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Assembly

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Northern Ireland Assembly

Monday 13 September 2021

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

Members observed two minutes' silence.

Assembly Business

Resignation of Members: Ms Martina Anderson; Ms Karen Mullan

Mr Speaker: Before we commence, I advise the Assembly that I have received letters of resignation from Ms Martina Anderson and Ms Karen Mullan as Members of the Assembly for the Foyle constituency.

New Assembly Members: Ms Ciara Ferguson; Mr Pádraig Delargy

Mr Speaker: I have been informed by the Chief Electoral Officer that Ms Ciara Ferguson has been returned as a Member of the Assembly for the Foyle constituency to fill the vacancy resulting from the resignation of Ms Anderson. I have also been informed by the Chief Electoral Officer that Mr Pádraig Delargy has been returned as a Member of the Assembly for the Foyle constituency to fill the vacancy resulting from the resignation of Ms Mullan.

This morning, Ciara Ferguson and Pádraig Delargy signed the undertaking and the Roll of Membership and entered their designation in my presence and that of the Clerk of the Assembly. They have now taken their seats, and I welcome them to the Assembly and wish them every success.

Matter of the Day

Death of Pat Hume

Mr Speaker: Ms Nichola Mallon has been given leave to make a statement on the death of Pat Hume, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their places and continue to do so. All Members who are called will have up to three minutes to speak on the subject. I remind Members that interventions are not permitted and that I will not take any points of order, on this or any other matter, until the item of business has finished.

Ms Mallon: It is a sorry privilege for me today, on behalf of the SDLP, to lead tributes to one of my, my party and very many people's genuine heroes, Pat Hume. Pat's sudden, sad passing on Thursday 2 September, just one year and one month after her beloved John, shook us all. It felt like the end of a hugely significant era, because, in truth, that is just what it was. There will never again be another Pat Hume or another John Hume or another partnership quite like theirs, but we should be eternally grateful to and for both of them and all they achieved together for all of us.

In the days since Pat left us, we have had time to gather our thoughts, and, today, we reflect on a truly remarkable, resilient, radiant Derry woman, a quiet patriot who was a profile in courage and, as Mark Durkan said, an "alchemist of optimism".

We also celebrate Pat, the deeply loved mother, grandmother, great-grandmother, sister, aunt and friend. I send the sympathy and solidarity of everyone in the SDLP to all the Humes. The loss that we feel pales next to yours, but I hope that you have drawn some comfort from the outpourings of love expressed in the very many beautiful tributes that have been paid. The COVID pandemic has robbed us all of so much, but, in a sense, its restrictions placed Pat and John back at the heart of the Hume family, giving them a few precious,

private days by the shore of Lough Foyle to say their goodbyes and to begin to grieve.

The Pat Hume whom I knew was always so wonderfully warm. To be in her company was to know that she was genuinely interested in you. She made everyone whom she met feel special, and that is one of the characteristics that made her such a special human being. Among the many tributes that poured in, one person tweeted that Pat had taught his brother in primary school and that, although he loved his mother very much, he wanted Pat to adopt him. Anyone who really knew Pat will know exactly what he meant.

From her teaching career to the earliest days of the Credit Union, through the civil rights movement to the Good Friday Agreement, and on to her advocacy for Troubles victims, Pat Hume always cared deeply about people and worked tirelessly for them. Her compassion for others was best summed up by Father Paul Farren when he noted: "Your problem became hers". That is exactly how she ran John's Derry constituency service, taking great care of everyone who came through the door, whether of the office or, as often happened, the house in Westend Park. That is why, as we have seen, heard and read in recent days, people loved her.

Pat was not one for a focus on or a fuss about her. I think that she would have blushed and brushed off the title of Derry's first lady that has been bestowed on her. In truth, the only title that she ever needed was the name Pat Hume. That is what meant so much to so many.

She was tough too: she had to be. Think back to the tragic images of one of the Greysteel funerals in 1993 — a truly horrific time in Northern Ireland — and John breaking down in tears as a victim's daughter embraced him and beseeched him to keep working for peace. There by John's side, as ever, was Pat. Imagine the anguish that she must have been feeling or the strength that she had to summon to sustain her husband and herself, but summon it she did, time and time again.

In spite of despair and in the face of danger, Pat lifted John when he was feeling low. It was to Pat whom John always turned first for counsel as he charted a course towards the end of violence, the dawn of peace and a new future for our community. It has often been said, but it merits repeating, that, without Pat Hume, we would not have had the peace process that we got or the agreement that it produced. We must never forget that, and we never will. We can all honour Pat and John Hume by making

sure that our society never again sees the injustices that they grew up immersed in and stood up to challenge or the violence that they abhorred and experienced and gave so much to stop. On the peace that they have left us, we have to keep working to fulfil the new Ireland of the Good Friday Agreement in which they both so passionately believed. We have to keep going as they did. I remind everyone in the Chamber that that means upholding our responsibility to work together for everyone, to find solutions and to step up, not walk away.

As I draw my contribution to a close, I will make two more remarks. They are not about Pat Hume but to her. Thank you for the sacrifices that John and you made for peace in our country, for all that you were and for all that you gave, for the pure heart and the brilliant mind and for bringing and being that light in the darkness. Thank you for your passionate belief in the power of non-violence, justice, fairness and equality for all and for the compassion that you showed to so many, especially in Derry. Thank you for inspiring a new SDLP generation. We promise to do all that we can to uphold the values that John and you shared and to deliver the vision that you held out. Thank you, Pat. Rest easy now, back at John's side where you belong.

Mr O'Dowd: I am speaking on behalf of Sinn Féin at the request of our leasuachtarán, Michelle O'Neill, who is still recovering from COVID. On Michelle and the party's behalf, I offer our deepest condolences to the Hume family on Pat's passing. Pat played a central role in Irish politics since the civil rights movement. She did so alongside John, with John and, at times, leading John and giving him advice through those very difficult years.

Without doubt, she has, as has been said, shown the importance of her role to Irish society and to building and sustaining the peace process and giving this generation of political leaders an opportunity to make a real difference in people's lives. That is a huge testament to her life. At the end, however, the greatest loss is to the Hume family and to Pat and John's children. A mother is the cornerstone of any family home, and Pat was a mother, grandmother and great-grandmother. I extend my deepest sympathies to the Hume family on the loss of Pat.

As has been said, many international tributes have been paid to her, quite rightly so. Many have stepped forward and recognised her role. The least that we can do now as a society is to make sure that we never return to the scenes of the past, that we take that extra step for

courage when it is required and that we listen to the type of advice that Pat was giving back in those dark days. I offer my deepest sympathies to the SDLP and to the Hume family.

Mr Middleton: On behalf of the Democratic Unionist Party, I pass on our deepest sympathies and condolences to the Hume family, their friends, the city that I represent and the SDLP. When I first heard of the passing of Pat Hume, one of the first words that came to my mind was "radiant". Although I have been in politics for only a decade, I had the opportunity and pleasure to meet Pat Hume on many occasions over that time. Although there is no doubt that we may have differed politically, that was irrelevant to Pat Hume because she always had an interest in the individual. I admired her memory because any time we met, she asked about personal things: she would ask about your wife or your newborn son, and those things really meant a lot.

We use the word "radiant", and her radiance was very evident not only in her personality but in the passion that she had for the city that we all love and cherish. I know that in the recent days since Pat's sad passing, the First Minister has been in touch with the Hume family, and a book of condolence has been opened so that everybody can pass on their deepest sympathies and regards to the family.

One of my memories of Pat Hume is sitting beside her at the Sons and Daughters concert when we were awarded the UK City of Culture. It reminded me that Pat was very much a daughter of the city, as was John a son. Thankfully, they are now reunited. Once again, I pass on my deepest sympathies to the SDLP and to the wider Hume family.

Mr Nesbitt: I am speaking on behalf of the Ulster Unionist Party but I also declare an interest as a director of the John and Pat Hume Foundation. On that basis, I extend my condolences to fellow directors, to the Hume family, to the people of Derry and beyond and to Nichola Mallon and her colleagues in the SDLP. I will not pretend that I knew Pat that well; obviously, John was the front man in that particular combination. However, it is clear that while he was away, as he often was, here in Belfast or in Dublin, London, Brussels or Washington, he needed a rock back in Derry. He needed somebody to mind his back, and that person was his wife, Pat, who ran the constituency office in his absence.

In my many years as a broadcast journalist, politicians came into broadcast studios and bemoaned the fact that we were a divided

society. They would say, "Woe is me" and "It's the other fellow's fault". However, John and Pat Hume preached something different: the positivity of the fact that, as human beings, we are diverse, and we should tap into that to our mutual benefit.

12.15 pm

Of course, Pat Hume did not simply operate in the background. Some years ago, the UK Government, recognising that they had not done enough for the victims and survivors of our conflict, asked Pat, along with Daphne Trimble, to head up a memorial fund that would provide support in recognising that many victims had lost opportunities in education, employment, health and social inclusion. Recently, I read a wonderful newspaper report about their first trip to the United States. It was a 12-hour flight to California, and there they were, in the spotlight for the first time and on stage within an hour of their arrival. In that week, they raised an enormous amount of money for the victims and survivors of our conflict.

The Ulster Unionist Party has this credo: country first, party second, individual third. If you substitute "people" for "country" — people first, party second, individual third — you know all you need to know about Pat and John Hume. We are losing a golden generation. We can do nothing about our common mortality, but we can commit to not letting the legacy go. If you think of the challenges faced by Pat and John Hume and by Daphne and David Trimble and of the challenges that we face today, you can only conclude that we have it pretty easy. Perhaps part of that legacy will be to use this untimely death as timely encouragement that we all must do better.

Mr Muir: I rise on behalf of the Alliance Party to pass on my condolences to Pat's family, friends and party colleagues and to take the opportunity to pay tribute to Pat.

In a previous life, I was a member of the SDLP, and I got to know Pat. We were canvassing for the 1998 elections for the first sitting of the Assembly. Pat had quite a lot on her plate that day. John was in another part of the country canvassing, and she was out in Derry helping the campaign. The couple of things that struck me from that time were her total and utter dedication to peace and to her family. A lasting tribute to her are the achievements that she and John managed to deliver. She was proud to show me the social housing that had been delivered in the city of Derry and to tell me

about the credit union and the benefits that it had offered to the people of Derry. As soon as we had finished canvassing, Pat went straight to the supermarket to sort out that evening's dinner for the family. There was complete dedication to peace and to her family.

Yesterday, I took the opportunity to listen to an interview that she did with Miriam O'Callaghan on 22 November 2015. That brought real brightness and clarity to her devotion to John through thick and thin and to her complete and undivided focus on achieving peace for this country. Following her passing, President Michael D Higgins described Pat's life as:

"one of total commitment to community"

and "to the possibilities of peace". The greatest thing we can all do is refocus on that and participate in and give credit to the work of the John and Pat Hume Foundation, which is an important initiative.

In closing, I will say that the one quotation that summarises the relationship between Pat and John was John saying — he said this a number of times, and I remember him saying it — that "I'm the parcel, and Pat delivers me". Did she not deliver peace for Ireland? Thank you.

Mr Allister: I did not have the opportunity to know Pat Hume as others did. I did, though, meet her in the European Parliament on a number of occasions, when she accompanied her husband. Certainly, those encounters chime with what has been said in the House about her personal qualities. I therefore very much associate myself with the condolences that have been expressed, first and foremost to the Hume family. The role of a mother and a grandmother is so pivotal in any family that there is a particular void when they pass. I also express condolences to Pat Hume's political family. There is no doubt that they, too, are suffering the loss of someone whom they very deeply respected and valued.

Mr Delargy: As one of two new Sinn Féin MLAs for the Foyle constituency, I register my personal sympathies and the sympathies of Derry Sinn Féin on the death of Pat Hume. Pat was a next-door neighbour of ours for over 20 years. I will always remember her as a kind and generous person and a very good family friend.

Mr Durkan: I begin by wishing our retiring MLAs and constituency colleagues, Karen Mullan and Martina Anderson, well and welcoming their replacements, with whom I look

forward to working on behalf of the people of Foyle and beyond.

The Hume family will be touched by and grateful for the kind words from around the Chamber today, as they have been by the well wishes from across the globe over the past couple of weeks. Pat was something else. Many words have been spoken and written about her over the past couple of weeks by world leaders and, even more significantly and importantly for Pat, ordinary men and women in the street. Many anecdotes have been recounted that illustrate just what a wonderful person she was. However, those tributes, even in their totality, do not come close to capturing just what an amazing lady Pat Hume was.

Several years ago, the 'Belfast Telegraph' did a wee series of light-hearted interviews with MLAs that asked which three people, dead or alive, they would invite to a dinner party. One of my guests — in fact, my guest of honour — was Pat Hume. She is world renowned for her empathy, but Pat was every bit as entertaining as she was empathetic. What a lady. The best tribute that we can all pay to Pat Hume is to be more like her and to treat each other and everyone with respect and genuine care. Ní bheidh a leithéid arís ann.

Mr Speaker: I express my personal condolences to the SDLP, first of all, and to Pat and John's family. I concur with all the comments made by all our contributors today. It is obvious from listening to all the tributes that have been paid globally, as has been said, to Pat Hume that Pat was both a lady and a leader in her own right. Rest in peace, Pat Hume.

Members' Statements

Mr Speaker: As this is a new item of business, I will provide a brief outline of how Members' Statements are to be managed at a plenary sitting. If Members wish to be called to make a statement, they should indicate that by rising in their place. Members who are called will have up to three minutes in which to make their statement. Any Member whose statement is not compliant with the provisions of Standing Order 24A will be asked to resume their seat. Standing Orders provide that, when selecting a Member to make a statement, I shall have regard to the balance of opinion in the Assembly. Therefore, I shall ensure that, in any period set aside for this business, I select Members from a range of parties. However, it is unavoidable that there will be occasions when it will not be possible in the time available to select all Members who wish to make a statement, and, as with all items of business, it is not in order to challenge the selection. I will seek to ensure that, over time, all Members who wish to make a statement have a fair opportunity to do so. Members should further note that statements will not be subject to debate or questioning, interventions will not be permitted, and I will not take points of order on the statement or any other matter until the item of business has finished.

I have spoken to the Principal Deputy Speaker and both Deputy Speakers. We are all at one in thinking that we will manage this as we go on and see how it works out. Obviously, it has been set in Standing Orders and approved by the Assembly. We will try to manage it to the best of our ability in the fairest way possible. As I said, we will continue to review the outworking of the Standing Order and its application to make sure that all Members are treated fairly and equally.

If all that is clear, we will begin.

All-Ireland Senior Football Championship 2021

Ms Dillon: Before I speak, as a very proud South Armagh woman and equally proud representative of East Tyrone, to congratulate our Tyrone All-Ireland winners, I wish to convey my condolences to the Hume family.

The GAA is a very close family. Right across the Thirty-two Counties, few homes will not have had an eye to the All-Ireland on Saturday. Whether you supported Tyrone or Mayo, you saw on that field young men who played the

shirt off their back to entertain all of us. They are a credit to their county, their clubs and to all the volunteers who work in the GAA all year long, train the under-age teams, go out to the fields and pitches on very difficult days, get on with it, and take youngsters all over the county and the country. To those volunteers, I pay special tribute because All-Ireland finals do not happen without them.

I pay special tribute to Paudie Hampsey. He is my neighbour, related to me through marriage and he captained the Tyrone team. He is a very modest young man, but he led that team to an All-Ireland final and won it. We are very proud of him. His club, Coalisland Fianna Oileán an Ghuail, is extremely proud of him, as the clubs of all those who played on Saturday are proud of their players.

Whilst this is all celebratory, I cannot let this moment pass without mentioning the fact that the BBC completely ignored that there were three Ulster teams in All-Ireland finals over the weekend. I accept that there is a broadcast rights issue, but the BBC has a responsibility. All the volunteers and players I mentioned are licence payers. They pay fees to the BBC. They pay the BBC wages.

It is time that the BBC sat down with RTÉ and the GAA and found a way to ensure that every GAA supporter can see our games on BBC. The All-Ireland final should be a protected game, so that everybody right across this island, from whatever community or background they come, is able to see the GAA finals, because there is nothing like it in this country or — I would argue — in the world. Not many sports can fill a stadium with 80,000 people, and amateur sports at that. It is a very proud thing, for us as Gaels, that we can do that.

As I say, we are a family who support each other through difficult days. The GAA has done that throughout the pandemic. We need to pay tribute to the whole GAA, and to my own county of Tyrone in particular, for the work that it has done and the efforts that it has made in the community throughout the pandemic.

