socio-economic factors that make individuals and communities vulnerable to paramilitary influence. The Executive as a whole have a role to play in making that happen. Although this debate is about numbers, it is vital that we use all the resources available to us, including those in partner organisations, to deal with those types of issues, including our partners in the Republic of Ireland and the National Crime Agency (NCA) and a range of other organisations.

I completely agree that there is a need for a representative Police Service. As can be seen from the last recruitment exercise, it is a priority for the police that we have a more

representative service. However, Members who argue for the reintroduction of 50:50 recruitment should be clear that, were that to happen without a significant increase in applications from the minority community, it would potentially reduce the number of officers able to be appointed to the police in any recruitment exercise.

I welcome the amendment that has been tabled. It is right that we should make a case to government for the additional funding for NDNA, which was not presented to us as we expected.

In summing up, I want to be very clear: progress is being made in regard to this matter. I refute the suggestion of inaction. The timeline for the strategic outline case (SOC) is clear and speaks for itself. The first version was submitted by the PSNI on 26 November 2019 to members of the working group on police numbers and transformation for initial feedback. Feedback was then given on 16 December, including on the two other strategic outline cases.

The updated SOC from the PSNI came on 27 January 2020. Further DOJ comments followed on 12 March. There was an updated SOC on police numbers on 30 March. On 10 April 2020, we asked the police to finalise the SOC on numbers and submit it. On 15 April, they did so. The strategic outline case was issued to the Department of Finance on 27 May, after being considered by the Department and obtaining approval from the working group on police numbers and transformation. On 6 July, PSNI and DOJ colleagues met Department of Finance officials via video link to discuss the SOC. On 5 August, the Department of Finance sent through formal feedback for consideration. On 29 September, an initial response to DOF queries was submitted. On 6 October, the third and final SOC on estates transformation and renewal was sent to the Department of Finance.

To suggest that we are not working on these issues and progressing them is simply not the case. That work takes time, and it is important that the decision is informed by robust deliberations and due accountability. Indeed, the relationship between officer numbers and overtime, which has been referred to, is an area that we specifically invited the PSNI to address in the strategic outline case.

Additional officers have already been funded from a reduction in overtime.

The part-time Reserve (PTR) currently stands at 255 members. The PSNI, at our prompting, has said that it will consider the full range of options in the strategic outline case in response to those questions. However, while the PTR is an operational matter for the Chief Constable, it is worth noting that PTR officers are not much cheaper to recruit and cannot be deployed as flexibly as full-time members.

Notwithstanding the inadequacies of NDNA funding, fiscally, we are in territory that we have never experienced before, and, unfortunately, circumstances will not improve quickly. So, I encourage Members to reflect on the fact that the Executive will, over the coming months and, indeed, years have extremely difficult spending decisions to make and ensure that the overall Budget for the Executive is prioritised accordingly. When Members make demands for spending in any area, they are asking us to reduce spending in another. That is a decision for all Executive Ministers, not just for me as Justice Minister. Some areas will get funding, and some areas will inevitably lose out, and Members need to remember that when they seek to be critical of those decisions. I am committed to working with my Executive colleagues, including the Minister of Finance, and the Chief Constable to ensure that all aspects of our Police Service are properly resourced for the challenges that it faces.

**Ms Kimmins:** In winding in support of the amendment, I will summarise the comments made during the debate. My colleague Linda Dillon moved the amendment and highlighted our acceptance of and agreement with the thrust of the motion. She said that we were glad to see the emphasis on neighbourhood and local policing teams as we recognise their importance in tackling the scourge of drug dealing, domestic violence, child sexual exploitation, rural crime, antisocial behaviour and other issues. We have to be realistic that commitment needs resources, and the Sinn Féin amendment adds realism and improves the motion on that basis. Linda also highlighted the fact that it was timely to remind us of the British Government's refusal to pay for other things, including the victims' payment scheme, and she stated that the amendment simply asks that Members support Ministers in going not only to where the money is available but to where the duty is to supply it.

Dolores Kelly spoke in support of the amendment and said that it is disappointing that we are not all on the same page on this. She said that the British Prime Minister recognised the need to invest across England and Wales and that we had hoped for similar recognition

for the North. Dolores also spoke about the huge need for greater representativeness and said that there is a challenge in achieving this. She said that more needs to be done right across the piece to recruit from all backgrounds.

Mike Nesbitt spoke against the amendment, stating that NDNA does not say that the Executive commit to asking the British Government for funding. He said that Patten did not recommend 7,500 as a solid figure but as a rough estimate.

John Blair spoke in support of the amendment and addressed the funding shortfall. He said that the motion falls short in addressing the need for collaboration and planning. He highlighted the pressures on the PSNI, acknowledging the extra pressures as a result of COVID from, for example, domestic violence and other issues that have arisen particularly from lockdown. He said that police resourcing is a priority for the Minister and that we should use today to review and refresh our approach to joined-up policing.

Tom Buchanan spoke against the amendment, saying that it is a distraction and takes away from the core issue. He asked the Justice Minister to inform the House of what progress she has made.

My colleague Seán Lynch spoke in support of the amendment and welcomed the renewed focus on this issue. He spoke about representativeness and the need to ensure that all communities are represented by the police who serve them. He said that there should be an ongoing commitment to having in the police more women, more people from ethnic minorities, more LGBT people and more people from working-class backgrounds. He said that all should be more visible in both rank-and-file and leadership roles. He said that partnership with the community and community consent are crucial, and he highlighted the impact of moving police who had built relationships with communities to other areas. He welcomed the Chief Constable's commitment to minimising extraction. He said that the Sinn Féin amendment reflects the overarching commitment of Policing with the Community to the duties and areas of responsibility of police officers.

Paul Givan highlighted his opposition to the amendment. His view of representativeness was that it was "a stain on this Province". He said that the GAA should be more welcoming of the police.

I take issue with that, because I would like to see examples from the Member of where the GAA has not been welcoming of the police. That is a very strong allegation to make.

#### 5.45 pm

Sinéad Bradley spoke in support of the amendment and stated that COVID had impacted on PSNI resources, particularly from the increase in domestic violence. She also highlighted the impact of Brexit, which is coming down the tracks, and said that, as highlighted by the Chief Constable, the pressures of no deal on the PSNI would be immense. In response to previous comments, Sinéad mentioned how the House agreed to NDNA without significant finances being secured. She asked if we intended to bring every Minister to the House for every item that was agreed as part of NDNA. She said that she did not think that it was valid to say that the amendment is distracting and said that it was steeped in reality.

Alan Chambers spoke in opposition to the amendment, stating that it is useful to have a generous family member when needed. I ask the Member this: are you suggesting that, at this very time, we dip in to much-needed funds for health, the economy, education and our rural and urban communities, which need it more than ever? I put that to the Member.

Kellie Armstrong spoke in support of the amendment —

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

**Ms Kimmins:** — to say that we absolutely need more resources, and she highlighted that the Minister had been working hard to get them.

In conclusion, the Minister stated that she has made a lot of progress, and she gave us a comprehensive —.

**Mr Deputy Speaker (Mr Beggs):** The Member's time is up. I call Joanne Bunting to conclude the debate on the motion. The Member has 10 minutes.

**Ms Bunting:** I am grateful to Members and the Minister for their participation in the debate and for the tenor in which it was conducted. I, too, declare my membership of the Northern Ireland Policing Board. The Member opposite has done some of my work for me, but there were important elements in the debate that should be borne out and reiterated. I think that we are all

in agreement and united in the Assembly about the numbers, under-representation and the focus on neighbourhood policing. However, within those, we have some disagreements, and I will come to those.

My colleague opened the debate on the need for a neighbourhood policy in the fight against paramilitarism. He referred to the policing of Brexit, and it is important to remember that we have the UK's only land border with Europe. He also highlighted the fact that the Chief Constable had reiterated the potential to lose a third of the workforce in various waves of COVID.

Ms Dillon proposed the amendment. I am glad that she agrees with the numbers, but the issue is with how we get there. I disagree with her reference to the victims and survivors' pension. We on this side of the House certainly disagree that it is hierarchical. We think that it is not right that victim-makers are treated in the same way as those who suffered at their hands.

Ms Kelly made important points about the business case and said that the Patten numbers mentioned were effective for peacetime. She referred to neighbourhood policing and under-representation. We will slightly disagree on that, because, to our mind, 50:50, as the Minister reiterated, builds in discrimination rather than focusing on merit and could exclude people unnecessarily from the process. I am glad that the Member mentioned how much the police have done to address under-representation. There comes a point where the police can do only so much.

A Member opposite — I think that it was Mr Lynch — made reference to under-representation. As Mr Givan said, the issue with that is that there are barriers to recruitment. Some of those barriers are the threat that is represented in the communities. People have to make a sacrifice by leaving their home and their family and are unable to visit those they love. Those things have to be addressed, and we have to take a political stand and say, "Enough. We will not tolerate this kind of behaviour in our communities any more", and we have to say that being a police officer is a viable career choice.

**Ms Dillon:** Will the Member take an intervention?

**Ms Bunting:** If it is brief. I have a lot to get through.

**Ms Dillon:** I agree with much of what the Member has said. However, I highlight the fact that the ineffectiveness in dealing with legacy in this House and in the British Government has played a big part in the lack of confidence in the PSNI, with people not feeling that they could —.

**Ms Bunting:** The Member's point is noted.

Mr Nesbitt referred to the transition of the police from a force to a service that engaged in community policing. That is an important transition, and the police are still trying to transition to what policing with the community means. It means different things to different people, and they struggle, as do we on the board, with what it means in practice. He also mentioned paramilitaries and organised crime and the constant fight that there is over the coercion and control that still exists in communities in Northern Ireland.

Mr Blair made relevant points on the challenges that face the PSNI due to COVID and the fact that 999 and 101 calls are back to normal levels. He also raised mental health provision and how, so often, the police — we have discussed this in the House — end up filling the gaps when no one else is there and highlighted the hours that are spent doing that.

Mr Buchanan conducted his speech to music [*Laughter.*] In the course of that speech, he made the point that the budget must be strategic and sustainable.

Mr Lynch referred to under-representation and the fact that the turnover in neighbourhood officers — this is a reasonable point — detracts from building the necessary relationships to get proper intelligence and to build on what is going on in those communities. I am glad that the Chief Constable has taken steps to ensure that, in neighbourhood policing, there is a valid and viable career path.