Built Heritage: Belfast

Mr Stalford: Mr Speaker, I thank you for undertaking this initiative. It will be a useful opportunity, hopefully, for Members to raise issues for which, perhaps, an Adjournment debate would be too long and a question for urgent oral answer might not be called.

I raise the issue of the destruction of the built heritage of the city of Belfast. One of the city's best features is its built heritage. From the Georgian era, we have Clifton House and May Street Presbyterian Church. From the Victorian era, there is the Lanyon Building at Queen's and the Custom House. Belfast City Hall is an Edwardian building. We sit in a great example of a pre-World War II building. In the more modern era, the Waterfront Hall and Titanic Belfast are signature building projects of this city.

Red-brick streetscape — I nearly got that out — is a uniquely Belfast feature, as are city trees. One of the examples in my constituency is at Ravenhill Avenue. Associated with such streetscape and city trees is granite curbing, which has been in place in Ravenhill Avenue for generations, yet the Department for Infrastructure has seen fit to tear out that curbing and replace it with something of no architectural merit whatever, in the form of concrete. What is the carbon footprint of Mourn-hewn granite curbing that has been there for generations in comparison with that of concrete, which will have to be replaced, probably, once every 10 years?

12.30 pm

Another unique feature of the city that you and I both live in is that you will find ex-servicemen's houses around the place. They were built for veterans returning from the First World War. Lloyd George talked about homes fit for heroes. Off Ravenhill Avenue, as the name would suggest, there are various streets containing the name Earl Haig, which were named after Field Marshal Haig. Similar wanton destruction has taken place there, with granite kerbstones that have been in place for generations ripped out and replaced with grey concrete.

The question, sir, is this: what sort of a city do we want to live in? Do we want Belfast to continue to have pride in itself and in its architecture, or do we wish our city to become a mass of glass, steel and concrete? I hope that that is not the direction in which government policy is going, but that has been the lived experience of my constituents in Ravenhill Avenue and Earl Haig. We need to preserve our built heritage, not replace it with grey, bland concrete.

Universal Credit

Mr Durkan: I rise to call on Minister Hargey not only to oppose the UK Government's plan to withdraw the £20 universal credit uplift but to

plan and prepare to protect people here should the Tories persist with that punitive policy.

The SDLP has always been critical of universal credit. We voted against the Welfare Reform Bill when others here rubber-stamped it. Our opposition has been vindicated. Every week, I am sure, all our offices help people to navigate the complex system and, sadly, often have to direct desperate people to food banks for support during the cruel five-week wait for their first payment.

The £20 uplift was a welcome, albeit surprising, move by the Tories to provide a safety net to prevent people falling further into poverty as a consequence of the pandemic. Now Boris Johnson seems determined to revert to type. The consequence of that will be catastrophic, and it will hit harder here than anywhere else. Families and individuals will be plunged into poverty. If they needed that help 18 months ago, they sure as hell need it now. We have seen living costs spiral, be it the cost of heating a home or the cost of feeding a family. Rising property values have led to huge hikes in rents. People are at breaking point. They cannot afford to lose £1,000 a year, and we cannot afford for them to lose it either.

The cut is not only cruel; it is completely short-sighted. What will be the cost of removing that lifeline to health, education and homelessness? What will be the cost to people? What will be the impact of taking £55 million out of our economy over the next six months?

It is not just an issue that affects the poor or "scroungers", as the Tories so cruelly label those who are reliant on support. Around a third of claimants are working. We need business organisations to wake up and speak up. The impact on local businesses will be dire and will cost jobs, forcing more people on to benefits.

Minister Hargey has written to DWP to oppose the cut. We welcome that, but she must do more to protect people here. What COVID money has not been spent? What money for welfare mitigations will be unspent as there is no sign of them yet? What is the Minister going to do? Let us hope that it is a lot more than to write a letter.

We are a devolved Government. DFC has welfare powers again, after some parties here handed them over to the Tories to hurt more vulnerable people here. I implore Minister Hargey to use those powers to protect people here if the cut cannot be derailed at Westminster, where her party will not even go to vote against it.

9/11 Terrorist Attack: 20th Anniversary

Dr Aiken: I rise to acknowledge the 20th anniversary on Saturday of the heinous attack on the United States that resulted in the deaths of close to 3,000 innocent people in New York, Washington and Pennsylvania and, rightly, for us all to reflect on the effect that that day has had.

For many of us ex-servicemen and women and for those whose families have been drawn into the conflicts afterwards, in Iraq, Afghanistan and elsewhere, that event and the precipitous and ill-timed withdrawal from Kabul and elsewhere has created considerable anguish and disquiet amongst our veterans community. I know from personal experience that it has resurfaced memories and feelings that bring sadness and not a little anger to the fore.

I commend the work of all those in the veterans community and the Veterans Commissioner, Mr Danny Kinahan. I also highlight the many helplines and levels of support that are out there for us all. I encourage the ex-service community to use them.

I want to reflect on another effect of those horrific events on 9/11 and remarks that were made by Richard Haass at the weekend. He said:

"20 years ago in Dublin & Belfast. A rare good thing to stem from 9/11 was I could credibly argue to SF/PIRA leaders that the era of Americans (even their supporters) excusing their terrorism had just ended. Decommissioning follow [sic] on quickly."

It is unfortunate that it took an attack of mass terrorism to achieve that recognition amongst some in the Irish-American community, but the recognition that terrorism, from no matter what source, is fundamentally wrong was made clear to the republican movement and the IRA and Sinn Féin in particular. It is another example of how pointless and nugatory terrorism is. That, in a democratic society, there is no role in any way for guns, bombs and terror is a lesson that, regrettably, some still need to learn.

Members' Statements

Mr Dickson: I want to address the opportunity for Members to make statements in the Chamber. I believe passionately in the democracy that has been devolved to Northern Ireland and in the Assembly and the ability of

Members to speak on behalf of their constituents. However, priority in Assembly business should be given to debating Bills, listening to and dealing with Executive business, dealing with Committees and dealing with Adjournment debates, which come up on a constituency basis and allow MLAs, representing their constituencies to debate local issues. I welcome the opportunity to make a statement, and all that I have heard this morning has been excellent. I do not dissent from any of the views expressed in the Chamber — I add my and my party's congratulations to Tyrone on their win on Saturday — but I ask that the Assembly invites the Business Committee to revisit the timing of the statements. In other jurisdictions where they take place, they happen at the end of the business day, after the opportunity has been given to Members to deal with the key priorities of democracy, which, in the Assembly, are debating Bills and Assembly business and working with the Executive to deal with the business that they bring in front of us.

I by no means wish to diminish the statements, but their timing is, perhaps, out of kilter. The press will take the opportunity to listen to what we say in this Members' half hour, and I do not want to diminish that. However, it should happen at the end of our business day, rather than at the beginning, because what we should do is set the tone for business through our Business Committee, our scrutiny of Bills and our democratic representation of the people who elect us to come here. I invite the Speaker and the Business Committee to revisit the timing of the statements. However, in no way am I diminishing the opportunity for Members to have such discussions.

Brexit

Mr Allister: Saturday certainly was a remarkable sporting spectacle. We saw unbelievable skill, great grit and determination and relentless pursuit of the goal. There was heart-stopping excitement for those who watched. Little wonder that there was such frenetic and ecstatic waving of flags in the colours of red, white and blue as Emma Raducanu swept to victory in the US Open. How timely it was that, at the same time, we had the Last Night of the Proms. As 'Land of Hope and Glory' was belting out in the Royal Albert Hall, Emma was delivering hope and glory on the other side of the Atlantic. I congratulate and pay tribute to her.

County Tyrone had its own experience of hope and glory on Saturday, thanks to the very wise

decision of Sam Maguire to leave the EU. As Tyrone enjoys its hope and glory, I say that that was a wise move by Sam Maguire: well done in that regard.

That brings me to my primary topic: Brexit. I want to make it abundantly clear in the House that tinkering with the Union-dismantling protocol, extending grace periods — doing all those cosmetic things — will not change the fundamental objection to that obnoxious protocol. Whatever changes are made — I note that the vigorous implementers have toned down their foolhardy demands and are talking about tinkering etc — the fundamental test of all of that is whether Northern Ireland is still left in a foreign single market for goods subject to a foreign customs code and a foreign VAT regime, overseen by foreign laws and adjudicated on by a foreign court. If that is so, any such change is useless in removing the obscenity that is the protocol and does nothing to render it acceptable. What needs to be done —

Mr Speaker: The Member's time is up.

Mr Allister: — is for the EU to surrender its sovereignty —

Mr Speaker: The Member's time is up.

Mr Allister: — over Northern Ireland back to the United Kingdom.

Emerge Event in Ormeau Park

Mr Frew: Mr Speaker, you may not know and the House may not know that, for the first time in our history, an event will take place this Friday 17 September in Ormeau Park, Belfast that will refuse entry to people solely on the grounds that they are not vaccinated against COVID. The Department of Health and the Department for Communities are funding and supporting the event with public money of £75,000.

Deep concern, which I share, has been expressed to me about the human rights implications of the stipulation that tickets for the free event are available only to those who have had a vaccination. There are real fears that that represents active discrimination against those who are unable or unwilling to receive the vaccine due to age, medical exemptions or reasons of conscience. In light of that, there is an onus on the Minister of Health and the Minister for Communities to explain the rationale for the allocation of funding to the event and to restate their commitment to treat

equally the personal freedoms that we all should enjoy in society, regardless of vaccination status.

The Minister for Communities and the Minister of Health should outline the criteria and the communications plan used to award £75,000 of funding to the event. They should also outline for the House and the public the risk assessments that have been undertaken by the Departments when awarding funding and support to the event, considering that anyone who has and is suffering from COVID at the time of the event can attend it and spread the virus, as long as they have been vaccinated. That is deeply concerning for human rights, and the two Ministers involved — the Minister of Health and the Minister for Communities — should come before the House and make a statement on this issue of grave concern to many of my constituents and the wider population of Northern Ireland.

Public Health and Political Stability

Mr Gildernew: I raise the issue of the importance of the sustainability of these institutions in the context of the ongoing public health situation that we are dealing with and the threat to collapse the Assembly from the DUP leader, Jeffrey Donaldson.

12.45 pm

We are in the midst of a public health crisis. In many ways, we are at the height of that crisis. Yesterday, health trusts appealed for staff to come in from their leave to help man our hospitals and other health services. We have other health trusts asking people to use other services rather than turn up at emergency departments, given the pressures that they are experiencing. Those staff, who are being brought in from much-needed breaks, have been fighting and struggling with the pandemic for over 20 months. They do not have the option of walking away. Rather, they are walking into our hospitals. They are donning PPE and going in to fight to save lives and protect health.

The threat to collapse the Assembly is the outworking of the DUP's delivery of a Brexit that everyone, including many people here, stated was not in our interests. It is the outworking of internal politics in the DUP and, indeed, the fact that it has been spooked by others outside the party into knee-jerk reactions and threats of this nature. People are also asking whether this is a vanity project by the DUP leader in order to create a vehicle to get him into the Assembly. If

that is the case, will one of the gentlemen opposite make way for his leader and allow him into the Assembly without creating the chaos, uncertainty and inertia that will flow from this threat?

A Cheann Comhairle agus a chairde, we are heading into one of the most difficult winter periods that we are ever likely to see in our health service. Our hospitals are currently operating at 104%, and we have not yet seen the full impact of winter flu and all the other pressures that exist and that we know will come to bear. Patients, staff and the public deserve better from the Assembly and political leaders here. Political leadership is needed now more than it has ever been. Many people believe that collapsing this institution at this time would be irresponsible, reckless and unforgivable. I ask the party opposite to take care and to consider those matters at this time.

All-Ireland Senior Football Championship 2021

Mr Lyttle: I understand that Members' Statements are to be on a single item. On behalf of the Alliance Party, I therefore add my congratulations to everyone involved with the All-Ireland champions, Tyrone, on winning the county's fourth GAA All-Ireland football title. That achievement is a testament to the hard work and dedication of the new management team in their first season in charge, particularly in the context of COVID and the obstacles that the pandemic has placed in the way of getting a special squad of players to the standard required to achieve that historic victory. It is a testament to the value of sport in our community and to the hours of volunteer coaching, sporting sacrifice and endeavour, despite the obstacles put in our way. It demonstrates the value of youth development for any sport, with the backbone of this fantastic Tyrone squad being the under-21 team that Brian and Feargal coached to All-Ireland victory in 2015.

It is a great victory for Ulster sport and finally ends Dublin's dominance. Great credit and commiseration must go to Mayo on its performance in the final and its victory over Dublin in the semi-final.

Congratulations to everyone in Tyrone. You have raised the hope and morale of a county and a province at an extremely difficult and challenging time. Enjoy your celebrations.

9/11 Terrorist Attack: 20th Anniversary

Mr Carroll: Saturday marked 20 years since the tragedy of the 11 September Twin Towers attacks, in which almost 3,000 people lost their lives in an unspeakable tragedy.

My thoughts and sympathies are with all those who lost loved ones on that terrible day. The Twin Towers attacks is one of those moments that we all remember: we remember the events of that day and what happened in the years that followed. In response to a terrible tragedy in New York, the neocons and new Labour, with its many backers — including some in the House — set the Middle East ablaze and created many more 9/11s in Kabul, Kandahar, Baghdad and Basra. The families who lost loved ones in New York deserve justice for what happened on that day. The British and American establishments were never interested in justice for those people, however. Despite most of the attackers being Saudi, the focus right away for Bush and the warmongers was on Afghanistan and, eventually, Iraq. Incidentally, the US had opportunities to get access to bin Laden. It refused to accept or discuss them, opting instead to flex its muscles and revenge bomb the wrong people. The response from warmongers to brutal terrorism was to launch their own war on terror that brought misery, death, destruction and terror to many millions. It created a spiral of state surveillance, huge military spending and a politically racist system where people who were Muslim or deemed to be Muslim were treated with disdain, fear and suspicion. That was the logical outcome of a war on terror that needed to dehumanise the people whom it viewed as collateral damage to carry out its murder sprees. How else can you justify the mass bombings of weddings, towns and cities if you do not portray your victims as uncivilised?

Back in the early 2000s, I joined millions of people across the world and hundreds of thousands on this island to oppose the launching of the war on Iraq. That war was based on a pack of lies: no weapons of mass destruction were ever found. Sadly, the prediction that many made at the time that a war of this size and scale would beget more violence and terror has proven to be correct. ISIS and its offshoots did not exist in Iraq and other countries; the US and UK's actions created them.

The 20-year lesson from the war on terror should be that "liberal" or "humanitarian" intervention did not and cannot work. Neither the United States nor the UK has a God-given right to be the policeman of the world, overthrowing governments and states that they do not like. For now, Joe Biden has announced

the end of operations across the world to remake other countries. I would like to believe that, but, frankly, I do not hold out much hope. The US has over 800 military bases across the globe, and it is constantly locking horns with China. If we are really to learn a lesson from 20 years, it should be that wars are a waste — a waste of lives, money and resources. Let us make this next decade one in which those banging the drum for war are reminded of the tragedy that war brings.

All-Ireland Senior Football Championship 2021

Mr McGlone: I listened attentively as Mr Allister weaved his way through numerous issues. I thought for a moment that he had been lobbied by Mayo to raise the result of the All-Ireland with the EU-UK Joint Committee.

As someone who is married to a very proud Ardboe woman, I offer my sincere congratulations to the entire Tyrone team, its management, its membership, all the clubs throughout the county that contributed to the team and, indeed, to Ardboe, where two of the panel come from. I know a number of the members very well indeed, and I offer my sincerest congratulations to them on a wonderful victory to bring home the All-Ireland.

Very briefly, I have to add that the Ardboe parish is also tinged with some sadness, given the accident over the weekend that has left a family grieving today. It was a great victory, with great input from people from the lough shore and from the Tyrone team, but I record my sympathies to the Canavan and McLernon families on the loss of their son. Arís, mo chomhghairdeas le foireann Thír Eoghain.

Mr Speaker: Before I conclude Members' Statements, I think that it would be remiss if we did not also send hearty comhghairdeas to the County Antrim camógs, who also took home an All-Ireland this weekend. Well done, County Antrim fosta.

Assembly Business

Committee Membership

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

Resolved:

That Ms Paula Bradshaw replace Ms Kellie Armstrong as a member of the Business Committee. — [Mr Muir.]

Committee Membership

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

Resolved:

That Ms Áine Murphy replace Ms Sinéad Ennis as a member of the Committee for Communities. — [Mr O'Dowd.]

Mr Speaker: Members, please take your ease for a moment or two as we prepare for the next item.

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

Executive Committee Business

Justice (Sexual Offences and Trafficking Victims) Bill: Second Stage

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

That the Second Stage of the Justice (Sexual Offences and Trafficking Victims) Bill [NIA 29/17-22] be agreed.

Mr Principal Deputy Speaker: The Second Stage of the Justice (Sexual Offences and Trafficking Victims) Bill has been moved. In accordance with convention, the Business Committee has not allocated a time limit to the debate. I call the Minister of Justice, Mrs Naomi Long, to open the debate on the Bill.

Mrs Long: I am pleased to bring the Justice (Sexual Offences and Trafficking Victims) Bill before the Assembly. On appointment as Minister of Justice in January 2020, I set out an ambitious legislative programme to reform our justice system. My intention was and remains to provide better outcomes for all those who rely on the justice system. Our role as politicians is to identify problems and deficiencies that face our constituents and, crucially, to seek to deliver solutions and remedies where possible. The Bill is but another step forward in that reform programme — a programme that has been delivered with pace and commitment. I believe that no other Department has brought forward five such separate and substantive Bills in such a short space of time. I owe my officials and the Office of the Legislative Counsel (OLC) a huge debt of gratitude for working with me to deliver. The development and delivery of that substantial programme is a concrete demonstration of my and their continued commitment to protect the most vulnerable through better targeted and more focused legislation. Such a challenging programme is, however, possible only with the full cooperation of the Assembly and the Committee, to which I hope the Bill be remitted today. I thank them for their cooperation, particularly in scheduling this business a week earlier than was originally anticipated.

The Bill is, as Members are aware, significantly shorter than I intended, consisting now of 22

clauses over four Parts. I expect the elements of my original Bill that I had to drop to secure this Bill's introduction will feature in a new miscellaneous provisions Bill early in the next mandate if non-legislative solutions cannot be identified in the interim. That work is ongoing.

The Justice (Sexual Offences and Trafficking Victims) Bill has two key principles: A, to enhance public safety by implementing certain elements of the report of the Gillen review covering serious sexual offence cases and a review of the law on child sexual exploitation and sexual offences against children; and B, to improve services for victims of trafficking and exploitation.

Chapter 1 is primarily concerned with the creation of new sexual offences and penalties, with the first provisions capturing the highly intrusive behaviours known as upskirting and downblousing. A person found guilty of either offence under those provisions will be liable for a sentence of imprisonment of up to six months or a fine not exceeding the statutory maximum of £5,000 or both on summary conviction in a Magistrates' Court. For a conviction on indictment in the Crown Court, the penalty is increased to a sentence of imprisonment of up to two years.

1.00 pm

The next provisions in that Part of the Bill are designed to better protect children from child sexual exploitation. They create four new offences to deal with an adult pretending to be or masquerading as a child and making a communication with a view to sexually grooming a child under 16. The four offences seek to cover all possible angles of communicating with an individual, communicating with a group, communicating with a view to grooming a particular child and communicating with a view to grooming any child under 16. Importantly, the offences are not limited to online behaviour. The penalty for each of the new offences is a sentence of imprisonment of up to six months or a fine not exceeding the statutory maximum of £5,000 or both on summary conviction and a sentence of imprisonment of up to two years for a conviction on indictment.

The remaining provisions in Chapter 1 of Part 1 amend the Sexual Offences (Northern Ireland) Order 2008. They include removing and replacing existing references to "child prostitution" and "child pornography". Such terminology is outdated and may be taken as implying that children are somehow responsible for or willing participants in their own abuse,

which is clearly not the case. The Department believes that amending the legislative references will help to raise awareness of the status of children as victims of exploitation rather than being willing participants or otherwise complicit in abuse that is perpetrated by others.

We are also widening the scope of the definition of images relevant to specific offences in the 2008 Order to include live streaming. That will ensure that the law keeps up with developments in modern technology. It also helps to avoid any possible ambiguity in the interpretation of what constitutes an offence.

The Bill also makes a minor amendment to bring the article 22A offence of sexual communication with a child into the scope of extraterritorial arrangements to provide further protection to children travelling outside the jurisdiction. That simply corrects an omission in current law, where that provision should have been included.

Finally, the chapter also makes a minor adjustment to the current article 64A offence of paying for the sexual services of a person. It clarifies the elements that constitute an offence to avoid any ambiguity in its interpretation.

Chapter 2 of Part 1 brings forward provisions to implement four recommendations from Sir John Gillen's report in the law on procedures in serious sexual offences in Northern Ireland. First, it extends the current lifelong anonymity of the victim of a sexual offence, providing for their continued anonymity for 25 years after death. Secondly, it provides for the anonymity of the suspect in a sexual offence case up to the point of charge. Where a suspect is not subsequently charged, that anonymity will be protected during their lifetime and for 25 years after their death. Thirdly, it increases the penalty for breach of anonymity from the current penalty — a fine of up to £5,000 on summary conviction — to a sentence of up to six months' imprisonment or a fine of up to £5,000 or both. Fourthly, it excludes the public from hearings of sexual offence cases. Only the complainant, the accused, persons directly involved in the proceedings, a witness while giving evidence, any person required to assist a witness, jury members and bona fide members of the press will be allowed to remain in the court during the hearing of a sexual offence case. The court will retain discretion to permit any other person to remain in the court where it considers it to be in the interests of justice to do so.

Part 2 deals with victim trafficking and exploitation. The provisions extend statutory

assistance and support to potential adult victims of slavery, servitude and forced or compulsory labour where there is no element of trafficking. The provision of assistance and support to such potential victims has been in place in Northern Ireland since March 2016 but is not a statutory requirement. Placing the existing arrangements on a statutory footing provides reassurance to victims that the Department is committed to providing support and assistance to those who have been subject to slavery, servitude and forced or compulsory labour.

The provisions in this Part of the Bill also amend an existing requirement to publish a modern slavery and human trafficking strategy from at least once every year to at least once every three years. By their nature, strategies generally set out longer-term objectives, with action or implementation plans recording the milestones set within a financial year. An amendment to enable a strategy to be published at least once in every three years will allow the Department and its partners to focus better on the implementation of actions underpinning the strategic goals and to monitor the progress of relevant contributors. As some objectives span more than one year, that would also have a positive impact on performance management.

Part 3 comprises two relatively minor clauses. The clauses make adjustments to existing legislation to strengthen the effectiveness of the sexual offences prevention order (SOPO) and the violent offences prevention order (VOPO) arrangements. The SOPO provision amends schedule 5 to the Sexual Offences Act 2003 to include the offence of abduction of children in care under article 68 of the Children (Northern Ireland) Order 1995 in the list of specified offences for which a SOPO can be applied. That means that a SOPO could be applied for in respect of persons who present a risk of serious sexual harm where they have been convicted of the offence of abduction of a child in care.

The VOPO provision amends the Justice Act (Northern Ireland) 2015 to remove the statutory six-month time limit within which a civil complaint must normally be made to the court. That will ensure that the behaviour of an offender evidenced more than six months previous to the time when an application is made for a VOPO could be considered by the court.

That concludes my remarks covering the substantive policy content of the Bill at its introduction. However, I would like to take the opportunity to provide Members with a short

overview of a small number of amendments on which I have secured Executive agreement to bring forward as the Bill progresses. They are currently at an advanced stage of development for inclusion in the Bill during its passage.

My first amendment is an extension to the Gillen provisions in the Bill relating to the exclusion of the public from hearings of serious sexual offence cases. That will include the Court of Appeal as a setting where the public can be excluded from appeal hearings against conviction or sentence in serious sexual offence cases. The amendment will ensure that the victim's identity can be protected where a relevant case is elevated to the higher court.

There are also three planned amendments covering new policy content, the first of which relates to what is known as the rough-sex defence. For many years, consent to serious harm for sexual gratification has been raised in trials as a defence to serious harm, murder or manslaughter. I intend to make provision to set in legislation the existing common law position that a person cannot lawfully consent to their serious harm for the purpose of sexual gratification. The intended amendment will give effect to my desire to address issues of clarity and consistency regarding the application of the existing provision.

The next new policy amendment relates to what is commonly referred to as "revenge pornography". The new provision will make threats to disclose private sexual photographs and films with intent to cause distress an offence, alongside existing offence provisions relating to the disclosure of such material.

The last of my planned amendments is to change the existing legislation covering an abuse of a position of trust of a child, which is contained in articles 20 through to 31 of the Sexual Offences (Northern Ireland) Order 2008. The amendment will provide greater protection to young people who are in the care of adults in certain non-statutory environments. I had originally intended to develop that proposal for introduction in the next political mandate. However, in response to recent developments in other jurisdictions and a growing number of requests for the Northern Ireland law to be changed, I now consider that that important change should and can be made sooner rather than later. In bringing the proposal forward, my officials have worked closely with the NSPCC to gauge wider views regarding the scope of the amendment. That included holding a joint virtual workshop with the NSPCC at the end of May that involved representatives from a number of key stakeholders. As a result of that

engagement and having examined the experience of other jurisdictions further, I intend to extend the current provisions for the abuse of trust of a child. The extension will cover positions of trust held in sports and faith settings, with a delegated power to enable the extension of those settings at a future stage by way of secondary legislation, should that be considered necessary.

The Bill will make our community safer through strengthening existing law and introducing new offences. It will go some way to further protect victims, whose interests remain at the heart of the criminal justice system. The Bill contains important provisions that will introduce into the justice system more safeguards that will complement those in my Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 and the Protection from Stalking Bill, which is currently with the Committee. Taken collectively, the provisions in the Bill will introduce valuable additional protections for the most vulnerable in our community.

While some question the value of devolution and the worth of the Assembly, this legislation is yet more evidence that progress can be delivered when the Assembly functions as it should. It is also an example of the opportunities that are forfeited when it does not. I look forward to working closely with the Justice Committee and my Assembly colleagues to ensure that the provisions of the Bill are enacted within this mandate. I commend the Bill to the House.

Mr Storey (The Chairperson of the Committee for Justice): I thank the Minister for bringing the Second Stage of the Bill to the House. I am pleased to speak as Chairman of the Committee for Justice. The Committee welcomes the Bill. We look forward to working with the key stakeholders and the Department during the Bill's scrutiny stage in the Committee.

As the Minister has outlined, the Bill consists of 22 clauses and is divided into three Parts. The Committee fully supports the aims of improving the operation and effectiveness of the justice system and the principles of enhancing public safety and improving services for victims of trafficking and exploitation. Chapter 1 and Part 1 cover a range of provisions being brought forward following a consultation on a review of the law on child sexual exploitation and aim to strengthen the law in that area. The Committee considered the results of the consultation in November 2020, supported the proposals to bring forward the legislative provisions in the Bill and discussed with officials other legislative

proposals that had received support during the consultation but that the Department did not intend to progress in this mandate due to time and resource constraints. The Committee noted that there would be an opportunity to consider some of those other proposals further in the context of the Bill. I am sure that Members will do the same, assuming that, as I expect, the Bill passes its Second Stage today.

The strengthening of the law on sexual offending to better protect children from sexual exploitation and, in particular, the aim to address such behaviour at an earlier stage are welcome and, sadly, necessary. The Criminal Justice Inspection Northern Ireland (CJINI) report in June 2020 on child sexual exploitation highlighted that such exploitation is happening in towns, cities and rural communities across Northern Ireland and involves children who live with their parents and children in care. That is the stark reality, Members, and we in the House must endeavour to do all that we can to prevent it.

The Committee also supports the inclusion of the new offences to capture behaviours known as upskirting and downblousing. Such behaviour is, unfortunately, becoming more prevalent and is frequently used to coerce, control or humiliate. The fact that Northern Ireland will be the first part of the United Kingdom to legislate for downblousing sends a message that such behaviour, together with upskirting, has no place in our society and provides the PSNI and the Public Prosecution Service (PPS) with the tools to prosecute individuals.

The Bill will also implement four of the recommendations in Sir John Gillen's report on his review of the law and procedures on sexual offences in Northern Ireland. As Sir John outlined, deep concerns about how serious sexual offences are prosecuted and determined in Northern Ireland have been expressed for a number of years. Such offences are largely under-reported, the attrition rates are high, and successful prosecutions are pitifully few. Committee members are well acquainted with the views of victims of such offences: the criminal justice system lets them down, and those who go through it often feel that they have been re-traumatised by the experience.

That situation is totally unacceptable and must be addressed. Providing victims with confidence in the system, and ensuring that they are treated with dignity and respect during the criminal process, in no way impacts on the accused receiving a fair trial. It is simply the

right thing to do, and the proposed changes are long overdue.

1.15 pm

Implementation of Sir John Gillen's recommendations must continue to be a priority. The Committee is committed to ensuring that they are implemented in full. It considers progress regularly, with the next update due from the Department at the end of September. The Committee, therefore, welcomes the inclusion of Part 1, chapter 2, which includes clauses to extend the current lifelong anonymity of the victim of a sexual offence, provide for the anonymity of the suspect in a sexual offence case up to the point of charge, and exclude the public from hearings of serious sexual offence cases.

Parts 2 and 3 cover trafficking and exploitation, and prevention orders. Departmental officials advised the Committee that these clauses make minor adjustments to the existing provisions and aim to improve effectiveness. Clause 16 places on a statutory footing the current practice of providing support and assistance to potential victims of slavery or servitude, or of forced or compulsory labour, where there is no element of trafficking. That is to be welcomed.

The Department advised the Committee of the Minister's intention to bring forward amendments on four issues, which I thank the Minister for outlining in the House today. As part of the evidence that the Committee received on the Domestic Abuse and Civil Proceedings Bill, concerns were raised that the mitigation of rough sex gone wrong appeared to be increasingly used to explain a death. The Committee noted at the time that amendments had been made to the Westminster Domestic Abuse Bill to ensure that such a defence was outlawed in cases of serious injury or death. The Committee welcomes the proposal for amendments to address this.

The Committee also welcomes the proposal to bring forward amendments to widen the scope of, and strengthen, the current law on abuse of trust. There was widespread support for that in the responses to the Department's consultation. The Committee was disappointed that the Department originally did not intend to legislate for it in this mandate.

The Committee received an oral briefing from departmental officials on the principles of the Justice (Sexual Offences and Trafficking Victims) Bill at its meeting of 9 September 2021. During the briefing, members explored a

range of issues, including the concerns expressed by legal advisers regarding making anonymity of a victim of a sexual offence permanent after death; how the Department decided on the 25-year period now included at clause 4; the operational concerns relating to sexual offences prevention orders and violent offences prevention orders that prompted the provisions to strengthen their effectiveness; the rationale for the provisions that amend article 64A of the Sexual Offences (Northern Ireland) Order 2008 relating to the offence of paying for the sexual services of a person, and whether they change the intention of the original legislation; the particular effect of clause 16; and the extent to which the proposed amendments will widen the abuse of trust law.

Members also discussed in detail the new offences of upskirting and downblousing, including whether they are framed appropriately and are workable. I am sure that the Committee will want to explore all these issues, and others, further as we move into the Bill's Committee Stage, assuming its success in the House today.

The Bill was introduced into the Assembly on 5 July. It was originally to be introduced in March. While it may not include all the provisions originally intended by the Department, it is still a very important piece of legislation that the Committee wants to see go through the Assembly before the end of this mandate. For that reason, the Committee agreed, on an exceptional basis, to issue a call for written evidence on the Bill following its introduction into the Assembly and prior to the Second Stage taking place today. I assure the House and the Minister that this was in no way to preempt the views of the House but was simply a pragmatic decision, given the very limited time available to us, to give the Bill a chance of completing the legislative process before the mandate ends. Despite already dealing with a very heavy legislative programme, the Committee is determined to play its part in progressing the Bill, assuming its successful passage today. That will not, however, preclude us from undertaking robust and detailed scrutiny of the provisions in the Bill and proposed amendments to it, with the assistance of the key stakeholders, to ensure that the legislation is comprehensive, workable and as effective as possible. The issues covered in the Bill can have a profound and lasting impact on victims and cannot be missed or minimised in any way. That is why the legislation is needed, and on behalf of the Committee for Justice I support the principles of the Bill.

I will make a few comments as a Member of the House and a member of my party. I am glad to see that the first salvo has been fired in the election campaign: the Minister did not miss the opportunity to set out how she, as Minister, and her Department had brought forward more legislation than any other Minister. It is up to other Ministers to see whether they can match that in the time that is available to them. Does the Minister want to intervene?