Mr Givan, as I said, referred to the business case being given the prioritisation that it deserves. He also expressed his views on the barriers to recruitment.

Almost lastly, Ms Bradley discussed the increase in domestic violence. She also said that we had achieved something, which is right: we can look back and say that we have achieved something in how we have learned from each other.

I thank Mr Chambers for his service during dark days in Northern Ireland. He made a valid point about reduced numbers but an increased population.

Mrs Kelly mentioned resources, and the Minister outlined the progress that she had made, to some extent, with the business case and her support for the PSNI.

I will sum up where we are with an overview of the current position, although it is by no means an exhaustive list. Police officer numbers have been reducing consistently year on year. On average, the service loses approximately 5% of police officers each year, mostly through retirement or resignation. We have low numbers of detectives. The July report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) expressed alarm at a likely gap in serious crime investigators in the PSNI. Despite existing recruitment, several specialist departments struggle with workload and capacity, as has been mentioned, namely the rape crime unit and the child abuse and cybercrime teams. We fare badly in comparison with the numbers in other forces. West Yorkshire Police, for example, serve a similar size of population with fewer challenges, yet it has a workforce that numbers more than 400 more officers and staff than the PSNI. As has been mentioned, comparable substantive increases in officer numbers in forces on the back of the PM's July 2019 statement have not been met by equivalent investment in NI. According to the 2017 HMICFRS inspection, we have an ageing workforce. At the time of that inspection, around 20% of police officers were eligible to retire within three years. That is an enormous body of experience that we are about to lose.

The terrorist threat level is at severe. My colleague referred to the demands on policing in Northern Ireland and how they are much different from those that confront most forces in England and Wales. The PSNI faces the ongoing threat from dissident activity. I reiterate that that threat alone accounts for 20% of MI5's budget.

Now we have the pandemic, with the PSNI expected to check and enforce increasing numbers of frequently changing regulations and restrictions on top of all its other usual responsibilities. Add to that the fact that funding to the PSNI, year on year, has been decreasing in both cash and real terms and the absence, as has been mentioned, of a multi-year budget cycle, which denies the PSNI the opportunity for meaningful longer term strategic planning including on workforce issues. and we wonder why crime outcomes are low.

In May, the Minister informed Mervyn Storey by letter that the 7,500 commitment was not a priority for her because other inescapable

pressures needed to be met at that time. In fairness to the Minister, if she will bear with me, she indicated that the money that she was allocated just about allowed her to stand still. It is important that she continues to press the issue with the Finance Minister.

At a time when other obligations are being met in an accelerated fashion, including a medical school at Magee, and I am sure that I have seen a couple of announcements to date about Casement, we need to ensure that the NDNA provisions are implemented in a fair and even-handed way.

Look, I know that the issues are complex and that having additional officers is not a panacea, and I am sure that no one would object to an injection of capital from London — we have pressed for that as much as any other party — but, with all that is going on, it is not coming, so we have to aim to do as much as we can on our own. That is why we will not accept the Sinn Féin amendment, which passes the buck and puts the issue on the long finger.

The Executive have made commitments to the people of Northern Ireland, and it is up to those Ministers to ensure that they cut their cloth accordingly and fulfil the promises that they made in that agreement with one another and with the people, prioritising the things that affect everyone.

Let us be realistic: we all have our pet projects in the NDNA agreement, but the bottom line is that, in circumstances in which money is limited, the things that affect everybody must be taken forward first. It is the things that benefit the whole of society that should and must be prioritised above all else in ministerial budgets. Crime and the fear of crime is one of those things. Everybody signed up to the commitment to additional officers. Feeling safe and being safe is not tribal. It is not a partisan ask. Everybody wants safer streets. Now let us get on with delivering on the NDNA. Additional police officers would be a good starting point.

*Question put, That the amendment be made.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Deputy Speaker (Mr Beggs):** Clear the Lobbies. The Question will be put again in three minutes. I remind Members that they should continue to uphold social distancing and that those Members who have proxy voting

arrangements in place should not come into the Chamber.

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

*Question, that the amendment be made, put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Deputy Speaker (Mr Beggs):** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Order. 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 continues 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 47; Noes 36.*

## **AYES**

*Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Ms C Kelly, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Miss Woods.*

*Tellers for the Ayes: Ms Dillon and Ms Kimmins*

## **NOES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr*

*Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Clarke and Mr Nesbitt*

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

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

*Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Cameron, 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 Stalford and Mr Weir.*

*Mr Butler voted for Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon [Teller, Ayes], Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins [Teller, Ayes], Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, 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 S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin, Mr McNulty.*

*Question accordingly agreed to.*

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

*Resolved:*

*That this Assembly recognises the importance of effective, responsive and visible policing across Northern Ireland; highlights that better-resourced neighbourhood and local policing teams stand to improve outcomes in addressing traditional and emerging crime threats, preventing harm and promoting grassroots support for law and order; stresses, moreover, the critical need to ensure the Police Service of Northern Ireland is appropriately resourced to deal with the enduring threat of terrorism and paramilitary activity; welcomes, to this end, the Executive commitment contained in New Decade, New Approach (NDNA) to increase police officer numbers to 7,500; expresses deep concern that the costs of delivering the full range of priorities set out in New Decade, New Approach are far in excess of the funding package provided by the British Government; and calls on the British Government to provide adequate funding to take forward the New Decade, New Approach priorities, which will*

*enable the Executive to honour and implement the commitment to enhanced local police numbers by the end of this Assembly mandate.*

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

*(Mr Speaker in the Chair)*

## Assembly Business

**Mr Wells:** On a point of order, Mr Speaker. On 7 October 2020, you wrote to me about a remark that I made during a debate held on 6 October 2020. You pointed out that, even though I had made it clear in the debate that I was quoting someone else's remark, your ruling was that, even in that situation, it could be deemed offensive to quote what someone else had said. Mr Speaker, can you confirm that, the following day, immediately on receipt of your letter, I wrote to you to acknowledge your ruling on the issue and to withdraw the remark immediately?

**Mr Speaker:** Thank you, Mr Wells, for that point of order. Earlier today, when the issue was raised in a point of order, I made it very clear that I had, in fact, written to you and that — I think that I used these words — to be fair, you had replied within an hour to withdraw your remarks and to apologise for any offence caused. OK, Mr Wells? I now consider the matter closed. Thank you.

## Suspension of Standing Order 10(3A)

*Resolved:*

*That, in accordance with Standing Order 10(3A), the sitting on Monday 12 October 2020 be extended to no later than 9.00pm. — [Mr Butler.]*

## Private Members' Business

### The European Union/United Kingdom Withdrawal Agreement

**Dr Archibald:** I beg to move

*That this Assembly notes the British Government's stated intention, in breach of international law, to renege on elements of the EU/UK withdrawal agreement; urges the European Council to stand by, fully, the EU/UK withdrawal agreement as agreed; and calls on the European Council to require the British Government to implement fully the protocol on Ireland/Northern Ireland.*

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to wind. One amendment has been selected and is published on the Marshalled List. Please open the debate on the motion.

**Dr Archibald:** I support the amendment.

Later this week, on 15 October, the European Council will meet, and Brexit will be one of the items for discussion. In advance of that meeting, today's motion calls for the European Council to stand by, fully, the withdrawal agreement, as agreed by the European Union and British Government, and to require the British Government to fully implement the protocol.

That Council meeting should have been a key staging post in the finalisation of the future arrangements, but, as we are all only too aware, having debated it at length in the Chamber, the negotiation process, which had been moving at a snail's pace was somewhat upended at the beginning of September by the Internal Market Bill. That Bill, as has also been well discussed, breaches the withdrawal agreement and protocol and undermines devolution and the Good Friday Agreement.

Thankfully, though, for our businesses, communities and economy, the negotiations have continued, but we all know that significant gaps remain, in particular in fisheries, the level playing field and state aid, as has been the case for many weeks. There was some speculation over the weekend about very tentative progress, but we in the North very much need to see those negotiations intensify towards a positive outcome.

When the Internal Market Bill was published on 8 September, Boris Johnson unhelpfully set 15 October as a deadline for reaching agreement on a trade deal. Short of a miracle breakthrough, it seems highly unlikely that that will happen. It remains to be seen how that will be navigated, but it needs to be. We are only 80 days away from the end of the transition period; that is all that is left to secure a deal on future arrangements and to get it ratified through the Parliaments. That, too, is all that is left for businesses and other organisations to prepare for whatever future arrangements are agreed and for them to be ready to implement those arrangements on 1 January.

We have heard from business organisations and civil servants that the likelihood of being prepared and ready to implement the arrangements is decreasing by the day to the point of near impossibility. I said last week and I will say it again that the future arrangements negotiations are the only show in town. The focus needs to be on resolving the outstanding issues and being ready to implement the technicalities of the protocol.

We are five weeks on from the publication of the Internal Market Bill, and there has been no discernible progress on key questions such as the definition of at-risk goods, what declarations will be required and in what context, what the labelling requirements will be and what sanitary and phytosanitary (SPS) checks will look like. For a Bill that was supposed to give certainty, it is failing dismally.

There is also no tangible progress on other issues that were envisaged as being part of the future arrangements discussions, including arrangements for EU citizens who cross the border to work and are facing uncertainty about what their status will be or what they have to apply for. There are other things, too, that will have an impact on people's everyday life, with added bureaucracy. Those include pet passports, green cards for car insurance, roaming charges and whether we can still access the European health insurance card.

What can young people expect with student fees for studying in the South or other EU states beyond next year? Will they be able to have access to ERASMUS+? What will be the arrangements for universities, research institutes and business organisations to have future access to EU research programmes? Those are just some of the things that we still have no clarity on 80 days out from the end of the transition period.

There are those in the Chamber and elsewhere over the past few weeks who have tried to spread the blame for the lack of progress as though the British Government had been caught unawares by an intransigent EU, but that simply does not stack up. Britain joined the then European Economic Community in 1973, and it has been at the centre of the EU's institutions since then. Britain is well aware of the EU's approach to managing its interstate relations and negotiations such as these. Indeed, it has been involved in and party to such negotiations.