Mrs Long: I assure the Member that, of course, that is not an electoral point, because I also pay tribute to the Committee, which, if it discharges its duties, will place itself well above any other Committee in managing legislation. It is a win-win situation for us all.

Mr Storey: I thank the Minister for the intervention and clarification on that point; her comments are noted.

I turn to the provisions of the Bill, particularly clauses 16 and 17. There has been much media attention on human trafficking in Northern Ireland in recent months, with revelations that the numbers of potential victims entering the national referral mechanism (NRM) increased by 750%. I want Members to take that percentage and remember that, behind it, there are individuals. These are real people. A 750% increase between 2012 and 2020: that is deeply disturbing, especially when we remember that not all existing victims are identified and offered the NRM and not all victims who are identified agree to enter the national referral mechanism.

Moreover, in considering that challenge, we must always remember that we are not talking about just statistics but, as I said, real people. We are talking about someone's son or daughter, and even more troubling is the fact that some of the victims are children. Of the 128 referrals in 2020, 20 were children. Five of those children were trafficked for sexual exploitation. As parents and grandparents, we can only but think of the horror that has been inflicted on those children. That is happening here in Northern Ireland, and it is sad that we have to say in the House that it is happening today in Northern Ireland in our towns and our neighbourhoods.

Northern Ireland has a strong history of taking a stand for victims of modern slavery. The timely passing of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 represented the first comprehensive piece of legislation on this subject to be passed in the United Kingdom. Moreover, the Act goes

beyond the current provisions made in England and Wales by enshrining support for adult victims of human trafficking in law and providing for the introduction of independent guardians for unaccompanied migrant and trafficked children. That piece of legislation is a great credit to former Assembly Member and good friend of mine, Lord Morrow. He introduced the Bill in the House and it was passed into law. Six years later, we need to act again to build on the good foundation that has been set and enhance the existing protections. In that context, I wholeheartedly support clause 16, which will amend section 18 of the 2015 Act by extending the statutory assistance and support provided to potential victims of human trafficking to victims of servitude or forced labour where there has been no element of trafficking. That constitutes a very welcome, humane and logical development.

I am also content with clause 17, which will amend section 12 of the 2015 Act and introduces a change from having an annual modern slavery strategy to having one on a three-year cycle. I would, however, like the Department of Justice to produce an annual progress report so that we can track progress during the three-year period as well as between such periods, and I trust that the Minister will give consideration to that.

Before I move on from the modern slavery provisions in the Bill, it is important to acknowledge an important support provision that is not in the Bill. In that regard, I congratulate my friend, colleague and Chief Whip, Joanne Bunting, who is a Member of the Assembly for East Belfast, on securing a critical debate on 13 October last year to mark Anti-Slavery Day. She used that debate to highlight the indefensible lack of statutory support for victims of modern slavery across the UK from the moment of their conclusive grounds decision when they leave the NRM. It is extraordinary that statutory support is provided to potential victims but denied to actual victims, when our moral responsibility is clearly greater to those who have been confirmed to have been subjected to slavery. In that context, I put on record my thanks to the Free For Good campaign, the coalition of 27 anti-trafficking bodies campaigning for the provision of 12-month statutory support to facilitate the recovery of confirmed victims of modern slavery, and I hope that we will have the opportunity to debate amendments that address that shortfall.

In conclusion, I place on record my appreciation and thanks to the Minister and her officials for the work that has been done to date. A

considerable amount of work has been done in order to have the Second Stage debate in the House today. The Minister outlined that not all the legislative provisions that she would have liked to bring to the House — namely, in a miscellaneous provisions Bill — have been brought, but I trust that, as an Assembly, we will focus our time on issues that are paramount. That is not to say that other issues are not important, but, given the challenge with our time frame, I trust that the House will give the Bill the support that it deserves. Along with the Minister, I look forward to hearing the contributions of others so that we will have some sense of how the Bill will ultimately conclude when it completes its legislative passage through the Assembly.

Mr Principal Deputy Speaker: I call the Deputy Chair of the Justice Committee, Ms Sinéad Ennis.

Ms Ennis (The Deputy Chairperson of the Committee for Justice): Go raibh maith agat, Mr Principal Deputy Speaker. As you said, I have, in recent weeks, taken on the role and that of Sinn Féin spokesperson for justice. I look forward to taking my place on the Committee at its next meeting. If you will indulge me, Mr Principal Deputy Speaker, I want to pay tribute to my predecessor, Linda Dillon, for her work in the role, and I am sure that other members of the Committee will attest to her positive contribution while on the Justice Committee.

Although I am a new member of the Justice Committee, many of the issues that face us are not new to me. I have paid close attention to the great work that has been carried out by my colleagues in Sinn Féin and, indeed, across the Assembly on so many important issues, such as domestic and sexual violence, gender-based violence and other issues of public protection. The Assembly passed the Domestic Abuse and Civil Proceedings Bill earlier this year, which was a landmark achievement, and the hugely important Protection from Stalking Bill is working its way through the legislative process. There has also been other important, ongoing work done, including the Gillen review of serious sexual offences cases, the review of the law on child sexual exploitation and work to tackle domestic and sexual violence, modern slavery and human trafficking.

The Justice (Sexual Offences and Trafficking Victims) Bill is crucial legislation that will allow us to build on all the great ongoing work. I look forward to scrutinising the Bill in the Justice

Committee to ensure that it is of the highest standard.

1.30 pm

I welcome, as other Members have done, the introduction of the revised Bill to the Assembly. It is long overdue, and it is great to see it finally reach this stage. However, I have to share my disappointment at the serious and wholly unnecessary hurdles that had to be overcome to get us to this point. For months, we heard MLAs from across the political spectrum talk about the importance of passing the former Justice (Miscellaneous Provisions) Bill, and four of the five Executive parties supported that Bill when the Minister first tried to introduce it. Yet, one party in the Executive held the Bill hostage for two months and blocked it from being progressed, despite the huge challenges that we face given the short time that remains in the current mandate. The DUP, despite being on record as saying that it had no issue with the content of the Bill as drafted, disgracefully blocked its progression for fear of potential amendments at later stages. That was a shameful derogation of its legislative responsibilities and showed contempt for the democratic process. As a result of that political grandstanding, the previous Bill had to be revised, and some hugely important clauses were pulled out to narrow its scope. Also removed was the option to propose amendments on some really important issues. All of that because one party in the Executive — the DUP — did not like what it was potentially going to see.

Nonetheless, the Bill contains some important clauses that will implement key recommendations from the Gillen review of serious sexual offences cases and the review of the law on child sexual exploitation and sexual offences against children. I am pleased to finally see the introduction of the new offences of upskirting and downblousing. Upskirting involves the taking of a photo or video under a person's clothes without their consent in order to capture images of their body or underwear. It violates a person's right to privacy and bodily integrity and can be a deeply invasive, traumatic and distressing experience. The evolution of technology and the wide availability of smartphones have meant that the law has not kept pace with the increasing frequency of the offences, and victims have been let down. Image-based sexual abuse is just as invasive and horrific as other forms of sexual abuse, and it is right that we take it just as seriously. We need to get it right, however, so I look forward to working with the Justice Committee to ensure

that there are no loopholes in the offence, such as those that exist in other jurisdictions.

Other key features of the Bill include protecting children from grooming and other forms of sexual offences and abuse, including creating a new offence of adults masquerading as children online, ensuring that the law on sexual exploitation is kept up to date with modern technology by including live streaming and replacing references to child prostitution and child pornography in law.

Taken together with the other hugely important provisions of the Bill, of which there are too many to go into, today is a really positive step forward, finally, in the implementation of the Bill. I am happy to support its passage to the next stage.

Ms S Bradley: As the SDLP member of the Justice Committee, I support the passing of this stage of the Justice (Sexual Offences and Trafficking Victims) Bill. In anticipation of the Bill's passage through the House, I look forward to fully scrutinising and adding value to it.

I, too, put on record my thanks to the outgoing Deputy Chairperson, Linda Dillon, with whom I and other members worked very well in an environment that was conducive to that good work. Whilst we may have differed on certain things, we did so in a respectful way, and I wish Linda well in her new position. I also thank the Chair of the Committee for accurately summarising the Committee's position on the Bill at this time and facilitating an early meeting with officials from the Department to start to get into the detail of the Bill. The Bill is quite broad in what it attempts to do, but every element is critical.

Without going into any of the detail at this stage, I place it on record that the SDLP very much supports the principles of the Bill, but, at the outset, we want to flag up some concerns we have about operational reality. That is exactly what the legislative process is: it is about scrutinising and hearing from those who are engaged on the ground in the delivery of any legislation to make sure it is fit for purpose. As an example of that, I cite the introduction, which we very much welcome, of the offences of upskirting and downblousing. Quite rightly, the Bill defines what exactly those are, and the descriptors are quite good and appear to be fulsome. However, proposed new article 71A(3) talks about the motivation of the person who is operating equipment. It talks about their "obtaining sexual gratification" or "humiliating, alarming or distressing B". Whilst I agree with those descriptors, which accurately pin down

what we are trying to achieve, we feel we need to stress-test them to some degree to find out what exactly the evidential proof would be to say that that was the motivation of the person operating the equipment. We will, no doubt, have a chance to work through details like that in the Committee Stage and the clause-by-clause scrutiny.

The other issue, if I may refer to it, is the important one of anonymity and the proposal on the privacy of a victim after death. There is a detailed breakdown of who could make such an application, but I would ask questions about what happens in cases where there is a conflict between eligible applicants. Whilst the applicants are clearly stated, it does not particularly say that there is any sort of hierarchy. There may be conflicting agendas. However, it is important to note that proposed new section 3A(6) says that the court must be satisfied that an application is:

*"(a) in the interests of justice, or
(b) otherwise in the public interest, to make such a variation or revocation"*

of anonymity.

The Bill finally gets to the point of delivering on some of the heavy and important work of the Gillen review, so I welcome the fact that four Gillen recommendations are woven into the Bill.

I will not go into much more detail now, but, again, in expectation that this stage of the Bill will be agreed today, I look forward to working with Committee members in a robust way to scrutinise the details of the Bill and to make sure that it aligns with operational reality. If it does not, it could be a good academic piece of work that does not bring real effect to and change on the ground. I thank the Minister for bringing forward this stage of the Bill today, and I look forward to working with the Committee.

Mr Beattie: I commend the Bill. It is the right Bill at the right time, but there is an awful lot more work that we will all be doing in this regard. Knowing the Justice Committee, I am sure that it will look at the Bill in great detail, and I have every confidence that the Committee will do that.

One of the problems when you talk late on in a debate is that you tend to repeat what everybody else is saying. I do not particularly want to do that, but the Chair has outlined the Bill pretty well, where we stand on it and what we need to do with it. However, I would like to raise a couple of issues that I have concerns over — not necessarily the Bill itself but what is

likely to happen and some of the other issues in that regard.

I commend the recommendations of the Gillen review of sexual offences, which are in the Bill. Pre-charge anonymity for defendants is important, as is the continuation of anonymity of complainants for 25 years after death, and the increase in the penalty for a breach of that anonymity sends out a clear message to everybody that they should adhere to what the court has said. The exclusion of the public from serious sexual offence hearings is really important, and I absolutely support it. We all know about the Ulster Rugby rape trial. Never mind the outcome, we all know that people attended the court hearing purely to hear the details for their self-gratification. Some people will say that, by stopping people going into the court, we are not showing justice to be open and transparent, but I wholeheartedly welcome that measure. It is the right thing to do.

On child exploitation and sexual offences against children, we can all agree that children are incredibly vulnerable and we must do all that we can to put laws and protections in place to look after our children. I am concerned about anything that stops us being in a position to do that. Of course, in the Bill, the Minister has laid out provisions to replace legislative references to "child pornography" and "child prostitution", so that we do not make anybody believe that the child is in any way complicit. Those provisions also include live-streamed images, a definition of exploitation for sexual purposes and the creation of the new offence of adults masquerading as children, which is also extremely important. By strengthening that, we will help to protect children.

My genuine concern is that all that will be lost if the Assembly falls. Please think about what we are doing here; think about the long term; think about our children. I do not want the Bill to fall and children to suffer because of something that we as adults can sort out.

There is provision for the creation of the new offences of upskirting and downblousing. That is not a giggle. It is not what kids do for fun and games, saying, "I will just take a quick picture up the skirt or down the blouse". It is not that. It is absolutely humiliating. The sooner we get away from allowing people to think, "I was only having a laugh" or "It was only a bit of banter" or "It was only a giggle", the better. The Bill does that, notwithstanding the very real points that Sinéad raised about finding out people's motivations for doing that. I know, however, that some people do that and say, "Well, I was just having a bit of a laugh".

The amendments to provisions in Northern Ireland regarding human trafficking are also incredibly important. I have spoken previously about human trafficking and told people that I saw the origins of human trafficking in Bosnia and Kosovo. I saw how they farm young girls in warehouses and traffic them across Europe, with some of them ending up here. It is harrowing to see that. Imagine what it is like for them: absolutely and incredibly harrowing. The provision to:

"Extend ... support to ... victims of slavery, servitude or forced or compulsory labour"

is incredibly important. I look forward to seeing the detail of that.

The Minister talked about amendments that she will propose, such as the abolition of the rough sex defence and the extension of existing revenge porn provisions to include the threat of publication. People probably think that that is a throwaway line, but it is not. Just threatening somebody by saying, "If you don't do what I say, I will publish this" is coercion at its absolute worst, so that line is really important. Of course, provisions to widen the scope and to strengthen the laws about the abuse of trust of our elderly, of our young and of those who look to us for support are important.

There is a lot to do on the Bill. We will dig into a lot of stuff, and I have no doubt that there will be many amendments. That is right, and I think that the Minister expects us to delve into her Bill. I would not expect her to want us to do anything other than that. At the end of the process, we must make sure that we have a Bill that works, can be applied and does not just sit on the shelf where nobody can use it because it is too complicated. It is incredibly important. I know that the Chair and the new Deputy Chair will guide our Committee in making sure that we add value to the Bill and make a positive input.

1.45 pm

Ms Bradshaw: I warmly welcome the Bill and the fact that we are moving on swiftly with this vital legislation. Much of it updates practice in Northern Ireland in line with that in neighbouring jurisdictions. It is frustrating that, for the reasons outlined by the Minister, the Bill has not been able to do a little more in terms of that alignment, but we welcome what is contained in it.

I turn first to the areas that take Northern Ireland ahead of the rest of the UK. The first, at clause 1, is the criminalisation of downblousing.

I sincerely hope, given the contributions that have been made already today, that there is no doubting the merit of establishing that offence. It is not easy to do it in legislation, but it is to be welcomed that Northern Ireland is taking the lead in —.

Mr Principal Deputy Speaker: Ms Bradshaw, I am sorry to interrupt you. Would it be possible for you to move the mic a bit closer? Some Members at the other end of the Chamber are finding it difficult to hear your contribution. Thank you.

Ms Bradshaw: No problem. Thank you. Is that a bit better now?

Mr Principal Deputy Speaker: Mervyn?

Mr Storey: Yes.

Mr Principal Deputy Speaker: There we go.

Ms Bradshaw: Thank you very much.

I welcome that Northern Ireland is taking the lead in the UK in finding the means to do so. It was criminalised as long ago as 2015 in parts of Australia and other common-law jurisdictions. There has been debate about whether privacy or photography laws would suffice and whether the specific offence was necessary. Legal research this century has demonstrated that specific upskirting or downblousing laws are desirable and necessary to determine indisputably that an offence has been committed. It is likely that other UK jurisdictions will follow Northern Ireland's lead on downblousing in due course.

It is also clear that the 2008 Sexual Offences Order has served a significant purpose in protecting victims but, sadly, is not specific enough for the world in which we live. Practitioners have been clear that there is a serious gap in that Order as regards sexual grooming and that the range of offences outlined in clause 2 will offer significantly enhanced public protection, particularly to children. That will take Northern Ireland ahead of other jurisdictions in the UK, although the Irish Government introduced similar provisions in 2017. It is worth emphasising at that point that that change, in line with many in the Bill, is designed to reduce the incidence of the offence taking place, not just to ease and ensure convictions when it does. The House really should aspire to lead the way more often, particularly when it comes to the victims of such blatant, unpleasant and unsavoury misconduct.