When the British Government signed up to the withdrawal agreement ahead of further negotiations on future arrangements, they were well aware that they would be held to implementing the agreement. Yet, some in the Administration have spent the last year trying to negotiate their way out, culminating in the publication of the Internal Market Bill. In doing so, the British Government and Tory Ministers have again shown complete disregard for our peace, our economy and the businesses, jobs and livelihood of people across this island. They have prioritised their narrow interests and a fantasy of light-touch regulatory arrangements that favour business interests above all else over the interests of people and communities here.

It is still difficult to discern the intent behind the Internal Market Bill and whether they are trying to force the EU's hand in negotiation or, rather, disingenuously trying to unilaterally disapply parts of the withdrawal agreement. In reality, though, it does not make any material difference because the outcome is the same: breaching trust and making the negotiations more difficult rather than constructively engaging.

Over the past few weeks, as we have debated the Internal Market Bill, some Members have tried to suggest that the British Government were acting within their rights and that the parliamentary sovereignty clause in the withdrawal agreement allows for such actions. Indeed, Mr Stalford and Mr Allister cited legal opinion supporting that claim. However, a bit like statistics, you will always find something that will support your view.

### 6.30 pm

There is plenty of legal opinion and analysis that disputes those assertions, including from the Institute for Government, which, in commenting on the withdrawal agreement, states:

*"The bill also 'recognises' that Parliament is sovereign ... However, this 'parliamentary sovereignty' clause is unlikely to have any legal effect."*

It further states:

*"The most likely outcome of this is that if, in future, Parliament passed a statute inconsistent with the agreement, the courts would disapply the statute in favour of the agreement".*

The House of Commons Library's analysis states:

*"Clause 36 on Parliamentary sovereignty is of doubtful legal significance."*

It further states:

*"The use of the phrase 'it is recognised' in the clause ... suggests this is a political statement about the UK's constitutional norms rather than a new justiciable rule."*

It has been described as political window dressing.

The only real way to test that would be in court, and that may yet come. The European Commission has actioned legal proceedings against the British Government in relation to the Internal Market Bill, so far on the basis of the breach of the good faith articles in the withdrawal agreement. It remains to be seen how things progress and what action the British Government will take on the Internal Market Bill. It is clear, though, that they should remove the clauses that breach the withdrawal agreement.

It is against that backdrop of legal action, and the unhelpful Boris Johnson deadline, that negotiations continue and the European Council meets this week. That difficult mood music and slow negotiation progress have led to this motion. As I have said time and again, the best scenario for the protocol to operate effectively is in the context of a comprehensive free trade deal. That is still what we hope will be achieved, even in the challenging time frame that we face. However, if we are looking at a no-deal outcome, it is an imperative that the protections in the protocol are implemented to protect our economy, communities and peace agreements. All efforts need to be maintained to reach an agreement on future arrangements, and the British Government need to be held to the commitments that they have made.

In advance of the European Council meeting, I call on the Assembly to send a clear message that the withdrawal agreement and protocol must be upheld to protect our businesses and communities and the Good Friday Agreement. Therefore, I urge Members to support the motion and the amendment.

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

*At end insert:*

*"; and further calls on the UK Government and the European Union to work constructively within the context of the protocol on Ireland/Northern Ireland to put in place any waivers, mitigations and flexibilities necessary to make its implementation as light touch as possible."*

**Mr Speaker:** The Member will have 10 minutes in which to propose the amendment and five minutes to make a winding-up speech. All other Members who speak will have five minutes.

**Mr Dickson:** For the past number of weeks, we have been debating a range of motions on the same topic. The Alliance Party supported all of those motions to demonstrate its dismay at the United Kingdom Government's apparent willingness to break international law in the form of the provisions of the Internal Market Bill — a breach of law that they have freely admitted to.

In proposing our amendment, my colleague Mr Muir and I seek to make a constructive change to the motion to give it a more-specific direction and to seek greater clarity for the businesses and people who we in the Assembly are here to serve in such uncertain times.

It is important to continue to acknowledge that much still needs to be defined by the United Kingdom Government and the EU on what the rules and requirements will be on the specific movement of goods across the United Kingdom and Ireland. That includes specific goods such as medicines and fishing and other issues that were raised by my colleague in her speech on the motion.

The power to implement such a light-touch, mutually beneficial, lower-friction system is entirely in the hands of the UK and EU. I really hope that all Members can join us and support the amendment, which calls on the EU and the United Kingdom to engage constructively to avoid an unnecessarily heavy burden on businesses and our community. Let us hope that someone in government, and in Brussels,

is listening. I also hope that this debate can be less acrimonious than some of the previous debates, one that can draw support from across the House.

We all appreciate that the protocol is not ideal. It is the outcome of the Government's desire to take the United Kingdom away from the EU. Many, especially here in Northern Ireland, would have viewed a softer Brexit, with the United Kingdom continuing within the single market and/or the customs union, as an appropriate way forward. Nonetheless, the protocol was agreed, and, in the context of such desired divergence, an election campaign was run on it, and Parliament passed it. I cannot accept the supposed aim that the Government are doing this for our own good: that is, that it is a safety net for the Good Friday Agreement. I do welcome the DUP's new-found support for the agreement nonetheless.

Rather, this intervention has the potential to undermine the Good Friday Agreement by putting the whole protocol at risk. The United Kingdom Government seem to have a perception that agreements do not need to be followed and that reality does not need to be acknowledged. The Government appear to be unable to reconcile their desired outcome with the world today. They are thus taking a chaotic and confusing approach to the negotiations, with contradictory and unrealistic aims.

We need to leave behind those manoeuvrings and negotiating tactics, however. Businesses need certainty in a very uncertain time, when a multitude of serious concerns still face us. We need good faith in both London and Brussels. There needs to be realism, because there must be definite room for a lighter touch on the implementation of the protocol. On export declarations, for example, there is potential for waivers for goods moving from Northern Ireland to GB. It is understandable that the European Union needs to take action to protect the single market and the customs union, even more so, given, regrettably, the bad faith shown by the United Kingdom Government. Ultimately, however, that is not required for the integrity of the EU single market or the customs union, so, with good faith and engagement between the parties, wide-ranging waivers could be possible.

On fisheries, fish landed in Northern Ireland is not covered by the protocol, but there is surely the potential, separate from the wider UK negotiations on fisheries with the EU, to include the issue in the protocol. Medicine supply chains flow through the UK generally. That presents us with issues of labelling and batch-testing, as those medicines will leave the EU

and move into Northern Ireland. Clearly, the best and simplest solution to that is a mutual recognition agreement on medicines between the UK and the EU.

Then, of course, there is the goods-at-risk challenge on goods travelling from the UK that could end up in the EU. At present, the default is that all goods will be deemed to be at risk, with tariffs to be paid and then rebated if the goods end their journey in Northern Ireland. That could impact seriously on businesses and consumers. Of course, if the UK were to negotiate a favourable zero-tariff and zero-quota future relationship, that challenge would almost disappear. In the absence of the great deal that we were promised, a far-reaching set of exemptions is needed for Northern Ireland-destined goods in order to protect supply chains and consumers. Again, we need the UK and the EU to engage in good faith on that, and I believe that that is possible.

Northern Ireland has managed a compromise that may see us avoid the very worst effects of Brexit. It is not perfect, as compromises rarely are, but there is room here to make arrangements as light-touch as possible. The United Kingdom must seek the best possible arrangement for Northern Ireland, preferably a comprehensive zero-tariff, zero-quota trade agreement and not accept a no deal, which we are told would be a good outcome. Those who call for the UK just to walk away and accept a disastrous no deal need to realise that the issue will be worse than settled. The UK will need to continue to trade with our nearest neighbours. It is the hard reality of the geography that will intervene. Exporting dairy products, beef or eels to the Netherlands and France is a far more realistic and competitive situation for us than our exporting to New Zealand or Canada. Furthermore, the reality is that dairy products from New Zealand do not cross the EU multiple times before going to market, as we see here.

Brexit risks upsetting the Northern Ireland balance, but that has come about through the choices made by the United Kingdom Government to break away from the European Union in such a dramatic way, and one that was not even proposed in the referendum. Unfortunately, it is happening to us whether we like it or not. We have to make the best of it, and the protocol needs to be implemented. It is, however, within the power of the UK Government and the EU to call on those with the power over our futures to act in our best interests and to stop posturing.

Clearly, friction in trade will increase as a result of a hard Brexit. We should not allow this to

increase division and tensions at a time when we are coming together to protect businesses and people in Northern Ireland. That is the purpose of what we are trying to achieve today.

These arrangements need to be in place well before the end of the year — time is running out — to give businesses certainty and to ensure a culture of compliance from day one. We must do all in our power to prevent a chaotic end to the transition period for Northern Ireland. Northern Ireland needs to be put on a clear legal footing for the future, with the lightest possible touch on checks to keep goods flowing across the British Isles as freely as possible. Businesses need certainty and stability, no matter what your view is on Brexit. We must all ensure that a black market is not enabled to take advantage of the lack of trading arrangements, undermine our legitimate Northern Ireland businesses and, regrettably, fund organised crime.

I hope that Members will join us today in calling on the EU and the United Kingdom Government to reach a good outcome. I encourage Members to support our amendment.

**Mr Stalford:** This is becoming a bit of a pattern. This is now, I think, the fourth week in which we have been discussing something related to the Brexit process. Having gone through four years of Remainer hissy fits, a few more motions in front of the Northern Ireland Assembly are hardly to be feared, but I do think that this does the House a disservice. I have in front of me the speaking notes from the last motion on this, and Members could probably simply read out the same speech that they delivered last week and just put that into Hansard again. So repetitious has the argument become that I think this particular horse has been flogged as much as it can stand. However, Members are within their rights to bring any motion that they wish, no matter how repetitious and boring it may be.

The wording of the motion is interesting. It refers to calling upon:

*"the European Council to require the British Government".*

Here is the thing: we are not in that club any more. Europe cannot require anything of us that we choose not to give it, and I think that the country is better off for that. No longer will people whom we did not elect be making the laws that govern us, dictating to us how to conduct trade or ruling our lives.

This protocol is bad for Northern Ireland. It is bad for Northern Ireland business, and, no

matter how much the Member for East Antrim shakes his head, that is the reality. No person can stand on their feet and say that they are defending their constituents' best interests if, at the same time, they support the protocol. No elected Member of the House should have the brass neck or the gall to face local businesses and tell them that they are defending their interests whilst simultaneously supporting a measure that puts a blockage on the biggest market that Northern Ireland has — the GB market. It is a fallacy to say that you are supporting local business whilst, at the same time, supporting barriers to local business. No matter how often the Members stand on their feet and repeat the lines over and over, it will not make them true. The protocol is bad for Northern Ireland business because it hives us off *[Interruption.]* I am happy to give way if the Member wants me to.

**Mr Dickson:** I would just like to ask the Member a very simple question: whose fault is it that we have the protocol? It is here because we started out with your party's opposition to dragging us out of the European Union. It is as simple as that.

**Mr Stalford:** Dragging us out of the European Union? It is called a democratic referendum.

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

**Mr Stalford:** Thank you.

Dragging us out of the European Union? Every citizen of the United Kingdom had an equal vote.

From John o'Groats — *[Interruption.]*

**Mr Speaker:** Order, Members.

**Mr Stalford:** From John o'Groats to Land's End, from London to Strabane, every citizen of the United Kingdom had an equal vote and an equal say in that referendum, and the people elected to leave the European Union, including a majority in the constituency of East Antrim, Mr Dickson *[Interruption.]*

**Mr Speaker:** Order, Members.

**6.45 pm**

**Mr Stalford:** The people elected, in a UK-wide referendum and in a free and fair contest, and they made their decision. What followed was four years of foot-dragging by a Remain vanguard that dragged the country through the

courts and kept it going through this psychodrama because they were not prepared to accept the outcome of the referendum and did everything in their power to quash that outcome.

As has been said, we are now 80 days away from seeing that outcome fulfilled. I support the content of the Internal Market Bill because I want the best for my constituents. I do not want trade barriers up the middle of our country. For anyone who defends the protocol, that is precisely what you want and precisely what you will deliver for your constituents.

Those who are beholden to the Northern Ireland protocol ignore the existential threat to household prosperity that it will cause. Why? Because their fealty to the idea of the European Union is more important to them than the wealth and prosperity of their constituents. They are still fighting the battle of 2016, which they lost, and they cannot accept that. They are determined almost to try to punish the country for having the temerity to leave the European Union. Some elected people who are supposed to represent the interests of their constituents want to see them actively punished for daring to vote to leave the mighty European Union. Well, that is for them to justify.

I want the best outcome for my constituents, and the best outcome for them will be secured through free trade and access to the largest market to which we have access: the GB market. If Mr Dickson wants to shake his head to a statement of obvious fact, that is for him, but, much like the Remainers that we have seen during and since the referendum, he cannot hold back the tide for ever.

**Mr O'Toole:** We have debated Brexit and the UK Internal Market Bill several times over the past few weeks; indeed, I have tabled motions on them. I see that my colleague from South Belfast is leaving the Chamber, no doubt before I get the opportunity to remind him that the constituency of South Belfast, which we both serve proudly, overwhelmingly and proudly voted Remain.

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

**Mr O'Toole:** I am happy to give way if he wants to correct me on that point.

**Mr Stalford:** Unlike the Member, I was elected by the people of South Belfast [*Laughter.*]

**Mr O'Toole:** I am glad that the Member is —.

**Mr Speaker:** Order. The Member has an additional minute.

**Mr O'Toole:** That is a fair point. I suggest that we should give the people of South Belfast another referendum on the question of Northern Ireland's membership of the European Union. I am happy to do that, and we will see how it goes.

We have debated Brexit and the Internal Market Bill several times over the last few weeks. Despite what some Members, including my colleague from South Belfast, think, it is critical that we continue to debate Brexit, not least because people in Northern Ireland voted Remain and, secondly, because it is critical to the future of our economy.

Several months ago, we debated a motion that called for an extension of the Brexit transition period. As Caoimhe Archibald said, that transition period will end in 80 days. Given what we know about the state of the pandemic in Northern Ireland and what it will inflict on our society and economy in the next few months, I do not think that anybody could credibly argue that we should not have the transition period extended. It is immoral that the UK Government have not extended it thus far.

The meat of the motion and the amendment, both of which we will support, is about, first, the actions of the UK Government in resiling from their commitments under international law and, secondly, a call in the amendment that the UK and the EU should use their best endeavours to strike a deal and make the operation of the withdrawal agreement and the protocol as workable as possible for businesses and workers in Northern Ireland. Of course, we support that.

Let us first be absolutely clear: the withdrawal agreement, which is an international treaty lodged at the EU, places legally binding obligations on the UK Government and the EU to deliver. The Ireland/Northern Ireland protocol, to give it its legal name, is no one's ideal outcome. Why does it exist? It exists because of Brexit. Brexit is the thing that people here did not ask for. Despite the enthusiasm of Christopher Stalford and others on the Benches opposite, we did not ask to leave the European Union. Brexit creates specific and significant challenges for our society and economy, given our geography, our complicated history and our institutions. Anyone who downplays that and turns this into a Remainer or Leaver psychodrama is, I am afraid, not properly engaging with the nature of Northern Ireland or its unique challenges. The protocol has to be

implemented, but it is no one's ideal first choice. The ideal first choice for this society and economy was membership of the European Union. It is worth saying that, in my view, that was by far the best scenario and outcome for the whole of the UK, for everyone who lives on these islands and, indeed, beyond them.

It is important that the protocol be implemented in a way that works for people here. The way to do that was for the United Kingdom to have clearly demonstrated to the European Union that it was serious about implementing the protocol, engaging in implementing it and doing it via the Joint Committee and elsewhere. Unfortunately, that has not happened yet. That has severely damaged trust, and that damaged trust has led to the initiation of legal action by the European Commission. I am afraid that that was inevitable, given that the European Union is, after all, a legal order. Secondly, it has led to a breakdown of trust in the negotiations for a free trade agreement. Let no one be in any doubt that a comprehensive free trade agreement between the UK and the EU is in everyone's interests, but it is particularly in the interests of Northern Ireland's businesses and society more broadly. If we have, as others have mentioned, a zero-tariff, zero-quota arrangement between the UK and the EU, that will lead to more workable arrangements for Northern Ireland. It will still not answer all the challenges. It will still lead to a very clunky set of trading relationships between the UK and the EU, and it still will not solve all the challenges that we will have on this island. It will not address the fact that we will not have access to services across this island in the way that we did. We do not have answers yet to all the unanswered questions, some of which were touched on by Caoimhe Archibald.

None of us wanted to be in this position, debating, less than three months from the end of the transition period, a possible cliff edge for our businesses in the teeth of the worst pandemic in a century. No one wants to be here debating it, but I am afraid that being here and debating it is one of the few ways that we have of demonstrating to the UK and to the EU the seriousness of the situation that we find ourselves in and the clear will of people here to have the protocol delivered and to have a deal between the UK and the EU that minimises the impact of this godawful thing — Brexit — on our economy and our society.

**Mr Beggs:** I oppose the motion and the amendment. The Ulster Unionist Party will support neither. We encourage those who wish to see balance in the negotiations to reject them. They are not being helpful. They are not

helping things, and they are not allowing us to move forward.

First of all, Ulster Unionists reject the Government of Boris Johnson and are disappointed that they signed up to a Northern Ireland protocol — a flawed protocol in the first place — and then saw fit to disavow the provisions immediately afterwards. That is not good practice, but it should never have been agreed in the first place. Let us remember that the Northern Ireland protocol breached the Belfast Agreement: there was no consent from the unionist community, and it changed our status in the United Kingdom. It is unionists who have been offended by the Northern Ireland protocol, and nationalists need to understand that. They need to understand that we have been diminished by the protocol and the Belfast Agreement has been diminished. That is being ignored by nationalists.

**Mr O'Toole:** I am grateful to the Member for giving way. I do not agree with the argument that he makes, but, if what he is saying is true, does he also accept that Brexit is, by definition, a breach of the Good Friday Agreement?

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

**Mr Beggs:** The fundamental decision in the Belfast Agreement was that any change to the status of Northern Ireland would be done with the agreement of the people of Northern Ireland: a cross-community agreement. That is not what has happened. Northern Ireland has moved to a halfway house, with a border down the Irish Sea, making us different and, unless that can be quickly resolved, causing major disruption to our trade.

I also draw attention to the fact that we have a debate of this type almost weekly. It has become monotonous, and at the same time we have Brit-bashing.

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

**Mr Beggs:** I have already given way.

At the same time, the hand goes out looking for more money. You Brit-bash in one debate and look for more money in another debate. That is not good politics; it is grandstanding.

The language that we have heard in the debate today may be deemed acceptable from a party whose whole existence is based on the destruction of the United Kingdom — in the past, certainly, by whatever means. That is not acceptable in a modern way. It is not

acceptable to unionists and should not be acceptable to anybody in the Chamber. I have to ask the SDLP, the Greens and, indeed, the Alliance Party whether the continuation of the, quite frankly, unbalanced assault on one side of the debate is in the interests of their constituents, all our constituents and everyone in Northern Ireland. It is fruitless and is going nowhere, rather than asking all sides of the dispute to draw back. Members should use their best endeavours to help our businesses, farmers, supermarkets and consumers, who are now looking at a potential 5% hike in electricity. That is where we should be, but, for some reason, that is not where we are.

**Mr Dickson:** Will the Member give way on that point?

**Mr Beggs:** I will give way.

**Mr Dickson:** I genuinely appreciate what the Member said about the debates that have taken place; I said that in my speech. However, the amendment is about encouraging the United Kingdom Government and the EU to bring about a compromised agreement and to allow us to do exactly what Mr Beggs wants us to do: support our businesses and move forward.

**Mr Beggs:** The amendment supports the Northern Ireland protocol, which no unionist can support. It cuts us off from the rest of the United Kingdom through trade barriers and restrictions on the movement of goods. The Alliance Party has failed to recognise that. For some reason, it seems to have taken more direction from the Northern Ireland Office.

Rather than attempting to bring commonality to the debate, we have been wasting time throwing insults across the Chamber. We need to move forward. I agree with Mr Dickson that we need to ensure a light touch, but the flawed protocol, which should never have been agreed, needs to be rethought, and the debate should not be restricted by them.