Other areas of the Bill are more about bringing Northern Ireland into line with neighbouring jurisdictions, but they are no less important. One example is the implementation of key aspects of the Marshall report, which is overdue and highly important, as it is primarily about protecting and respecting victims. The changes in terminology brought about by clause 3, for example, are clearly about ensuring not just that the punishment fits the crime but that the crime is properly described and thus the victim properly respected. Clauses 18 and 19 are also specifically about preventative orders.

I also welcome the amendments to the Justice Act, in line with legislation in England and Wales, that ensure that not only the commissioning of the offence but the threat to commit the offence can be adequately tried and thus likely lead to the prevention of more instances of so-called revenge pornography. Again, we should not underestimate how harrowing that can be for victims and how important it is that we do all that we can to deter it. That aspect of the law will need to remain under review to ensure that it works in practice, and I have little doubt that it will merit further consideration in the next mandate.

With regard to the Gillen review and the delivery of justice in serious sexual offences, I draw particular attention to clause 15. It bears repeating that the review concluded that unrestricted access for the public to trials of serious sexual offences deterred, humiliated and intimidated complainants. That is an astonishingly huge failing, particularly given the right to anonymity. The benefit of the clause is to make the process of accessing justice less harrowing for complainants and that of attaining justice less harrowing for victims. No one should be deterred from seeking justice, and we must ensure that the system itself does not act as a deterrent.

I also put on record my appreciation of the hard work of campaigners who work to strengthen legislation around the abuse of positions of trust around 16-to-17-year-olds. Strengthening existing protections for that age group should reduce the overall incidence of sexual exploitation, through effective consultation and targeted legislative intervention. That is exactly what the Chamber should be doing, and I am sure that the provision, if it passes, will be warmly welcomed by those involved in youth sport and community-based activities.

The Minister outlined some of the areas that are not included in the Bill, and that is, naturally, frustrating. However, I hope that I have outlined the importance of what is included in the Bill

and that the Chamber will unanimously get behind it to ensure its passage.

Ms Dolan: As a member of the Justice Committee for the last 12 months, I can say that a huge amount of time and energy has been spent in dealing with the issues of domestic and sexual violence, not least with the work that is ongoing to implement the landmark Gillen review of serious sexual offences. That marked a step change in how the criminal justice system deals with sexual violence and treats victims of sex offences. For too long, the criminal justice system has been heavily weighted in favour of the defendant, often at the expense of victims who have suffered trauma and pain unimaginable to many people. The Gillen review and the public events that preceded it represent a point where the system would no longer be tolerated. That is to be welcomed.

I welcome the Bill, which implements some of the key recommendations of the Gillen review, along with other important provisions that will, no doubt, be discussed across the Chamber. The system should be about fairness and rights for the victim and the defendant, and the Justice (Sexual Offences and Trafficking Victims) Bill strikes the correct balance in achieving those objectives.

I echo the comments of my colleague Sinéad Ennis and put on record my frustration and disappointment that the Bill was obstructed in the Executive for so long and that important provisions had to be removed from it to secure its progression. All the while, time is running out to pass the Bill in this mandate.

Mr Principal Deputy Speaker: I ask the Member to resume her seat briefly.

I generally allow flexibility and freewheeling debate. However, in their contribution, Members should refer to the content of the Bill, rather than the processes by which we got to be debating it at this point. That would be more in order.

Ms Dolan: Thank you.

I too welcome the introduction of new offences of upskirting and downblousing, which will mark the latest step in tackling the growing problem of image-based sexual abuse. Such heinous and deeply traumatic behaviour cannot be tolerated, and the introduction of the offences will go some way towards tackling the problem. It must, however, be accompanied by serious work to improve relationship and sexual

education in schools, so that our young people are taught from an early age about the importance of healthy relationships and consent and so that we focus not just on punishing perpetrators but on preventing the crime in the first place.

I welcome the exclusion of the public from all serious sexual offence hearings, which will go a huge way towards supporting victims of sexual crimes during what is already a traumatic experience.

The Justice Minister indicated her intention to propose amendments to the Bill at a later stage, including improving legislation on outlawing revenge porn, widening the existing abuse of trust provisions and provisions for the abolition of the rough sex defence. Those are all policy areas in which my party and I have had a long-standing and keen interest, and we welcome progress on them. Revenge porn is among the most serious incidents of image-based sexual abuse, as are upskirting and downblousing. They are policy areas that demand our full attention and energy. Revenge porn is a disgusting crime and a huge violation of privacy, one that can lead to deep trauma and the devastation of a person's life. I note the Minister's plans to legislate on that area, but, until we see the amendment in writing, it is important that we continue to press home the seriousness of the issue and the urgency required.

Current abuse of trust offences do not provide adequate protection for 17-year-olds who are preyed on or groomed by adults in positions of trust and power. Currently, such protections extend only to those in statutory settings, such as schools. However, children and young people can spend many hours a week with adults in other, non-statutory settings. Such adults might include a sports coach, a faith group leader or a youth club leader. Furthermore, the status quo causes difficulties for sports organisations that tend to operate outside this jurisdiction, such as the GAA, which operates on a provincial basis, including nine Ulster counties, but has to operate two separate safeguarding regimes to protect children. The legal loophole needs to be closed, and protections against grooming and abuse need to be extended to include adults operating in non-statutory settings.

Despite my obvious disappointment about the important provisions that have had to be removed from the Bill, such as those to strengthen the law on bail and remand for children to be more compliant with the UN Convention on the Rights of the Child and to

deal with children and young people more appropriately, I welcome the Bill and where it is today.

Mr Principal Deputy Speaker: Thank you, Members. Given that it is 1.56 pm and Question Time is due to start at 2.00 pm, I ask the House to take its ease. When we return to this debate, the next Member to speak will be Mr Peter Weir.

The debate stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

The Executive Office

Mr Speaker: I advise Members that I have received correspondence from the deputy First Minister to say that she is unable to attend. Junior Minister Kearney is here on her behalf.

T:BUC: Headline Actions

1. **Ms Flynn** asked the First Minister and deputy First Minister for an update on the delivery of the headline actions under the Together: Building a United Community (T:BUC) strategy. (AQO 2365/17-22)

Mr Givan (The First Minister): There has been significant progress in delivering the Together: Building a United Community strategy, with a number of the headline actions being fully achieved. Over 24,000 young people have taken part in T:BUC camps, and five Urban Villages areas have been established. Four shared education campuses have been approved and are progressing. Ten shared neighbourhoods, providing 483 new homes, have been completed. Over 6,000 young people have participated in the Peace IV youth programme. Over 26,000 young people have engaged with the Uniting Communities through Sport and Creativity programme. The number of interface barriers has been reduced by 14. We remain fully committed to the T:BUC strategy, which is demonstrated by the provision of £12 million of Executive funding in the 2021-22 year.

Ms Flynn: I thank the Minister for his response. He will be aware that, over the summer, there were distressing reports of sectarian attacks and intimidation. There is still the issue of the burning of flags and other emblems on bonfires. What additional steps can the Executive take to tackle sectarianism in all its forms and manifestations?

Mr Givan: Over the summer, incidents happened that should be condemned. They should not have happened. People should be able to celebrate their culture in a way that does not denigrate somebody else's culture. Ultimately, that is what we want to achieve.

The T:BUC approach that we take with young people allows people from different traditions to come together. During the summer, when I was in Limavady with the Roe Valley Residents Association, I had the opportunity to hear at first hand the experiences of young people, some of whom had never actually mixed outside their own community, which may be hard to believe in this day and age. They were able to get a better understanding and appreciation of other people's culture and gained better respect from that. Ultimately, that is the kind of society that we want: one that respects and celebrates difference.

Mr Speaker: I advise Members that questions 14 and 15 have been withdrawn.

Mr Allister: As I recall, the strategy has been with us for about six years — perhaps even more. In that time, expenditure on it has been something over £100 million. Can the First Minister truly say that there has been success commensurate with that value in that time? When we look at the building a united community strategy, what is the message of the failure — it is no surprise to me — to build a united Executive? Does that not jar with the protestations of success in that project?

Mr Givan: Look at the areas that this scheme transcends. It includes housing, covers education and encourages bringing people together. It is not just about facilitating those conversations; it requires tangible changes to take place. We can look at the five different Urban Villages that will be rejuvenated. I look at the different areas where that will have an impact. Therefore, it is transformative with regard to both the physical infrastructure and the impact that it has also had on people's attitudes where that aspect of the programme has been engaged.

When it comes to the Executive, all that I will say is that, yes, there are some issues that create tension. However, the Executive have been able to make significant progress on a whole range of areas. I appreciate that some are exemplified when it comes to where there is difference, but there are many examples where the Executive have been able to have a united approach and make real, tangible changes to people's lives that are beneficial to everybody in the community.

'Moving Forward: The Executive's Pathway Out Of Restrictions': Update

2. **Mr Stewart** asked the First Minister and deputy First Minister for an update on the policy document 'Moving Forward: The Executive's Pathway Out Of Restrictions'. (AQO 2366/17-22)

Mr Givan: From March 2021 to date, the Executive have continued to consider proposals for the relaxation of restrictions, as outlined in 'Moving Forward: The Executive's Pathway Out of Restrictions'. The Executive have undertaken multiple reviews of the restrictions, taking decisions on appropriate relaxations as early as conditions allowed, in line with the most up-to-date scientific and medical advice.

Recently, further relaxations have been affected by an increase in the delta variant, which has slowed the rate at which the Executive have been able to ease restrictions. The Executive, however, are committed to retaining restrictions only for as long as is absolutely necessary. The most recently agreed further easing of restrictions came in from Friday 10 September, covering indoor domestic settings, hospitality, music and dancing.

Mr Stewart: I thank the First Minister for his answer. Will he agree that, given the recent disappointing figures for infections and the difficulty in getting some people vaccinated, it is more important than ever to have a joined-up approach and message? Will he also agree that stability of government here is integral to that and to ensuring that the institutions survive, given the pandemic and its impacts? Will he agree that that joint message must not be damaged by solo runs?

Mr Givan: It is important when it comes to communicating the messages that we do so effectively. We have been able to use a range of platforms to get the message out. I understand that, as we ease restrictions, the public are not always aware of what the current rules are. The Executive have considered all the restrictions that have been made over the past months, interrogated the evidence and, ultimately, reached a position. We keep making the progress that I would like to see us make, but we are cognisant of the fact that transmission is still prevalent out there in the community.

There are pressures on our health service, and everyone needs to take personal responsibility to take the right decisions as we move away, as we have been doing, from regulations to guidance. That requires people to take personal responsibility. They need to be informed about the types of decisions that can help them take

that personal responsibility in the interests of protecting not only themselves but other people.

Mr McGrath: Will the First Minister explain how that road map can be effectively delivered, given the reckless remarks from his party leader about bringing down the institutions? What message does he have for the businesses, communities and people out there if the message from his party leader is that this place can be brought down and that decisions will not be able to be taken?

Mr Givan: Our party is clear that it wants the Executive to continue to work. We want the Assembly to continue to operate and to take the types of decisions that we are taking. The basis, however, on which we restored the institutions was in 'New Decade, New Approach'. The United Kingdom Government made commitments to unfettered access for Northern Ireland by way of an east-west dimension and to the internal market of the United Kingdom being restored. The fundamentals on which the Executive are formed have to be right. That is why there is now a window of opportunity for the United Kingdom Government and the European Union to make sure that the changes that are needed are made.

We will continue to operate the institutions in good faith when it comes to carrying through decisions on health, education, housing and all the other areas that affect people's lives, but we have to make sure that the fundamental building blocks on which the Executive and the Assembly are based are sound, and that requires action to be taken in the short window of opportunity that now exists.

Ms Ferguson: Will the First Minister confirm that the public health advice will be core to directing and guiding the Executive's future response to the management of the pandemic?

Mr Givan: I welcome the Member to her place and wish her well in her new role.

The Executive consider a number of areas when taking decisions. Those are informed by health advice but also by the economic impact that restrictions can continue to have and by the wider impact on community, society and family. We have seen changes around domestic indoor settings that recognise the need for greater contact within families. The Executive therefore have to consider a number of factors. Health will continue to have a significant role to play, of course, but we take that in the context of other

areas that have to be considered by the Executive.

Mr Robinson: Will the First Minister detail what progress has been made over the summer to relax restrictions and return to a degree of normality after the horrific pandemic that we have all been experiencing?

Mr Givan: Over the summer, the Executive continued to meet regularly. During that time, restrictions were made in 38 individual areas. Currently, we have nine areas left that are dealt with by way of regulation. That has been part of the Executive's approach: changing restrictions, evaluating the impact and then allowing further decisions to be taken. Other jurisdictions held restrictions in place in a comprehensive range of areas and then opened them all up. Where that happened, it led to significant spikes. The Executive's approach to reopening has been cautious because nobody wants to have restrictions brought back in. We are now at a place where we have reduced to a small number the areas where restrictions exist in law. The Executive will meet again on 23 September to take further decisions about the areas that remain.

COVID-19 Recovery Plan: Funding

3. **Ms S Bradley** asked the First Minister and deputy First Minister to outline the funding required for the implementation of the Executive's COVID-19 recovery plan. (AQO 2367/17-22)

Mr Givan: The consolidated recovery plan, which was published on 2 August, aims to deliver societal, economic and health recovery. It provides opportunities for collaborative action intended to accelerate recovery over the next 24 months, ensure that the citizen is better off in the short term and address critical challenges that our citizens face today and in the near term. Significant work has been undertaken with all Departments to determine the funding position of the 83 interventions, and that work continues. At this stage, the funding position of 70 of the 83 interventions has been confirmed, with 60 fully funded and 10 partially funded, and work is ongoing to finalise the funding position of the remaining 13.

The Executive's Budget for 2021-22 allocated £1.148 billion for COVID support and recovery. The allocation of a further £316 million was agreed on 20 May. However, funding for those allocations is for a one-year period only with no guarantee of additional COVID money from the UK Treasury for 2021-22. Funding for the 2022-

23 year and beyond will not be known until the UK spending review announcement later this year. The recovery plan has been designed to progress interventions over a two-year period to focus attention on immediate priority actions and longer-term interventions that require planning and commencement now.

Ms S Bradley: I welcome the First Minister to his first Question Time. I thank him for his answer so far. Do the priorities have an inbuilt system that monitors growth and anticipated outcomes to allow revision and additional support at any time for those that need it? Is there a system for Ministers to feed into the Executive and bid for that support as and when they need it?

Mr Givan: I thank the Member for welcoming me to my first Executive Office Question Time as First Minister.

The central tenet of this document is its collaborative nature. Departments worked together on it. It is vital that there are adequate oversights. Then, if issues such as the Member outlined arise, they can be identified, and, if additional resource, whether financial or support from other Departments, is required, that can be done. Work is ongoing to develop the appropriate oversight and reporting arrangements, and those will tell us how effective the interventions are in accelerating recovery. It will be a cross-departmental approach to ensure that all aspects of recovery are considered. Regular updates will be provided to the Executive, the first of which will be before the end of this calendar year.

Mrs Dodds: The COVID recovery plan encompasses many areas of society, as it should, such as the economy and health. However, many elements of the £300 million that was dedicated to the economic recovery action package were simply for one-year interventions with no further funding.

Will the Minister and the Executive Office ensure that there is continued funding for intervention in the economy, particularly in building skills to take the economy forward and in providing the prosperity that is so crucial to peace in Northern Ireland?

2.15 pm

Mr Givan: I thank the Member for her question. I know that the economy is close to her heart given the excellent work that she carried out in her previous role. She will be pleased to know that the document contains 37 interventions

that focus on building that sustainable economic development, and we are committed to working together on economic recovery. As the Member will know, having pioneered this when she was Minister, we are preparing to start the voucher scheme, which will help to stimulate economic activity on our high streets and protect jobs.

The education issue is part of the actions and interventions on making sure that, when we look at the need for more apprenticeships, we have a skills-based approach to that in our training colleges. That is all to help our younger people to make sure that they have the appropriate skills to take up the job opportunities that arise. As we emerge from this period of COVID, it is vital that we really seek to address the need for that economic development and ensure that we have the right skills to build upon.

Afghan Refugees

4. **Ms Á Murphy** asked the First Minister and deputy First Minister for an update on their plans to welcome Afghan refugees. (AQO 2368/17-22)

Mr Givan: Everyone here will have been moved and, indeed, distressed by the harrowing scenes from Afghanistan. Just as it did for the Syrian refugees, we want Northern Ireland to play its part in responding to this humanitarian crisis, and at their meeting on 6 September, the Executive united in a commitment to do so. We have now written formally to the Prime Minister committing to resettle citizens under the Afghan relocations and assistance policy and the Afghan citizens resettlement scheme. Officials, via the strategic planning group, are working to determine final numbers to be resettled and make preparations to support arrivals as soon as possible.

Ms Á Murphy: Will the First Minister outline the steps of the resettlement process and the support available to Afghan refugees?

Mr Givan: The programme that we will follow has been largely built upon through the Syrian refugee resettlement scheme. The Department for Communities led on that. Indeed, I was the Communities Minister when the first Syrian families came to Northern Ireland. Families came on 25 subsequent occasions and sought refuge here in Northern Ireland. A lot of good work exists. The Department for Communities leads on that, but, obviously, there is support from Health on housing, and collaboration with other Departments takes place. The

Department for Communities will be primarily responsible for the schemes.

Mr Dickson: Minister, will you agree with my condemnation of the actions of a small minority of people who protested in Carrickfergus recently at the presence of refugees there? Will you make it very clear to the House and to everybody who is listening today that Northern Ireland is open and a welcoming place for refugees and that there is no place for people who wish to protest against those who have come from very difficult backgrounds to get to Northern Ireland?

Mr Givan: The Member raises an important point and one that the Executive have had to consider, given that an increasing number of people are arriving here seeking asylum. There is a range of different measures where assistance is provided, and a number of schemes now exist. There was the Syrian refugee scheme, and there will now be the Afghanistan scheme. There is a Hong Kong scheme. There is quite a number. In the correspondence that the deputy First Minister and I sent, we highlighted to the Prime Minister that it is important that there is equality of treatment for people who require help and assistance and the potential for differentials when it comes to providing support. We recognise the unique circumstances of the people who are seeking refuge here.

Northern Ireland has always been a welcoming place, and when people come here seeking help, they do so having left very tragic circumstances and in distress. It is only right that we provide them with the appropriate support. Obviously, immigration policy is not devolved to here, so it is a matter for the Home Office to determine whether people's request for asylum ultimately leads to them staying here. When they are here, however, it is important that support is provided.

Mr Durkan: I welcome the First Minister's condemnation of those who protest against the resettlement of refugees here. In earlier answers, he referred to the Syrian refugee resettlement scheme. Will he outline any lessons that were learned from that scheme that can be applied to this one, which will ensure its smooth operation and that its support will get to those who need it most?

Mr Givan: Learning on how to get a better and smoother process was garnered from the experiences of the families who were settling into a community and accessing education and a local GP, for instance. People were then

linked up so that they could have contact with people from their own country as well as integrating with local communities. There has been learning from all that, which will shape the way in which the process rolls out for welcoming people from Afghanistan.

Armed Forces Bill

5. **Mr Allen** asked the First Minister and deputy First Minister what engagement they have had with the UK Government on the Armed Forces Bill that has been introduced to Parliament. (AQO 2369/17-22)

Mr Givan: The deputy First Minister and I, acting jointly, have not engaged directly with the UK Government on that matter. There has been engagement between officials in respect of the technical details of the Bill.

Mr Allen: I thank the First Minister for his answer. Will he advise how the Executive Office will ensure that the Armed Forces Bill, when it is finalised and has completed its passage through Westminster, will be implemented in Northern Ireland in the same way as it will be implemented across the United Kingdom? Why has the Executive Office not made a formal appointment to the armed forces covenant reference group, which sets the strategic direction for covenant funding across the UK?

Mr Givan: I thank the Member for that. This is a very important issue. We have 150,000 veterans in Northern Ireland. The military covenant was a commitment in New Decade, New Approach, and the legislation is going through Westminster. It will become law and place a duty on Departments to make sure that the law is covered and that people are getting the services as a consequence of having that additional legal protection in place. We have had the appointment of Mr Kinahan — someone who will be familiar to Mr Allen's party — as the Northern Ireland Veterans Commissioner. He is engaged in representing the needs and concerns of veterans. I will come back to the Member with a specific answer on the body that he mentioned, but it is vital that, as the Bill becomes law and completes its legislative passage through Westminster, the services are provided. There will be a legal responsibility on all Departments to do that.

Levelling Up Fund: Town Centre Regeneration

6. **Mr Harvey** asked the First Minister and deputy First Minister what engagement has the

high street task force had with local councils regarding bids submitted to the UK Levelling Up Fund for town centre regeneration projects. (AQO 2370/17-22)

Mr Givan: Mr Speaker, with your permission, I ask junior Minister Middleton to answer that question.

Mr Middleton (Junior Minister, The Executive Office): On 3 March 2021, the UK Government published documentation and application processes for the Levelling Up Fund, with the call for applications closing on 18 June. The UK Levelling Up Fund is managed and directed by the UK Government, which have not engaged with the high street task force or asked for its views to date. Northern Ireland Departments have no role in the promotion or assessment of the Levelling Up Fund, nor have they any control over the objectives or criteria against which applicants will be assessed. To date, the high street task force has not engaged with councils in relation to the Levelling Up Fund, but it will speak to councils and others in the near future as it develops its recommendations on shaping interventions and investments over the coming months.

Mr Harvey: I thank the junior Minister for his answer. Will he outline what progress has been made through the high street task force to date?

Mr Middleton: I thank the Member for his supplementary. Restoring the vibrancy of our high streets will take a number of phases over a period of years. Of course, as we have emerged from the lockdown, the immediate priority has been opening high streets and rolling out a COVID recovery strategy. That has been the focus of the Executive and the Executive COVID task force, which is headed by the head of the Civil Service. The high street task force, the latest meeting of which I chaired last week, has a longer-term focus of addressing the fundamental need for the transformation of our high streets in response to societal and economic changes. It is working to bring forward recommendations on priority work areas and potential funding opportunities.

It is very much a long-term project. Transformation will not happen overnight, and significant work has already gone into getting us to this point. Significant work has already been carried out by the Executive Office and the Department for Communities to set up the high street task force. Four bespoke subgroups, reflecting the four functions or work streams of

the task force, have been set up, with the membership being as broad and as inclusive as possible. A dedicated staffing resource has been put in place, allowing the secretariat support to manage the high street task force to ensure overall governance, set direction, commission work and provide formal approval or sign-off on products.

The task force has been actively engaged in establishing four subgroups, which have met on a number of occasions, and drawing up relevant themes that affect towns, city and village centres across Northern Ireland. A programme of comprehensive engagement and co-design with stakeholders, including councils, will commence very shortly, and the high street task force is aiming to complete its report and recommendations by March 2022.

Ms McLaughlin: Does the junior Minister agree that, at the moment, the high street task force lacks strategic direction and support? It is now in danger of losing steam and momentum. I am really concerned, because this is the moment when the high street task force needs to lead the way in order to build back to recovery and build back stronger than before.

Mr Middleton: I thank the Member for her question. The high street task force, which, as I said, I chaired last week, has been focused, over the past months, on trying to get the mechanisms in place and hearing from the subgroup members. They brought forward all that information last week at the plenary meeting. I hope that, along with junior Minister Kearney, there will be another meeting in the next six weeks. Momentum has been building. There is a lot of expectation around the high street task force, and we are trying to manage that, but I am mindful that we have put in place support through the secretariat to move that along.

I pay tribute to all members of the high street task force. A huge amount of effort has been put in. Their expertise is very much valued. I look forward to the next number of weeks, when we can bring forward all the proposals, and we can go out to the people in our communities to hear their views. Hopefully, we can bring something forward that can be used by all Ministers to try to make our high streets and town centres a better place for all of us to live in.

Mr Muir: The COVID-19 pandemic has had a devastating impact on our town centres. I think of Bangor town centre in particular, where a number of retailers have now closed or left the

town centre. Will the junior Minister confirm that it is really important that those recommendations come forward at speed and that they are concrete, specific recommendations and initiatives to help our town centres across Northern Ireland?

Mr Middleton: I thank the Member for his question. I absolutely agree. Junior Minister Kearney and I have focused on trying to keep that momentum but also on giving space to the members with expertise in the group, in order to allow them to share their views and to ensure that, when we engage with the people in your constituency, businesses and chambers of commerce, we bring something that is effective and can be implemented. We also want to ensure that, if the timelines allow us to complete that piece of work by March 2022, it can be lifted and used and will continue to be of use for our town and city centres when new Ministers take up office.

Historical Institutional Abuse Redress Process: Update

7. **Mr Boylan** asked the First Minister and deputy First Minister for an update on the review of the historical institutional abuse redress process. (AQO 2371/17-22)

Mr Givan: By the end of August 2021, the Historical Institutional Abuse Redress Board had received 1,844 applications and considered 1,374 for determination. The board has made determinations totalling just over £25 million, and approximately £21.5 million has been paid to victims and survivors. Executive Office officials are meeting victims and survivors' groups to discuss the content of a terms of reference for the review of the historical institutional abuse redress process, with a view to putting those to Ministers in October.

Once the terms of reference have been finalised, they will be presented to the Executive Office Committee.

2.30 pm

Mr Speaker: That ends the period for listed questions. We now move to 15 minutes of topical questions. Question 7 has been withdrawn.

Violence Against Women and Girls Strategy

T1. **Mr McAleer** asked the First Minister and deputy First Minister whether the First Minister will commit to ensuring that the voices of those professional and support bodies that work with women will be involved in the design and development of the much-needed violence against women and girls strategy. (AQT 1531/17-22)

Mr Givan: That is a very important strategy that the Executive Office is taking forward. It is vital that all voices be heard, not least those of women and girls who have a particular experience and can then assist in formulating the strategy. It is being taken forward. I will ensure that the Member's comments are brought to the attention of officials so that that can be accommodated.

Mr McAleer: I thank the First Minister for his response. Is he in a position to indicate when we can expect to see the strategy in place?

Mr Givan: Work is ongoing. It is a priority for the Executive. We are prioritising resources in our office. The strategy is cross-cutting in nature, and other Departments have a role to play. I do not have a date, but what I can say to the Member is that it is a priority for the Department to bring forward the strategy as soon as possible.

NDNA: Full Implementation and Delivery

T2. **Mr Sheehan** asked the First Minister and deputy First Minister whether the First Minister agrees that the public has the right to expect the full implementation and delivery of New Decade, New Approach (NDNA), given that it is the basis on which these institutions were re-established. (AQT 1532/17-22)

Mr Givan: The Member is right about NDNA being the basis on which all the parties entered into reforming the institutions after a prolonged period of them being in a state of suspension. In it, there is a commitment by the United Kingdom Government to ensuring that Northern Ireland is an integral part of the internal market. The Northern Ireland protocol, however, has caused damage economically and to wider society, and it has created political tension. Those issues have to be addressed. That was the basis on which my party re-engaged in the institutions, so that area has to be respected.

The Member will know that the Belfast Agreement is very clear on where the delicate balance was struck when it comes to unionists,

nationalists and, indeed, others. When one aspect of that is damaged, it causes harm across all others. When the east-west relationship is harmed, which it has been by the Northern Ireland protocol, that has an impact when it comes to North/South. I want to see those issues resolved. I want to see the institutions working, because I believe that we are best placed to represent the people who elected us to run the country and that we can do that better than other jurisdictions. However, we have to address the fundamental problems that have now occurred as a result of the Northern Ireland protocol. I hope that the UK Government and the European Union seize the window of opportunity that exists, but that window of opportunity is closing.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the First Minister for his answer. I do not want to get into toing and froing about the protocol and Brexit and who was responsible for all of that, because the Member knows that it was his party, in alliance with English nationalists, the European Research Group (ERG) and so on, that was totally responsible for it. Will the First Minister give an update on the Executive Office's departmental commitments in NDNA?

Mr Givan: When it comes to the issue of "Where did it all go wrong in respect of Brexit?", it was in the outworking and implementation of that by the UK Government. We were very clear that Northern Ireland should be treated just like the rest of the United Kingdom. The Belfast Agreement makes provision for a change to the constitutional arrangements, but there needs to be approval by the people. There was no approval by anybody in Northern Ireland for the changes that flowed from the Northern Ireland protocol. We did not consent to it. The unionist representatives of the Assembly did not consent to it. It is vital that, when those types of changes are made, it is done in a way that has consensus. The protocol does not. I want to have it resolved and to see a solution. In meetings with Maroš Šefčovič that junior Minister Kearney attended with me, I made it clear that I want both communities — our whole community — to be in the best of both worlds, where you have unfettered access to the European single market and to Great Britain's market. We do not have that, because of the barriers created for goods and services going from Great Britain to Northern Ireland — to the tune of some £850 million a year, based on the assessment of a leading economist, Esmond Birnie. That causes harm, not just to unionists politically, but to everybody. The Member's nationalist and republican constituents are not able to get the type of goods and services that

they should be able to get. The issue transcends unionists and nationalists when it comes to the practical implications.

On the other Executive Office commitments that result from New Decade, New Approach, the Executive Office continues to work to bring them forward.

“Both Communities”: Wholly Insulting

T3. **Ms Armstrong** asked the First Minister and deputy First Minister whether, in the First Minister’s use of the wholly insulting phrase “both communities”, he believes that she does not exist in Northern Ireland, and neither do the people whom she represents. (AQT 1533/17-22)

Mr Givan: Of course the Member exists, and she makes her voice heard, loud and clear. The term “both communities” is used in the Belfast Agreement, which her party supported and which brought about the designation of nationalist, unionist and “other”. If the Member has a problem with how she is designated, its origins are in the 1998 Belfast Agreement, which her party championed.

Ms Armstrong: The Good Friday Agreement recognises the term “other”, which is, of course, insulting. It then says that there are more than two communities. I ask the First Minister, when he references “the community of Northern Ireland”, to recognise that there are more than two communities.

We are a diverse community. During Question Time today, the First Minister was asked about refugees. We have had disgusting and despicable accusations that those people will come to Northern Ireland, take our jobs and steal our homes. Those accusations have come not just from people outside the House but from elected representatives in other places in Northern Ireland. What communications will the First Minister put out to make it known that refugees are welcome and will be included here, and that any allegations about them taking our jobs or homes are to be absolutely taken out of the equation and not considered further?

Mr Givan: The Member makes the point very well, and I agree with her. If anything, there is huge demand for jobs in Northern Ireland and a shortage of labour supply, so some people’s argument that refugees are taking our jobs does not stand when it is tested against job

criteria and the number of jobs that need to be filled.

I referred to this issue during Question Time. When people seek asylum and refuge in Northern Ireland, they do so because they have come from a position of distress. It is vital that we give them support. The Home Office administers the process and considers applications for citizenship, and ultimately it is not a devolved issue, but we have a responsibility to provide support for people who are here in Northern Ireland and to find ways in which they can be part of our society. Making sure that we have an integrated society where people feel welcome is not without challenges. I make it clear that, in Northern Ireland, our strength is our diversity and the fact that we are a multicultural society. That ought not to be feared; it should be welcomed. We should be able to respect and celebrate people and their differences.

Welfare Reform Mitigations

T4. **Ms P Bradley** asked the First Minister and deputy First Minister whether the First Minister, as part of the Executive Office, will press for legislation to extend welfare mitigations to be brought forward at the earliest opportunity, given that, although the Committee for Communities has been asking about welfare reform mitigations for some time, it keeps getting told that the issue is stuck at the Executive. (AQT 1534/17-22)

Mr Givan: The Member has engaged on that issue for a long time and particularly in her role as Chair of the Communities Committee. Yes, there is support from all the Ministers in the Executive Office for the mitigations to be extended. The ‘New Decade, New Approach’ document states:

“The Executive will extend existing welfare mitigation measures beyond March 2020, when they are currently due to expire.”

From my party’s perspective, we fully support that. Indeed, we have committed to mitigations not just being extended but rolled over for an additional three years. The current position, where the mitigations are not clearly provided for in legislation, is far from satisfactory. In Northern Ireland, we already offer a much more extensive welfare support than other parts of the United Kingdom or, indeed, Ireland. We believe that measures should be subject to review at regular stages to ensure that Northern Ireland is offering the most appropriate and effective support possible.

Ms P Bradley: I thank the First Minister for his answer. I take from that answer, then, that we should expect at some stage in our Committee to get something back from our Executive. Can I also ask that you also press, through your office, for the closing of the loopholes on the benefits cap and the bedroom tax as well?

Mr Givan: Thank you to the Member. I have formally communicated the position of the party within the Executive Office in respect of the answer that I just gave. I touched upon this at the Executive meeting, and I trust that that will allow an appropriate paper to be brought forward now by the Communities Minister.

Ministers will, of course, look at closing any loopholes in the welfare framework that are not entirely new policy proposals beyond what has previously been agreed.