Several commentators have said that the Assembly has been tabling and supporting anti-UK motions on a monotonous and insulting basis. It goes on and on. It is majoritarianism involving Sinn Féin, the SDLP and the Alliance Party on its worst basis. There has been a failure to seek cross-community support that everyone can gather round. We need to move forward constructively. We need to think about what is deliverable. We need to think of the other. We need to make sure that we have free trade east-west and North/South. That should not be restricted by the flawed Northern Ireland

protocol, which has created much of the problem. I ask everyone to reflect on that and to see how we can go forward constructively together rather than having these repetitive and monotonous debates that happen over and over again on largely the same subject.

**Mr Allister:** On a point of order, Mr Speaker. Pursuant to Standing Order 25, I want to move that the Question be now decided. This is the fourth successive week in which we have repetitively debated the issue. Each of the five main parties has again had the opportunity to contribute. In accordance with Standing Order 25, I move that the Question be now put on the amendment and the motion.

**7.00 pm**

**Mr Speaker:** On your point of order, Mr Allister, I do not believe that it is appropriate to curtail the debate. I remind the Member that the Business Committee selected the motion for debate. The motion is clearly valid. I also point out, Mr Allister, that you have a representative on the Business Committee. That Member, who represents your interests, supported the motion going forward for debate today. On that basis, I am satisfied that it is not reasonable to curtail the debate.

**Mr Allister:** Further to that point of order, may I ask you, Mr Speaker, to look at the terms of Standing Order 25? It is precisely for this situation. It says:

*"After 'the question' of a motion has been proposed, any member who has not already spoken to it, or to any amendment to it which has been proposed, may move that 'the question be now decided', and unless it shall appear to the Speaker that any of the parties present has not had a reasonable opportunity to contribute to the debate or that such motion is otherwise an abuse of these orders, the question that 'the question be now decided' shall be put immediately and decided without amendment or debate."*

Every party has had such opportunity. For four weeks, parties have had the opportunity, which is repeated today. I really do press upon you that Standing Order 25 is made for precisely this situation, if it is the will of the House. Of course, if it is not the will of the House, the debate will proceed. If it is, the matter should move to the votes.

**Mr Speaker:** In fact, it is not entirely due to this particular set of circumstances that that Standing Order is in place. I make the point

that, if we were to use repetition as the reason for curtailing debate, you may well find that quite a number of debates in the House would be suitable for curtailment. The Standing Order provides:

*"unless it shall appear to the Speaker that any of the parties present has not had a reasonable opportunity".*

As far as I am concerned, if the debate were to be curtailed, and the motion that you propose were to be successful, there would be no further responses and no further winding-up speeches. I do not believe that that would be a reasonable outcome. Other Members are entitled to express their views. This is a timed motion, it was passed by the Business Committee, and it is valid. On that basis, we will continue the debate.

**Mr Givan:** As Members have said, this is the fourth such motion in as many weeks. Notwithstanding that, we will go through with debating it. I commend Dr Archibald: she has tremendous power and influence within Sinn Féin to be able to have this motion brought back again. Remind me, Mr Speaker, never to cross the Member for East Londonderry. We could debate issues such as how we restore our health service or support the arts in this current climate, or the future of manufacturing and so on. Instead, we go back to the Brexit debate. If we are keeping score, Sinn Féin may be ahead of the SDLP now, so we will need to get another motion from the SDLP to counteract that.

Members have rehearsed their arguments at length in their detailed contributions, so I do not intend to rehearse some of mine. It is important, though, to point out that, when we take the United Kingdom to task for its breaches, let us also apply the same standard to the European Union, for example. In recent weeks, it has been well documented that the European Central Bank was deemed to have broken German law. Let us see whether there is an attempt by Germany to bring the European Central Bank into line using the relevant European Union procedures.

Look at the European protocols when it comes to the rights of citizens to participate in voting their members into the relevant legislature. Article 2 of protocol 1 of the European Convention on Human Rights makes it clear that citizens should be able to vote their people in. That is not the case in Northern Ireland, though. We will be denied that right. I am not advocating that, but, if we are to hold to that principled position, the Member should be

advocating that Northern Ireland be allowed to elect people to the European Parliament because it will still be subject to the rules of the European Union. We will take on the rules but not have the ability to influence them. I have not heard how that protocol is being applied.

Members rehearsed article 1 of the Northern Ireland protocol, which is creating the issue, particularly for unionists. Article 1 of the Northern Ireland protocol states that the agreement should be:

*"without prejudice to the provisions of the 1998 Agreement".*

That takes us back to the arguments that that agreement ensures that Northern Ireland will remain an integral part of the United Kingdom until such a time as a majority of people vote otherwise. That has not happened yet. It may well in the future, but it has not happened. Therefore, the very Northern Ireland protocol should reflect Northern Ireland's position in the United Kingdom. That takes you back to the 1800 Act of Union, which enshrines equality of treatment for its citizens in the component parts of the UK and says that we should not have any customs barriers in place. We are now going to have customs barriers in place, so it flies in the face of the 1998 Belfast Agreement.

**Mr Buckley:** I thank the Member for giving way. Does he agree that, for the EU, this was never about protecting peace and economic prosperity in Northern Ireland? In fact, it was never about the people of Northern Ireland. It has always been about using Northern Ireland as a means to punish the UK and to drive it to the negotiating table under its terms and conditions. It is the standardised approach to negotiating 101 by the European Union.

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

**Mr Givan:** Thank you, Mr Speaker. The Member is right. That point was made before. The French will care more about access to the UK's coastal waters than they will about what happens on the island of Ireland. That is going to be the harsh reality, so the EU is using the protocol as leverage within a much bigger game plan.

That takes us to the question of what we can do. In the previous debate, the Member for Upper Bann Mr O'Dowd talked a lot about the question, "What can we do?". He said that unionism is let down consistently by the British Government. I agree. We have been let down

on countless occasions, and that is why I am a devolutionist, not an integrationist. That is why I believe in Stormont. He said that Dr Paisley and Martin McGuinness moved to kick out the then Secretary of State. That was a good decision, and I would have done the same. I was not the biggest fan of Peter Hain, and I was not sad to see him go. I agree that we can do much more together on the issues that affect all our people than either London or Dublin can do for this jurisdiction.

That is why it concerns me that there is a repetition of the same debate and the same motion in this place going round in a circular way. We are generating plenty of heat and not a lot of light. That is where we need to get to. I ask myself this: why did Sinn Féin get to the point where it did not support an elitist European Union? It never supported the unaccountable type of system that Europe is. It is much further away from the people, so it is less democratically accountable. Why does Sinn Féin support an institution that big business can access, as opposed to the ordinary man and woman in the street? It is a dictatorial European Union, where the smaller member states are subjected to the rule of the big countries. Why did Sinn Féin decide that it would no longer hold that position? Of course, it is because of the single agenda that it pursues: the reunification of Ireland. Its position "evolved", as Mr O'Dowd said, so that it could change positions.

My party's position has never changed. Mr O'Dowd said that, in 2016, we did not know what we were doing. Anyone who has followed DUP history and what Dr Paisley stood for will know that he topped the poll on no fewer than five occasions in every election, much to the dismay of some Members opposite. He beat every contender in those elections. I think that the DUP position on Europe has been very clear right from the foundational days of our party.

Let us try to find a space where we can come together and not beat each other about over these debates again. Hopefully, this will be the last of it. You will win the vote. The SDLP, Alliance and Sinn Féin will defeat us again. Well done. Let us, hopefully, move on and get to a place where we can find a way forward that benefits all our people.

**Ms Sheerin:** I will address your comment, which I know was meant in a disparaging tone, about the influence that Dr Archibald has in our party. Caoimhe, like me, is an elected member of the Sinn Féin ard-chomhairle, so she does hold quite a bit of influence in Sinn Féin. We are

a democratic party, and this is something that is important to us all.

Contributors across the Chamber, including you, remarked on how repetitive this conversation is. This year has seen all of us lurch from one crisis to another. Brexit fatigue is now so 2019. It has been compounded by COVID fatigue in 2020. As boring as this might be for some, the reality is that, much like when you are talking to a petulant child, when you are speaking with the British Government, you sometimes have to repeat yourself. As for the accusation of Brit-bashing, this is not personal for us with the Tories. It is personal for our constituents and for the communities that we all represent.

It is no secret that my party's position is that Ireland would be better off without the involvement of Britain in our affairs, but to portray the conversation that we are having as an opportunity to vent is insulting. It is insulting to all the people on the ground who worry about the impact that leaving the EU will have on their daily life. We are in a mess that is not of our making. We did not vote for Brexit, but we are where we are. We are getting dragged out against the will of the majority in the North. Our position now should be about how we can make the best of a bad situation. As the saying goes, "Half a loaf is better than no bread".

Last winter, every evening, we all tuned in to a soap with far greater drama and far less predictability than anything that even the most seasoned of scriptwriters could have delivered. The House of Commons in London became the scene of a "Will they? Won't they?" that would challenge any romantic comedy with vote after vote on the withdrawal agreement. The withdrawal agreement that we finally saw signed off, whilst not perfect — remember that this relates to Brexit, so perfection is not something that is attainable —

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

**Ms Sheerin:** No, thank you.

— provided us with some assurances. The implementation of the protocol meant two big-ticket items for the North of Ireland, both of which have been spoken about at length and neither of which we can afford to lose.

The first of those items is the non-diminution of rights principle. That is not just something that is very difficult to say; it is a guarantee from the British Government that they will not roll back on the rights mentioned in the "Rights,

Safeguards and Equality of Opportunity" section of the Good Friday Agreement. If the non-diminution principle is the belt, the dedicated mechanism would serve as the braces. It consists of the granting of funding and additional powers to human rights organisations already working in the North to hold the UK Government to their promise. Unfortunately, before we got that far, we could see the British Government reneging and abandoning the protections offered in the protocol through the Internal Market Bill.

The Human Rights Commission and the Equality Commission have advised that the proposed amendments undermine the 1998 commitment to incorporate the European Convention on Human Rights. Worryingly, the Internal Market Bill may allow the British Government to opt out of many of the EU directives that have protected rights that we have become accustomed to in the North. Those rights ensure equality of access to opportunity and services regardless of background or ability. Our buy-in, North and South, to the European Convention means that we have harmonisation of certain schemes that impact on the life of anyone with a disability. If you are a driver with a disability and require accessible parking so that you can go to the pharmacy or the supermarket without any trouble, you are entitled to a blue badge, and that holds equal weight across EU states. If you live in Derry, Newry or Aughnacloy and sometimes nip across the border for your groceries or to get fuel, you know that your blue badge will be recognised and you do not have to do anything extra before commencing your errands. For a section of society that is already at a disadvantage, any further bureaucracy, form filling and chopping and changing between different systems, depending on the jurisdiction that you are in, will lead to frustration and further exclusion.