Communities in Transition: Funding

T5. **Mrs Dodds** asked the First Minister and deputy First Minister for an update on funding for the Communities in Transition programme. (AQT 1535/17-22)

Mr Givan: I thank the Member for that question. On 16 February, the Secretary of State wrote to the Justice Minister to confirm that £10 million over three years was being made available from NDNA to support delivery of the Communities in Transition project over three years. The Northern Ireland Secretary of State further confirmed that Her Majesty's Treasury was to provide £5 million of funding to support the wider programme for the 2021-22 year.

Mrs Dodds: I thank the First Minister for that update. Substantial funding from this funding stream has already gone into parts of Lurgan, particularly north Lurgan. Will the First Minister support the extension of this funding to neighbouring areas within the Lurgan community that have been equally impacted by paramilitarism and difficulties?

Mr Givan: I know that the Member does extensive work in her constituency, not just in north Lurgan but in south Lurgan, in making representation for them, and has done so on this issue. I recognise that the Member and her colleagues are making the case in areas such as south Lurgan. Unfortunately, at present, we have not received as much funding as we would have liked to allow us to extend the programme to new areas. However, "an area of influence" has been articulated in our policy as an area that is not within the core area of intervention, though may be a near neighbour

or adjacent to it and have a significant impact on the core area of intervention. This policy recognises that the paramilitary or criminal organisations do not limit their activity to postcodes or electoral wards. Therefore, we should not limit activity where there is clearly a link.

For that reason, we have been looking at trying to provide a modest sum for areas of influence where there is growing evidence that activity in an area of influence can have a positive impact. This activity will be aimed at building relationships, raising awareness of the Communities in Transition project and supporting enabling work to build resilience in these areas. Officials are currently considering how these sums could be administered to ensure that needs are met. Options may include developing a small grants scheme, for example. Any more significant expansion of project interventions into these communities would require additional funding, but that is something that we would be willing to look at.

Mr Speaker: I call Mr Doug Beattie, who will not have time for a supplementary.

Protocol Committees: DUP Attendance

T6. **Mr Beattie** asked the First Minister and deputy First Minister whether his junior Minister will continue to attend the Specialised Committee on the implementation of the protocol as part of the Joint Committee. (AQT 1536/17-22)

Mr Givan: In terms of the DUP's position, we have outlined that the North/South aspects of the institutions are an area that we will now not be providing Ministers to partake in.

I will need to come back to the Member with specific answers on what the DUP position is on the Specialised Committee. *[Laughter.]*

2.45 pm

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

Justice

Disclosure of Victims' Remains: DOJ Review

1. **Ms Dolan** asked the Minister of Justice for an update on her Department's review of the

law around the disclosure of victims' remains. (AQO 2380/17-22)

Mrs Long: The pain and ongoing anguish of families who are living in the terrible situation of not knowing where the remains of their loved ones are cannot be overestimated. The recently introduced Helen's law in England and Wales provides that the Parole Board must consider life prisoners' failure to disclose information on the location of their victim's remains in its deliberations on whether they should be released at the end of the tariff period.

Although that is a step forward in recognising the trauma that is endured by families, it does little to encourage disclosure at an earlier stage. We have a responsibility to do all that we can to help those families, and a bespoke approach for Northern Ireland offers the best hope of securing disclosure. That is why I commissioned a review: to examine opportunities to encourage those who are suspected, charged and convicted of murder to disclose details of the location of their victim's remains at each stage of the criminal justice process.

Good progress has been made over the summer. Having developed their report, my officials met victims' families on 2 September. Final adjustments are being made to the report in the light of that meeting, and it will be with me shortly. I intend to meet the families of Charlotte Murray and Lisa Dorrian once I have had an opportunity to consider the report, and I will set out my formal position in due course.

Ms Dolan: I thank the Minister for that answer. Minister, do you anticipate any proposed changes resulting from the review of the law around the disclosure of victims' remains being legislated for in this mandate?

Mrs Long: First, I do not want to pre-empt the solutions and changes that are required and whether those will require legislation. It is clear, given what is left of the mandate and the lack of additional time that we have, that any new legislation will likely be in the new mandate. There may, however, be things short of a legislative response that can be implemented in a shorter time frame. I will be able to provide more detail once I have given the report full consideration.

Mrs D Kelly: Minister, have you had any stakeholder engagement on the principle that there is a correlation between sentencing guidelines and information on a victim's remains?

Mrs Long: That is not an issue on which I have engaged with stakeholders, but it is an area that we can consider as the report comes forward, because there may be some overlap. The important thing is this: at every interaction with those who are accused and convicted of such offences, we should be trying to create an incentive for them to give up the location of remains. It is an incredibly distressing experience for families to have no place to go to lay memorials and no grave on which to lay flowers. For many of the families, that distress compounds the loss of their relative. To me, it is absolutely horrendous that there are people in the system who continue to withhold that information. It is so important that, at every stage and at the earliest stage, we incentivise people to give up that information, because we want to limit the time that families have to go through this kind of trauma.

Mr Muir: I thank the Minister for working with families, including the family members of Lisa Dorrian, who reside in my constituency. Does the Minister agree that the most powerful and important message that can come from the Chamber today is a united message that anyone with any information whatsoever in relation to the disappearance of Lisa or others should come forward to the police or to Crimestoppers to allow the apprehension of the perpetrators and the discovery of the remains?

Mrs Long: I wholly concur. When people lose a member of their family in such horrendous and violent circumstances, and when no one will come forward with information, yet everyone knows that that information must be available to some in our community, it is a trauma that does not bear thinking about. Therefore, it is absolutely key that those who may have information that could lead to a conviction for such offences and to the recovery of remains should make that information available through Crimestoppers or to the police directly. It is only right that families should see justice and should see the end of the injustice of not being able to bury their dead.

Review of the Provision of Services for Vulnerable Persons Detained in NI Prisons

2. **Mr McAleer** asked the Minister of Justice for an update on the review of the provision of services for vulnerable persons detained in NI prisons. (AQO 2381/17-22)

Mrs Long: Mr Speaker, before I answer the question, I will take this opportunity, on behalf

of the Assembly, to express sympathy to the family of the prison officer who sadly passed away on 19 August following a short battle with COVID-19. He was known personally to a number of Members, and it is right that we pay tribute to him for his work in the prison and, in particular, for the work that he did in support of staff, past and present.

Turning to the question, I understand that the report of the review of vulnerable people in custody is due to be published by the Regulation and Quality Improvement Authority (RQIA) during the week commencing 20 September 2021. Pending the outcome of that review, the Prison Service has been working closely with the South Eastern Trust, our healthcare provider, and has made significant progress in improving support to people who are at risk. For example, we have delivered a joint suicide and self-harm risk management strategy and a joint management of substance misuse in custody strategy. A review of our supporting prisoners at risk procedures has resulted in the delivery of a new person-centred approach that aims to support someone through a period of crisis or distress, as well as addressing the root cause of the issue. Well-being hubs in each of our establishments provide a therapeutic environment for people in our care who need the support of the trust's mental health teams, and specific therapeutic spaces in each of our establishments provide multidisciplinary support to people at risk. I look forward to receiving the RQIA report, which I will, of course, consider carefully.

Mr McAleer: I thank the Minister for her response. She has pre-empted my next question, which was on when the report is likely to be published. The Minister stated September 2021, which is five years since it was commissioned. Can she give a commitment that it will be published in September?

Mrs Long: It is not a commitment that I can make on behalf of the RQIA, but it is my understanding that the report will be completed on 20 September and published directly by the RQIA during that week. I ask Members to keep their eyes peeled, because I hope that the RQIA will be able to meet that target.

Mr Butler: First, I thank the Minister for her timely remarks about a former colleague of mine. He was an officer who worked diligently, right up to this point, with many MLAs.

The Minister will know that prison operations, including the provision of services for vulnerable prisoners, are impacted by staffing

levels, and there are growing concerns about staffing levels in Maghaberry, in particular. Is the Minister aware of those concerns, and what action will she take to address them?

Mrs Long: We are aware that the arrangements that we put in place in our prison system, particularly to deal with COVID-19, have come under pressure at various points in the system, either through levels of illness in the Prison Service and the numbers isolating or, indeed, through the peaks and troughs of people being brought into the system. The director general of the Prison Service and I monitor that on an ongoing basis. Where there are any concerns about the level of complement, they are, obviously, addressed. At this stage, the director general and his management team have not communicated significant concerns to me about the available complement in the prison system, and they certainly have not communicated to me that it would give them concern for the safety either of prison officers or, indeed, prisoners.

Miss Woods: The Minister will be aware that a review of the operation of community safety units was conducted this year. Will she give us an update on when the report for that will be published?

Mrs Long: The publication of the report is a matter for Criminal Justice Inspection Northern Ireland (CJINI), which undertook that review at my request. I understand that the review is well under way. The practical element of it, in terms of attendance at the prison, has been completed, and it is now a matter of the recommendations being formulated. I will, of course, keep the Chamber apprised of when that report arrives on my desk.

Troubles Permanent Disablement Payment Scheme

3. **Mr Beattie** asked the Minister of Justice for an update on applications to the Troubles permanent disablement payment scheme. (AQO 2382/17-22)

4. **Mr Humphrey** asked the Minister of Justice, following the launch of the Troubles permanent disablement payment scheme, what plans she has in place to give additional support, both financial and practical, to victims groups that will have an increased workload. (AQO 2383/17-22)

Mrs Long: Mr Speaker, with your permission, I will respond to questions 3 and 4 together.

I am extremely pleased that the Troubles permanent disablement payment scheme opened for applications on 31 August. That was an important day for the victims and survivors of the Troubles, who have waited such a long time for that important scheme.

The Victims' Payments Board is responsible for determining entitlement to payments under the scheme in line with the Victims' Payments Regulations 2020. As the Victims' Payments Board is an arm's-length body of the Executive Office, the First Minister and deputy First Minister are responsible for responding to queries related to the delivery of the scheme, as it is now operational. I understand, however, that, as of this morning, the Victims' Payments Board has received 272 applications.

The Executive Office is also responsible for allocating funding to victims' groups to provide advice and support for applicants to the scheme. I understand that £994,000 has been allocated this financial year for the anticipated demand for support and advice arising from the scheme. That includes £300,000 for any increases in demand for health and well-being services.

I strongly encourage anyone who is considering making an application to the scheme to contact one of the support organisations. Contact details are available on the Victims' Payments Board website.

Mr Beattie: Minister, thank you. I know that a huge effort has been made to bring the scheme forward. Like you, I welcome it.

I have spoken to many victims about this, and there is still a degree of confusion out there about who should or can apply and what effect it would have on other benefits that they may receive. Particularly as it is a UK-wide scheme, will there be any form of advertising or media campaign to try to reach out to people so that they can understand the issues and problems?

Mrs Long: There was a series of virtual workshops over the summer in order to ensure that the public could engage in advance of the scheme opening. Whether the scheme is advertised more widely is a decision that would need to be taken by the Executive Office, for which the Victims' Payments Board is an arm's-length body, rather than the Department of Justice. Our role in it, as the nominated Department, was to provide an operational scheme. The responsibility for decisions on support for victims who apply and, indeed, other matters pertaining to the Victims' Payments Board are decisions for the Executive Office.

However, I am sure that it will have heard what you said today and will take it on board as it moves forward.

With respect to any confusion about who can apply, there is no barrier to application. There are, of course, eligibility criteria, which may determine whether people are eligible for the scheme. That would be a matter for the Victims' Payments Board to determine, but I think that the rule of thumb is that if you believe that you may be eligible, you should apply.

Mr Humphrey: Minister, over the summer, I had conversations with a number of constituents about the scheme, and I am concerned that staffing may be an issue.

I listened to what she said about this being a TEO responsibility, but collectively, around the Cabinet table, are Ministers content that there are enough resources and, if not, will other steps be taken?

3.00 pm

I echo the point that has just been made about certainty and clarity for those who are eligible to draw down money from the scheme and the implications that it may have for them on other benefits that they are drawing down from government.

Mrs Long: The Member is right, of course: it is a collective effort of the Executive to deliver the scheme, given that it is cross-cutting in nature. I certainly want to ensure that the good work that has been done is not undermined by weak delivery, and that is also true of the board. As I pointed out, significant funding has already been provided by the Executive Office to support victims' organisations so that they can have advisers on hand to give people advice if they are, at any level, confused or find it difficult to fill in the forms.

The scheme is designed so that an individual ought to be able to complete the form without legal assistance. I stress to people that they do not need to spend money on a solicitor's advice. They can, of course, choose to do so if they wish, but other advice is available to them without cost. It is important that that is kept under review. If there is any feedback in the medium term that those organisations are in any sense overwhelmed or that advisers are struggling to deal with demand, the Executive will, of course, look at that collectively through the Budget process.

Ms Ennis: The Minister just mentioned it, so I know that she is aware of law firms contacting victims to offer paid representation to help them to fill out application forms for the permanent disablement payment scheme. As she said, several organisations are funded to do that. What direct engagement has she had with victims to make sure that they are directed towards those organisations so that they do not have to pay unnecessary costs?

Mrs Long: The Victims' Payments Board issued a statement in light of public commentary that solicitors had been contacting individual victims to offer them that support at a cost. The board's statement made clear that there was no necessity for people to go down that route. Of course, no one is precluded from seeking legal advice if they wish to do so, but it is not required to fill in the forms, and, as I said, other advice is available.

It should also be noted that the Law Society issued a statement reminding solicitors of the rules around soliciting for business and that that is not appropriate behaviour and could lead to fairly significant action against them by the Law Society. That has been communicated to solicitors and to families, but we will, of course, want, on an ongoing basis, to promote the services that are available through various victims' organisations. As I said, the key points of contact for that are the Victims' Payments Board, which has information on its website, or the Victims and Survivors Service, which can direct people to the right place to get advice that will not cost them money and will not in any way impact on any final settlement that they may receive from the board.

Mr McGrath: Does the Minister have any update on the overall funding for the scheme? There remains significant ambiguity about that, and we cannot allow any of the stakeholders, such as the British Government, to shirk their responsibilities. We must ensure that our Executive coffers do not have to fund the scheme when others have responsibility as well.

Mrs Long: Ongoing funding of the scheme continues to exercise Executive colleagues, including me, and the Northern Ireland Office. The discussions around that are ongoing, but no final formulation is in place, although I hope that there will be soon. I agree with the Member that it is important that a scheme that is open to people across the UK and this island who have been affected by the Troubles is not left at the door of the Northern Ireland Executive to fund from the block grant. However, it is most

important that we reassure those members of the public who may wish to apply to the scheme that their payment is not at risk and that it will be covered. There is an undertaking from the Executive Office in court to that effect, and we will ensure that it is paid. When it comes to the fairness of distribution of responsibility, I concur entirely with the Member.

Jury-led Court Cases: Bishop Street Courthouse

5. **Mr Carroll** asked the Minister of Justice for her assessment of jury-led court cases being moved from Bishop Street courthouse to Coleraine. (AQO 2384/17-22)

Mrs Long (The Minister of Justice): I can assure the Member that there are no plans to close Bishop Street courthouse. At the start of the coronavirus emergency, the need to ensure that court buildings were safe for staff, judiciary and court users meant that jury-led Crown Court trials across Northern Ireland were suspended from late March 2020 to August 2020.

Following a series of COVID-19 risk assessments, the Northern Ireland Courts and Tribunals Service undertook a programme of works on courthouses to ensure that they complied with Public Health Agency (PHA) guidelines on managing the risks of COVID-19. This allowed for the phased reopening of most courthouses. However, several courthouses, such as those in Derry/Londonderry and Downpatrick, are listed buildings. Their layout means that it is simply not possible to accommodate 12 jurors in the courtroom while complying with PHA guidance on social distancing. Consequently, when jury trials recommenced, Crown Court business had to be moved to a location where it could be accommodated within the guidelines. In the case of Bishop Street courthouse, Derry Crown Court business was moved to Coleraine. Magistrates, civil and family court business, which does not require a jury, continue to be heard in Bishop Street.

Jury trials deal with some of the most serious and sensitive cases in the justice system. It is important for the victims of crime and for those awaiting trial that justice is dealt with in a timely way. It is important to recognise that the temporary transfer of Crown Court business from Bishop Street to Coleraine has allowed a number of trials to proceed. My officials have already met with the Law Society and are arranging a meeting with the Foyle Local Solicitors Association on this issue. The

programme of work to incrementally recover court business is being informed by public health guidance. Arrangements will be kept under review and will be revisited as circumstances develop.