Another example is the use of pharmaceutical Braille, which is consistent across states via an EU directive. It means that those with visual impairments can buy medicine North and South and expect to find the same Braille on the packaging. If we lose such an EU directive, rural dwellers buying paracetamol or Calpol for their children will be confronted with different instructions depending on whether they buy it in Stranorlar or Strabane. That is another complication that no one will welcome.

If we are to have a just society, it is imperative that our most protected rights are those of our most vulnerable. The protocol went some way to ensuring that. I do not regard it as Brit-bashing to ask that that is upheld.

**Mr Buckley:** Mr Speaker, forgive me for being repetitious in some of my comments. For weeks on end, the House has been subjected to the same artificial hysteria from Sinn Féin and other parties on the European Union/United Kingdom withdrawal agreement and the Internal Market Bill. We hear the same old lines, such as "breaking international law"; "breaching the terms and conditions of the Belfast Agreement"; "acting in bad faith"; and "ignoring the democratic will of the people of Northern Ireland". The list could go on. I even heard a Sinn Féin Member speak about the disastrous economic impact on Northern Ireland of the actions taken by the British Government.

Come on, Mr Speaker. Really? Is there any self-awareness in the party opposite? Sinn Féin is giving itself almost as much carte blanche as it did in last week's debate when it called for respect for the rule of law.

**7.15 pm**

Many Members who sit on the Benches opposite and their party not only acquiesced but gave cover to the very bombs that blew the economic heartbeat out of our towns and cities across Northern Ireland, including Portadown, Lurgan and Banbridge in my constituency of Upper Bann, destroying lives, livelihoods and economic viability for decades. It was left to Her Majesty's Government to rebuild and pick up the tab. One can therefore forgive unionist Members in the House for coming to the conclusion that this is nothing but artificial hysteria from Sinn Féin.

If I had been allowed to intervene earlier, I would have said that, if Brexit and the Internal Market Bill meant so much to Sinn Féin, as they have said that it does on numerous occasions in the House, where were they when it mattered? Did its MPs go to the House of Commons, exercise their vote and vote against it? No. Sinn Féin prefers the art of drama in this Chamber. There are many people across our society who can see through that.

Sometimes, I feel in this House that we are back in 2016 debating the referendum itself. I have no doubt that that is the motive and intention of many on the Benches opposite, who still have not come to terms with the fact that the UK voted to leave the European Union. Instead, they attempt to use this House as a platform to reiterate old lines, with Sinn Féin in particular seeking to use the Assembly as a talking shop on Brexit, despite, in the four years since the referendum, not uttering a single

word, casting a single vote or tabling a single amendment where it mattered: the House of Commons. If Dr Archibald —.

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

**Mr Buckley:** Absolutely. I have no problem at all giving way on this point.

**Mr O'Dowd:** I am slightly confused by the Member's position and Mr Girvan's position. Mr Girvan is a devolutionist, but, from listening to the Member, it appears that he is not a devolutionist.

**Mr Buckley:** I thank the Member for his intervention. I am pretty sure that Mr Girvan sits in the House of Commons. I am right behind Mr Givan on the point that he made, however. I am wholeheartedly behind him. This party is a devolutionist party. We believe in Northern Ireland. Anybody who believes in Northern Ireland and its economic welfare and integrity would understand that the protocol is bad for Northern Ireland. We voted against it and tabled amendments to it in the House of Commons. Sinn Féin did not show up.

We must see today's motion and those from previous weeks for what they are. Today's is a classic example of stunt politics from the party opposite, while other crucial issues remain parked, such as, as has been stated, the restoration and state of readiness of our health service as it faces its most challenging winter to date. There are other issues, such as organ donation and the COVID response: I could go on. Regrettably, this is classic Brit-bashing from the parties opposite, which have absolutely no desire to see a prosperous Northern Ireland in a post-Brexit world. Instead, they want to fight on narrow party political points.

**Mr Givan:** I appreciate the Member giving way. I did not comment on the amendment, although the Member may want to. The reason that we oppose it is that it gives tacit acceptance to the protocol, and I do not recall the Alliance Party ever campaigning for a light touch on North/South trade. North/South trade had to be unfettered, but it was OK to have barriers to east-west trade.

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

**Mr Buckley:** I thank the Member for his intervention. This point is always driven home to me: anybody who calls for borders North/South is seen as acting in direct violation of the Belfast Agreement, yet any unionists who

stand up and say that they want the opportunity to have no barriers east-west are seen to be acting in direct violation of the Belfast Agreement. This party calls for unfettered access to the internal market of the United Kingdom, which is our largest market.

Let us examine some of the EU's actions and its failure to honour its own international commitments, as set out in the withdrawal agreement. I see that my time is nearly up.

The problem is that the EU has never accepted those aims. It has never fully understood the agreement. It has never recognised the sovereignty of internal UK trade, and it does not accept that east-west relations are just as key as North/South relations.

**Mr McAleer:** I welcome the opportunity to speak to the motion this evening on the importance of the implementation of the protocol. As the Sinn Féin spokesperson on agriculture and rural affairs, I will focus my remarks mostly on agri-food and the wider agri-food sector.

In the North, our food and drink industry employs 100,000 people, and we feed 10 million people. It accounts for nearly 30% of total private-sector employment here in the North. The imposition of Brexit has caused mayhem and uncertainty in the sector. A lot of evidence that we have gathered from various stakeholders at the Committee and other places is testimony to that. For food and drink production, we need access North/South and east-west. Frictionless trade is absolutely crucial in every direction, but Brexit threatens that. Even though Members opposite do not support the protocol, the only way that we can get frictionless access to the British market is through the full implementation of the protocol. Therefore, we support the amendment.

Market access to food production is one side of the coin. The other side of the coin is the need for all-island processing lines. For example, here in the North, we export 800 million litres of milk every year to the South of Ireland. We import 350,000 pigs from the South. We export 400,000 lambs to the South, and we have imported over 40,000 cattle so far this year. If we did not have processing capacity in the South of Ireland, those 800 million litres of milk — and many of you rural Members represent those farmers — would end up in their tanks or in their sheughs, because there would be nowhere for it to go. We do not have the dairy processing capacity here in the North. We need the all-island trade.

One particular case study is Lakeland Dairies. It is one example of a big processor here in the North that has been briefing some of our MPs, and, indeed, I spoke to my colleague Órfhlaith Begley, who is one of the MPs who was briefed. That particular company processes 1.85 billion litres of milk here on the island of Ireland. That is from 3,200 farms: 1,950 in the South and 1,250 in the North. That is processed into thousands of tons of dairy products. Some 88,000 tons are exported across the water to Britain. The point that I am making is that they have four processing locations in the North: Artigarvan in my constituency, Ballyrashane in Derry, Banbridge, and the global logistics centre, which is not too far from here in Newtownards. They export to 80 countries throughout the world: a third to the UK, a third to the EU and a third to the rest of the world. The point is that it is absolutely impossible to segregate milk. Milk from cows in the North and milk from cows in the South cannot be segregated, so we need the protocol here to enable that all-island processing capacity, because that is how our dairy product is —

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

**Mr McAleer:** Can you make it very quick, please?

**Mr Givan:** The Member will be given another minute, and I thank him for giving way. The Member makes a very strong argument for North/South unfettered access, and I do not disagree with any of that, but the Internal Market Bill goes some way to try to enhance the ability for that unfettered access east-west. Does he not recognise the importance of the east-west market?

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

**Mr McAleer:** The east-west trade for agri-food is worth £4 billion. It is absolutely crucial. Some £1.5 billion is beef, dairy and sheep meat. There is a £2 billion North/South trade, but the processing lines are on this island, and if we do not have the protocol here to protect those processing lines, we will not have a product to export to Britain. The dairy farmers that Members all represent in rural areas will have to dump their milk, as the milk lorries will stop coming up the lane. Sausages, bacon and pork products here are from pigs right across the island, and the meat products are from cattle right across the island. There is this idea that Britain is the biggest market, but we need to remember that it is two sides of the same coin. There is the EU market, the British market and

the rest of the world, but we need the island of Ireland for processing purposes. That is so crucial.

There are a couple of red flags — my time is running out — in respect of that access.

Recently, a programme assurance review was carried out. It listed that as red with regard to Brexit preparation, which means that there is urgent need for intervention to enable our ports to get things ready for east-west trade. Every day, 200 lorries come here from across the water so that our shelves can be stocked with stuff that might have a maximum six-day shelf life. If there is any delay to that, it will cause mayhem here.

There are problems with IT systems. Last week, the Committee heard from the port bosses that the HMRC goods vehicle movement service (GVMS) will not be ready in time for businesses to pre-register. The VAT system will not be in place until November. As regards unfettered access, last week, a letter came, I think, from the NIO. It made some movement towards looking at which goods might qualify. However, we do not know precisely how to segregate qualifying goods from non-qualifying goods or what measures will be in place to stop the North of Ireland becoming a back door into the British market. Labelling is another huge issue.

I will conclude quickly. The best way to protect the agri-food industry and all elements of the eating ecosystem is full implementation of the protocol. Friction equals cost. As Minister Poots said earlier, checks have been taking place here since the 19th century. The narrative that additional food standards checks at ports create some sort of border down the Irish Sea that impacts on the constitutional position of the North is completely wrong and misleading.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle as an seans labhairt anseo. Thank you, Mr Speaker, for the opportunity to speak. It would be remiss of me not to lay down where the SDLP is coming from on the issue. A key core of the SDLP's philosophy is that we are, centrally, Europeans. The key element of being part of the European project was to ensure the breaking down of barriers in the transmission of goods and people and, indeed, breaking down fear factors that exist around nationalities and cultures, bringing people together to work in the common interest.

Members should be aware that, as a result of the EU, we drew down millions of pounds in structural funds and millions of pounds of Peace money to underpin the peace process.

That was all there as a result of the good efforts and the links that were built, principally, by John Hume — God rest him — with other MEPs, the Reverend Paisley and John Taylor, with the likes of Jacques Delors, who felt profoundly about this place and the contribution that the EU could make to breaking down those barriers and underpinning peace in this part of Ireland. That is the essential, key element of where I am coming from.

I thank the Chairman, who outlined some of the issues that we heard at the Agriculture Committee, and the difficulties that people face. Most of those difficulties relate to the unanswered questions — questions that cannot be answered. Some of those refer to issues around VAT; the role and interpretation of export health certificates; whether GB suppliers into Northern Ireland will have to become European exporters and how that may affect matters; the specific problems with regard to flour and red meat; and many facets of labelling. Last week, I met the Ulster Farmers' Union (UFU). The key element of the labelling and marketing of red meat as "Irish meat" is integral to the success of the meat production industry in Northern Ireland. Those are just some of the key elements.

We have also heard from the ports, as the Chair mentioned, about the difficulties that they face, even with the good cooperation of the Department of Agriculture, Environment and Rural Affairs. They are likely to face problems with HMRC. The Chair referred to the difficulty with the computerised system, which may well not be operational until July. As we know, we are supposed to run out of road by 31 December. Those are some of the problems.

The good Member over here referred to the big business of the EU and said that it was remote from ordinary people. Maybe the DUP was taken for a wee bit of a ride by people like Boris Johnson and Jacob Rees-Mogg — men of the people; there is no doubt about that. Essentially, we knew that the withdrawal agreement was coming.

**Mr Butler:** I thank the Member for giving way. I will be as brief as I can. As a unionist Remain voter, I remain turned off by the rhetoric of many American, EU and Irish politicians who do not understand the Good Friday Agreement and who detract from what is happening and what the Assembly is trying to do. Whilst, I do agree that Boris Johnson and his ilk have been ill-informed about the people of Northern Ireland, similarly, politicians across the world have been ill-informed about the uniqueness of the people of Northern Ireland.

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

**7.30 pm**

**Mr McGlone:** I thank the Member very much for his contribution. We may agree to disagree on that point.

Brussels was never going to let Britain's Internal Market Bill go uncontested. Why would they when the Internal Market Bill gave Ministers the powers to breach aspects of the Northern Ireland protocol on state aid and customs? The Commission is not raising a breach of the protocol in article 258 of the Treaty on the Functioning of the European Union, however, because the powers given to UK Ministers under the Internal Market Bill have yet to be used. Instead, the Commission's issue is a general breach of article 5 on the duty of good faith. Article 5 states that the EU and the UK must take:

*"all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising from this Agreement and shall refrain from any measures which could jeopardise the attainment of the objectives of this Agreement."*

The Commission made it very clear, the day after the Internal Market Bill was published, that the UK had violated the good faith obligation since:

*"the draft Bill jeopardises the attainment of the objectives of the Agreement."*

The Commission went on:

*"The EU does not accept the argument that the aim of the draft Bill is to protect the Good Friday (Belfast) Agreement. In fact, it is of the view that it does the opposite."*

The Commission explicitly said that if the Internal Market Bill were adopted it will:

*"constitute an extremely serious violation of the Withdrawal Agreement and of international law."*

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

**Mr McGlone:** OK. Thank you.

**Mr Speaker:** You have to lead by example.

**Mr McGlone:** I was just getting started.

**Mr Speaker:** We must lead by example.

**Mr Blair:** Like my party colleague Stewart Dickson, I rise to express my deep concerns about recent developments relating to the UK Government's Internal Market Bill proposals that threatened to break international law. That will not surprise any Members. I urge the Assembly to support the motion and the amendment. I urge the UK Government to reconsider their proposals and to engage with the EU constructively on these very serious issues.

I speak with the assumption that evolving processes with different and very serious potential outcomes can, and should, be the subject of debate in any democracy. Democracy does not stop with the outcome of one ballot. So, whether it was the decision taken after a debate last week, the week before or a ballot taken four years ago, it is crucial that we continue to debate and discuss these very serious outcomes and the issues arising for our constituents and vital sectors in this place.

From this point on, like Declan McAleer, the Committee Chair, and Patsy McGlone, I will concentrate on matters relating to my membership of the EARA Committee. In doing so, I know that any border across the island or down the Irish Sea has emotional and political implications. However, in pragmatic terms, while east-west trade is greater in value than North/South, there are many more movements across this island than across the Irish Sea. There are also 270 North/South border crossing points to manage as compared to seven along the Irish Sea.

We should also point out that concern extends beyond this island. At a meeting, just a week ago, the House of Lords EU Environment Sub-Committee raised its concerns about any renegeing on the terms of the protocol that could see the customs frontier being pushed back onto the island, bringing the pressures of checks, as the UK naturally seeks to protect its own economic integrity. In the context of an increased level of checks and controls being required for goods moving from the rest of the UK to Northern Ireland in the absence of a UK/EU agreement, I, along with my colleagues, urge the UK Government to consider the likely impact that that would have on Northern Ireland businesses and consumers if the future relationship negotiations are unsuccessful.

As a member of the EARA Committee, it is important for me to stress the significance of the agriculture sector to our regional economy. It represents around 10% of all activity, and that

is considerably higher than the overall average for the sector in the rest of the UK. It is essential that the protocol be implemented in a way that minimises friction on the flow of agri-food trade and that works for businesses and citizens in Northern Ireland.

The impact of any potential delays, here or in GB, on the value of perishable goods and animal welfare are matters of critical concern and consideration. The prospect of resolving issues such as the common veterinary area are not enhanced by threats to break the terms of international agreements. That is a reality. Given that Northern Ireland will remain aligned to large aspects of EU regulation, the all-island context of matters such as food safety and environmental considerations should be self-evident.

Questions also remain about the trading from Northern Ireland to Ireland of products that incorporate components from the rest of the UK. In that context, in the absence of a UK-EU free trade agreement, there will be a serious impact from the application of tariffs. Those concerns have been raised by producers here and by suppliers in GB, who are concerned about the future of those arrangements.

Guided by my belief in open and liberal international trade and, more importantly, by many expert voices from our vital sectors, I support and urge support for the motion and the amendment.

**Mr Speaker:** I call Sinead McLaughlin and advise her that she has two minutes.

**Ms McLaughlin:** I rise in support of the motion as amended. Abiding by the withdrawal agreement is essential for the citizens of Northern Ireland and for community relations, our workers, our businesses and our economy. The British Government are not treating Northern Ireland seriously enough. It seems that Ministers do not understand our history or economy. Perhaps they do not fully understand why the Good Friday Agreement was crafted, or why it was crafted so painstakingly and with such care. For some in government, Northern Ireland is a negotiating opportunity, not a place of almost two million people who overwhelmingly want to live happily with each other and with both sets of neighbours — those to the east and those to the south.

It is time for our First Minister and deputy First Minister to come clean and come together. They both hate the current Government's position, so it is time for them to say so. In fact, there is probably not a person in the Chamber

who is happy with the British Government's position. By ignoring their commitments, the British Government are increasing tensions between communities here and in the House, and are increasing the risks of a disastrous Brexit outcome for our economy, businesses and workers.

I can remember when commentators talked about Northern Ireland potentially having the best of both worlds as a result of Brexit. Those commentators said that businesses in Northern Ireland would continue to have access to the UK markets while having open access to the EU, particularly to the markets of the Republic. No one is talking about the best of both worlds now. It is more likely that people are talking about the worst of everything.

Let us recall why Northern Ireland requires open access to the EU single market, especially to the Republic. I often listen to members of the DUP on the radio and television, and here. They make it sound as if Britain is the only jurisdiction that is important to traders in the North. That is a long way from being true. I will give you some statistics from the House of Commons Library. I will start with Scotland.

**Mr Speaker:** Will the Member draw her remarks to a close, please?

**Ms McLaughlin:** OK. Sixty per cent of Scotland's external sales go to the rest of the UK and, in Wales, it is 61%. Some 48.6% of Northern Ireland's external sales go to the rest of the UK.

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

**Ms McLaughlin:** I rest my case. We in Northern Ireland require access to both markets.

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

**Mr Muir:** This is the first time that I have made a winding-up speech on an amendment or debate, so I ask Members to show forbearance to me as a new Member. I hope that I am given the same latitude as Gerry Carroll was given, albeit we do not have the same politics  
*[Laughter.]*

**Mr Speaker:** You have five minutes. That is all you need to worry about.

**Mr Muir:** The amendment was tabled by the Alliance Party in a spirit of trying to reach a common position on the matter, but I respect the views that have been expressed. The protocol is a reality in Northern Ireland. I can understand Members' frustration in today's debate and in previous debates. It is a frustration that I feel. It is a frustration as a result of Brexit; it is something that we have been feeling for the past number of years, and, unfortunately, it is a frustration that, I fear, we will feel for many years to come.

I will pick up some points from the debate. Caoimhe Archibald opened the debate and rightly stated that the withdrawal agreement and the protocol must be upheld. They are legal obligations, and we live with the reality of that. We have to, as the amendment states, look to find a way to ensure that they can most practicably be implemented.

Proposing the amendment, Stewart Dickson stated clearly that the power to implement light-touch arrangements lies with both the UK and the European Union. The amendment is crafted in such a manner to reflect that both parties have the power to ensure such arrangements.

The protocol is a compromise. We live with compromise: the Assembly is a compromise, as are the politics that we operate within. As a result, they are not perfect, but compromises have to be reached to ensure that we can implement Brexit, which is difficult in the first place.

I mentioned the frustration of Members, and Christopher Stalford talked about his frustration at the number of motions on this subject that have come to the Chamber. I understand that, and I, too, feel the frustration around Brexit. I felt that frustration as Patsy McGlone outlined his position as that of a proud European. I felt that frustration on the day that the referendum result was announced. I continue to feel it, and I wish that we were still a member of the European Union. I understand that we have left, and we have to ensure that implementation of the withdrawal is done in a way that does not harm businesses and workers across Northern Ireland or diminish the rights of citizens.

Matthew O'Toole outlined the legal obligations that arise from that. These obligations are to be subject to litigation by the European Union because of the Bill introduced by the UK Government. The introduction of such a Bill should not be taken lightly.

Roy Beggs outlined his opposition to the protocol. I find that continued opposition

frustrating. I understand where it comes from but have yet to hear from the Ulster Unionist Party what its alternative is. We are here, and the protocol is a reality. It was the outcome of the general election at the end of last year. I have yet to hear what the alternatives to it are. We have to implement the protocol in such a way that the UK and EU can ensure as light-touch arrangements as possible.

Paul Givan touched on an issue that was discussed in the last debate: how unionists have been let down on numerous occasions by the UK Government. As someone who has been a bit of a political nerd in my lifetime, I have seen that. Why, then, did the DUP put its trust in Theresa May for so many years, knowing that, over time, it is always betrayed by the UK Government? However, it did, and we live with the consequences of the inability to agree the withdrawal agreement put forward by Theresa May. As a result, the protocol is now in place.

Emma Sheerin talked about "Brexit fatigue" and "COVID fatigue". Everyone is tired, but we must be steadfast in our support of the protocol as we take the next steps.

Declan McAleer talked about the importance of agri-food, and Paul Givan made an intervention on the importance of east-west trade. East-west and North/South, trade is important. Leaving the EU was never going to be frictionless. There were always going to be challenges, and the protocol is, unfortunately, the best way to deal with them.

Sinead McLaughlin, the last Member to speak, was limited to two minutes. She talked about how the withdrawal agreement is essential for businesses. What businesses need now is clarity on what the future trading relationship will be; they do not need the negotiations to go right to the wire. Businesses and workers are dealing with the impact of COVID-19, which has been devastating for people across Northern Ireland. What we need from these negotiations is a successful conclusion and the clarity that comes with that. We do not need a skeleton agreement that does not give the required clarity. We need to come together, and the EU and the UK need to agree on what we have set out in the amendment: light-touch arrangements.

**Mr Speaker:** I call John O'Dowd to make a winding-up speech on the motion.

**Mr O'Dowd:** Understandably, Members have asked why we are debating this again, but it is probably the most fundamental constitutional

change in the history of Ireland since partition 100 years ago. That does not necessarily apply to the current negotiations on the free trade agreement. These negotiations, because the British Government acted in bad faith and intend to break international law, now involve the protocol. I note that Mr Givan said that he supports the content of the Bill, which, as has been stated, will break international law. I do not think that it is surprising that the Assembly, the local democratic institution and the institution of the Good Friday Agreement, is debating such an important matter on several occasions, given that it is of such significance for our present and our future.

#### 7.45 pm

We are all very familiar with how negotiations work in this part of the world. The negotiations are now heading towards a crucial stage. Either there will be an agreement or there will not. Often, when negotiations are taking place, locally, people ask me, "Well, John, what's happening? What are they talking about?", and I say, "Well, there's one thing we can be sure of: they're not talking about the weather. They're in there going through it line by line and are deciding our futures".

Mr Stalford has a particular style when making his contributions, which I often enjoy, but I think that he was a bit over the top this evening. He said that the EU is undemocratic and that unelected people are deciding our future. I was scanning the internet as some Members spoke to try to find out where Lord Frost got his mandate, but I cannot find that information. Lord Frost was appointed by Boris Johnson. He was picked out of the retired realms of the Civil Service and brought in to negotiate our future. That is undemocratic. There is nobody there of a democratic nature protecting us. That is why it is so important that we, as elected representatives, debate, discuss and, yes, vote on these things.

Some from the unionist Benches have complained that we are doing this as a bit of Brit-bashing. It is not the intention to Brit-bash. I suspect that there are — I use this term advisedly — Brits in the Chamber who voted to remain in the European Union and who are opposed to Brexit. There are certainly millions of them across the water who are opposed to Brexit and opposed to what is happening at this stage. There are many, many people in our broader constituencies who have serious concerns about losing their European identity and about being pulled out of the European Union against their will. So it is not about Brit-bashing; it is about defending our rights as the

collective of citizens that makes up this part of the island and, indeed, the island of Ireland.

It is complicated because of the relationships North/South and east-west. I do not want a border up the Irish Sea. I do not want one. I do not think that it would be good for relationships or for business, and I do not think that it would have any benefit for people on either of these islands. However, as I said in the last debate, we did not bring that border into reality.

I think that Mr McAleer made a good point. The Members opposite raised this imagery of a border down the Irish Sea, with controls and gunboats going up and down it and all those sorts of things, but, as Mr McAleer said, there have been checks in the Irish Sea for over 100 years, if not longer. Was it, as I suspect, a negotiating position that has backfired on some on the Benches opposite, given that they have presented the protocol as being much more than it actually is?

The protocol is, again, another compromise. In June 2016, many Members on this side of the House voted to remain in the European Union. We then moved forward to the Brexit vote on whether to stay in the customs union and the single market. In January 2017, the Executive — they were either up or down at that stage; they were in difficulties — still had a negotiating group going to meet the Scottish Government, the Welsh Government and the British Government on the future direction of Brexit. Theresa May stood up on the Tuesday and announced that we were leaving the customs union and the single market, and we were all due to meet her on the Thursday. That was another rug pulled from underneath us. I think that Mr Dickson referred to the soft approach. In the past, the term "soft Brexit" was used. There could have been a soft Brexit at that stage, had we stayed in the single market and the customs union, and that would have solved the problem, by the way, of borders in any direction. That would have solved the problem, but it was pulled from underneath us.

On European representation, which, again, Mr Givan mentioned, there should be MEPs elected from here, and there still could be MEPs elected from here, but the Dublin Government buckled on that — they buckled on it. There could have been representation from here, only the Dublin Government, which said that the North would never be left behind again —

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

**Mr O'Dowd:** In one moment.

— left us behind again. Go ahead.

**Mr Butler:** I thank the Member for giving way. He speaks well on the topic, and, as someone who also voted Remain, I think that it would be great to have those voices representing Remainers. He made a good point about the Irish Government. Would it not have been good for Sinn Féin to use the seats that it has at Westminster to make that very point?

**Mr O'Dowd:** Sinn Féin has a clearly stated position on Westminster: we do not attend. We are active abstentionists in that sense. Has Westminster changed anything in relation to Brexit in a positive manner? No. It has not served the purposes of the people whom we represent in any way, but that is a debate for another day.

The soft Brexit option was taken away from us, as was the European representation option. When I say "us", I mean those who wish to see a closer relationship with the European Union. That option was taken away. The protocol was brought forward, and we accepted it. We said, "That is where we are with these negotiations. We need to move on. We need to create stability for our economy, for our businesses and for our society". Even when the Assembly came back, we were in a fragile state, and we needed to create stability in politics here because Brexit was the backdrop to the problems that we had in the past.

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

**Mr O'Dowd:** Just give me a second. We all made decisions, and then, lo and behold, the protocol was taken away as well. Where is the compromise? Where is the facilitation? Where is the outreach from the DUP and the Ulster Unionist Party towards those who wish to remain in the European Union? Go ahead.

**Mr McNulty:** When the Member refers to the people whom Sinn Féin MPs represent by not going to Westminster, is he also referring to the people whom Sinn Féin MPs represent in court?

**Mr O'Dowd:** I am sorry; I missed the last bit.

**Mr McNulty:** Is he also referring to the people whom Sinn Féin MPs represent in court?

**Mr O'Dowd:** I am not sure what the Member is referring to — oh, I do know, yes. I suspect that, if the Member looks back through history, he

will find that one of his own representatives worked as a barrister and continued to do so for a time. There was another one who was a doctor and continued to do that work. I ask the Member to check through his notes before he comes up with that sort of stuff.

I want to move on to where we go next. The DUP tells us that it will vote against the amendment tonight. I am uncomfortable with the amendment, but it is a compromise. The amendment is a stretch for us, as well, because it:

*"calls on the UK Government and the European Union to work constructively within the context of the protocol ... to put in place any waivers, mitigations and flexibilities necessary to make its implementation as light touch as possible."*

I have no difficulty with "light touch", but, a week out from the end of a negotiation, it is not always best to say, "Look, we are prepared to do something". However, I accept the Alliance Party's position and what it is trying to do. It is trying to unite the House on a position. The DUP has spent the last hour or so telling us that we have to reach out and find common ground and that we have to accommodate each other. Well, then, why are they voting against the amendment? The amendment is another compromise from this side of the House, but the DUP will vote against it because, unfortunately, the DUP Members are Brexiteers — red, white and blue Brexiteers. They are not serving the interests of anyone by doing that. They cannot achieve their objective without harming our economy, our political relationships, business or farming — all those other things that are, no doubt, precious to them.

Here is what the DUP will have to do. If you are serious about finding common ground and serious about working together, you will have to work with us. You cannot have it all your own way. It is all right for your MPs at Westminster who go for coffees or whatever they do with the European Research Group. You have to work with us and with the Benches over there. If you are serious about working with us on the issue, let us see how serious you are. The amendment is there for you to vote for.

**Mr Speaker:** The Member's time is up. That was good timing.

*Question put, That the amendment be made.*

**Mr Speaker:** I remind Members that they should continue to uphold social distancing in

the Chamber and that Members who have proxy voting arrangements in place should not come to the Chamber.

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

*Main Question, as amended, put.*

**Some Members:** Aye.

**Some Members:** No.

**8.00 pm**

*Question put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Speaker:** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently 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 should 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 45; Noes 33.*

**AYES**

*Ms Anderson, Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Ms C Kelly, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Ayes: Mr McAleer and Ms Sheerin*

**NOES**

*Mr Allen, Mr Allister, Mrs Barton, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T*

*Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Swann, Mr Weir.*

*Tellers for the Noes: Mr Buckley and Mr Givan*

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

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

*Mr K Buchanan voted for Ms P Bradley, Mr Buckley, Mrs Cameron, 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 Stalford and Mr Weir.*

*Mr Butler voted for Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Dillon [Teller, Ayes], Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Ms C Kelly, Mr G Kelly, Ms Kimmins [Teller, Ayes], Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, 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 S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin, Mr McNulty.*

*Main Question, as amended, accordingly agreed to.*

*Resolved:*

*That this Assembly notes the British Government's stated intention, in breach of international law, to renege on elements of the EU/UK withdrawal agreement; urges the European Council to stand by, fully, the EU/UK withdrawal agreement as agreed; and calls on the European Council to require the British Government to implement fully the protocol on Ireland/Northern Ireland; and further calls on the UK Government and the European Union to work constructively within the context of the protocol on Ireland/Northern Ireland to put in place any waivers, mitigations and flexibilities necessary to make its implementation as light touch as possible.*

*Adjourned at 8.13 pm.*

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