Mr Carroll: Thank you for answering, Minister. The move may have been initiated by COVID, but it has caused inconvenience, disruption and barriers for people getting access to justice, particularly in Derry. I ask the Minister when the change will revert so that those court cases are heard in Derry. What measures has she taken and what measures will she take to make sure that people in Derry do not face any barriers to justice?

Mrs Long: Unfortunately, I cannot predict what COVID may do in the months ahead and at what point we will be able to entirely dispense with the social distancing requirements placed on us by the PHA. We recognise that it is an inconvenience to have to travel to attend court, but that is an inconvenience that people across Northern Ireland — not just those in the north-west — have been requested to face. It is a temporary measure, so that we can start to recover the court system and have cases heard. In the vast majority of Crown Court cases, people would far rather travel the short distance between Derry and Coleraine than to see their case not taken at all, which is the alternative. It is therefore important that we move forward in a constructive way.

I want to reassure Members. As with all rumours, I am not sure where the rumour that we are going to close Bishop Street courthouse started, but it seems to have got legs. Nothing could be further from the truth. In fact, my Department is engaged in a process to look at how we can upgrade the courts and tribunals system and, in particular, provide a suitable hub in the north-west. I have no doubt that my colleagues from Foyle will want to bend my ear at length about where that hub might be located.

Ms McLaughlin: Thank you, Minister. You have answered my question. I was going to ask you to give an absolute commitment to deliver that modern court service to the people of Derry. I note that, in your reply to a letter from me, you talked about the north-west, but we need an absolute commitment that you mean Derry when you talk about modernisation and upgrading the Bishop Street courthouse.

Mrs Long: It may not be possible to upgrade the Bishop Street courthouse, but it may still be possible to provide a modern and effective

centre for justice in Derry/Londonderry. That is certainly the option that we are considering. We are absolutely committed, however, that, once COVID has passed, Bishop Street courthouse will reopen in its current state. When it comes to our future vision, Members will be aware that we recently published the modernisation vision statement, which sets out ambitious plans to deliver:

"independent, fair and effective, modern courts and tribunals"

right across the jurisdiction. The document also acknowledges the restrictions of the current estate and the technological capacity required for the modern justice system, looking at how we can deliver that better. The strategic outline case for major capital investment in the north-west has been approved, and the business cases for other schemes at the Royal Courts of Justice and the old town hall in Belfast have commenced. We are working through multifaceted technical surveys across the entire estate to ensure a rigorous assessment of accessibility, physical conditions, space efficiency and functional suitability.

I give the absolute guarantee that Bishop Street courthouse will reopen and that new facilities will be provided in the longer term in the north-west. Of course, it would be remiss of me not to remind the Member that I may not be the Minister in charge at that point.

Mr McGuigan: The Minister will be aware that the contract for the Nightingale courts that were used during the pandemic ended on 3 September. Has that contract been renewed? Will those continue to exist?

Mrs Long: With respect to the Nightingale system, a number of options are available to us. I am happy to come back to the Member with more detail on how that will work, but you will understand that, in most cases, although not all, the Nightingale courts were dependent on there not being an alternative use that was allowed under the coronavirus regulations for those particular facilities. As, increasingly, society opens up again, some of those facilities may not be immediately available to us. However, international conferencing is one area that is likely to move at a much slower pace, and so there is still scope for us to continue with that. In the interim, we have, however, provided other temporary accommodation to allow for expansion, particularly in terms of workspace for those who work in the court system. A huge amount of work has to be done and has been done, but we will now be in a situation where

we will have one more Crown Court at the end of the process than we had pre-pandemic. That will allow us to start to make a real impact in terms of recovery.

Online Child Abuse

6. **Ms Brogan** asked the Minister of Justice for an update on work her Department is doing, in conjunction with her Executive colleagues, to protect children from online child abuse. (AQO 2385/17-22)

Mrs Long: Keeping our young people safe from online child abuse is a shared responsibility across all Departments. That is reflected in the Executive's online safety strategy and accompanying action plan, which aims to ensure that children and young people can participate in the online world in a positive, safe and responsible way. Officials from my Department are also represented on the Health-led child protection senior officials' group, which is a strategic forum that provides direction on existing or emerging child protection issues. The group's work plan includes online safety as a key priority area.

My Department seeks to protect children wherever possible within its policy and legislative remit, whether in the online or offline world. Following the report of the independent inquiry on child sexual exploitation in Northern Ireland in 2014, my Department consulted on a review of the law on child sexual exploitation. That led to the inclusion of a number of legislative proposals that are now contained in the Justice (Sexual Offences and Trafficking Victims) Bill, which has come to the Chamber for consideration today.

Ms Brogan: I thank the Minister for her answer. Recent figures that have been provided by police forces across Britain and in the North indicate that there has been a 16% rise in online child sex abuse cases. Has the Minister had any input to the British Government's online legislation? If not, has she made any representation to show the importance of that issue?

Mrs Long: The online harms Bill, which is being taken forward at Westminster, is one that I have taken particular interest in, because, as Members will be aware, communications online and telecommunications generally are not devolved matters. Therefore, that Bill will provide the platform on which we can then legislate against harm. We have been in contact with our colleagues in the Home Office. I have written to my ministerial colleagues, and

my officials maintain a watching brief in terms of the proposals that are made. I have some concerns that those proposals do not go far quite far enough. Therefore, a key area of the draft provisions of the Bill that we are bringing forward today at Second Stage relates to adults masquerading as children for sexual grooming purposes. Subject to Assembly approval, four new offences will be introduced: communicating with an individual; communicating with a group; communicating with a view to grooming a particular child; and communicating with a view to grooming any child. Importantly, the communication does not need to be sexual for those cases, and nor does the communication need to be online, although it is accepted that the majority of cases will relate to online activity where behaviour of that type can be carried out more easily.

Mr Buckley: The Minister may be aware of the dangerous rise in online self-harming websites, which prey particularly on young people and the most vulnerable in our society.

Recently, at my request, the Health Minister met one of the families directly affected by that. Will the Minister guarantee that the Department of Justice will feed into those conversations with Department of Health officials to ensure that we can help to eradicate this scourge, which is, sadly, claiming too many lives?

3.15 pm

Mrs Long: I thank the Member for raising that hugely emotive issue. It is repulsive that people online would prey on young people who may be distressed and suffering from the temporary issue of poor mental health and seek to promote to them this culture of despair and to devalue their lives. The pain and harm that that can cause not just to the young person but to their family and the wider community of their friends and associates is enormous. Therefore, it is important that proper protections are put in place. The Member will recognise that not all these matters fall to the Department of Justice as lead, but I am more than happy to step up and work with my colleagues, whether in Health or Communities, to look at how we can ensure that those who try to promote a culture of death and despair online are stopped in their tracks by the law.

Mr McNulty: I welcome the fact that legislation is being progressed through the Justice (Sexual Offences and Trafficking Victims) Bill. Anything that can be done must be done to protect the safety of children and young people online. I am, however, concerned about the exceptions

for "mere conduits" and for caching or storage by internet providers in new section 5(9). Is that insertion proportionate? Is there a risk that that will remove the onus on the service providers, the Facebooks, Tik Toks and Instagrams of this world, to police the content on their platforms and will be a sort of "Get out of jail free" card for those providers?

Mrs Long: I reassure the Member that that is not the purpose of those clauses. It is required that we include the clauses because of our exit from the EU. We must ensure that ISPs that are governed through laws other than those of the UK are also subject to UK law. That is the nature of those provisions; they are certainly not offering a "Get out of jail free" card. I have made known to the Department for Digital, Culture, Media and Sport in Westminster my concerns about the rather light-touch approach that it has taken in its Online Harms White Paper with respect to being able to enhance the traceability of people who are involved in crime online.

We all acknowledge that there is often a good reason why people choose to be anonymous online. However, there is a distinction between having an anonymous online persona and the owner of the account and the information that is provided not being traceable where there is a breach in the law. I continue to explore that with the Department. The regulation of content on providers' sites is also hugely important. I have raised directly with Facebook and Twitter my concerns that they, as platforms, do not take their responsibilities seriously enough.

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

Domestic Abuse Offence: Delay

T1. **Ms Á Murphy** asked the Minister of Justice to explain why the introduction of the new domestic abuse offence, provided for in the Domestic Abuse and Civil Proceedings Act, is to be delayed from the end of 2021 until at least February 2022. (AQT 1541/17-22)

Mrs Long: It is of, course, hugely regrettable that the operationalisation of those sections has taken longer than we would have wished, but that is solely a result of our partners who engage in the operational space indicating that the December deadline that we had set will no longer be possible. There are a number of reasons for that, but the majority of it is down to the complexities of the computer systems and the interchange of information that are required

for those offences to take effect. Therefore, they have asked for additional time. However, they have reassured us that the revised time frame is more realistic. Obviously, all of them are also working under the pressure of COVID, but the majority of this is simply down to the operational and technical complexity of some of the information sharing.

Ms Á Murphy: I thank the Minister for her answer. Are you confident that the introduction of the hugely important domestic abuse offence will not be delayed further and will, indeed, be in place by the end of February next year?

Mrs Long: That is absolutely my intention.

Chief Constable: Unionist and Loyalist Confidence

T2. **Mr Allister** asked the Minister of Justice for her assessment of unionist and loyalist confidence in the Chief Constable. (AQT 1542/17-22)

Mrs Long: It is clear that there are those in the unionist and loyalist community who, for a number of reasons, say that they do not have full confidence in the Chief Constable. My job, however, is not merely to assess that situation; my job is to work with the Chief Constable, the other parts of the tripartite arrangements that are here and Members in the Chamber to build that confidence. I will say gently, as I have said on previous occasions, that I do not believe that ignoring the tripartite arrangements, ignoring the role of the Policing Board in accountability, ignoring the role of the ombudsman's office in looking at serious breaches and, instead, going straight to party politicking around the Chief Constable's position does anything to enhance not only confidence in the Chief Constable but the standing of political colleagues in the Chamber. It is therefore important that, as Members ask about confidence, they also reflect at length on what positive contribution they can make to increasing confidence. That is a role that all of us are called to in the House.

Mr Allister: Does unionist and loyalist confidence matter, or it is only nationalist and republican confidence that matters to the Chief Constable and the Minister? When she talks about reflecting, she must be aware of the irreparable damage done by surrendering the streets of west Belfast for the terrorist funeral of Mr Storey. She must be aware of the compounding of that with many other issues, such as the mistruths about why there was no helicopter to oversee an INLA show of strength.

She must surely know of the deep loss of confidence provoked by the Chief Constable's plan to hide from public view —

Mr Speaker: Will the Member put the question, please?

Mr Allister: — memorials to gallant RUC dead. Is she really surprised —

Mr Speaker: Will the Member put the question?

Mr Allister: — as those have not been addressed —

Mr Speaker: Will the Member put the question?

Mr Allister: — that there is a total lack of confidence —.

Mr Speaker: I will not engage like this again. When you are asked to put the question, please put the question.

Mrs Long: Thank you, Mr Speaker. Hopefully, my answer will be slightly briefer than the question.

On the first point about whether unionist confidence in the Police Service matters, of course it does. It is important that every member of the community, irrespective of their political views, has confidence in the Chief Constable and in the PSNI, which is why it is so important that those who stand up in the House to talk about policing issues do all in their power to engender confidence.

The second question, as I understand it, was whether I was surprised at, I presume, the litany of things that the Member has raised around grievance. I am not surprised that he has raised those issues, because he has raised those issues repeatedly in the Chamber, but he has sought no solution and brought no new information by way of progress to the Chamber. I have to say that the constant erosion of confidence — deliberate erosion of confidence by some — in the Chief Constable will ultimately be to the detriment of the unionist and loyalist community, because, if people end up in a situation where they no longer have sufficient confidence in the PSNI, they will turn to others, and the risk of that is much, much greater. Every Member of the House should be conscious of our history and how that has played out.

Let us not play politics with policing. Let us remove the politics from policing, resolve the

political issues as politicians in a mature and pragmatic way and deal with the challenges of policing that actually affect confidence. Things like response times and the police's ability to provide confidence in the community around community safety can all be delivered in every community.

I simply wish to correct the record, if I may, Mr Speaker. I did not have sight of the Chief Constable's report before it was presented to the Policing Board, because the majority of the elements therein were of an operational nature, but I wish to convey to the Chamber that we should not build up straw men to then appear brave wrestling them to the ground. How that report has been characterised in the media and again in the Chamber today is not just unhelpful but inaccurate. Members should desist.

South Armagh Policing Review

T3. **Mr Catney** asked the Minister of Justice for her assessment of the south Armagh policing review. (AQT 1543/17-22)

Mrs Long: The Member will be aware that, as I have just stated in my previous answer, it was not brought to me or my Department for consultation. No proposals were put to me in connection with it. As Justice Minister, I have always taken great care to respect the tripartite accountability arrangements. That includes respecting the Chief Constable's independence in operational matters and the Policing Board's role in holding him to account.

In the normal course of events, I would expect to be consulted on proposals that directly engage my Department's responsibilities before they are put into the public domain, particularly where those proposals are sensitive or controversial. There are lots of aspects of the report that should not be controversial. Many of its recommendations are about professional policing approaches to a particular geographical area and make proposals that would modernise that policing approach. Many of the proposals would lead to more visible and responsive policing for the area. There are some controversial recommendations that would benefit from further careful consideration before any final decisions are made about them. I welcome the recent statement by the Chief Constable clarifying the PSNI's intentions on some of the more contentious recommendations. I also note the Chief Constable's commitment to provide detail on his plans to the Policing Board in the coming weeks.

Mr Catney: Does the Minister agree that closer cooperation between the PSNI and an Garda Síochána in joint operations would help disrupt the activities of organised crime groups involved in the movement of illegal drugs across the border?

Mrs Long: The report invites the two Justice Departments to explore the scope for joint policing arrangements to include hot-pursuit protocols. A range of legal, practical and political issues would need to be considered and agreed by both Governments regarding a joint approach, as opposed to collective and collaborative policing, which is already under way, including, most obviously, which powers police officers would hold in the jurisdiction in which they are not attested. I will continue to discuss that with my counterpart as part of our regular engagements. At this point, however, I remain committed to supporting the increased effectiveness of our respective police services in tackling cross-border criminality within the existing and agreed operational frameworks, including through the established joint agency task force, which brings together the relevant law enforcement agencies to better coordinate strategic and operational actions against cross-border organised crime.

Hot-pursuit protocols have obvious attractions, but they also face significant legal, political and operational obstacles, and that explains why they have never been possible to date. I do not rule out looking at that area again if there is sufficient political support for it, but that does not seem to be in place currently.

Chief Constable: Unionist and Loyalist Confidence

T4. **Mr Irwin** asked the Minister of Justice whether she has had any discussions with the Chief Constable about public confidence in the PSNI in unionist areas. (AQT 1544/17-22)

Mrs Long: I have regular, ongoing discussions with the Chief Constable. I continue to work with him and through the Assembly to promote confidence in the Chief Constable and in the PSNI as a whole. As I said to other Members earlier, I welcome any efforts that individual Members can make in their communities to enhance that confidence and to encourage people to work with the PSNI constructively and productively in order that we can reduce crime and make people safer, because, ultimately, that is a joint endeavour and not one that is solely for the Chief Constable.

Mr Irwin: I thank the Minister for her response. Does she accept that there is an issue with confidence in policing in unionist areas of Northern Ireland?

Mrs Long: I accept that there are issues with confidence in policing in certain parts of the unionist and loyalist community. It is not fair to say that that is universal or that it is as widely held a view as some would wish it to be. Irrespective of the extent to which it is a problem, however, it is important that it be addressed.

Therefore, I encourage those who represent communities who, for whatever reason, lack confidence in the PSNI or are concerned about PSNI operations, to work through the Policing Board, on which all Executive parties have members, and through PCSPs and the other opportunities that are available to build and restore confidence in the Chief Constable, his senior management team and the wider PSNI.

3.30 pm

Policing is not an easy job. I am not the policing minister, and for that I am eternally grateful. I am the Justice Minister, and my job is to focus on justice. For justice to operate in a society such as ours requires every part of the community to have confidence, and all of us have a role in ensuring that that is the case.

Healthcare Facilities: Exclusion Zones

T5. **Mr O'Dowd** asked the Minister of Justice whether she has examined any other legislative way to protect women who are accessing healthcare, given that he understands that it will not now be possible to legislate for exclusion zones around facilities where women are accessing healthcare such as abortion services. (AQT 1545/17-22)

Mrs Long: I thank the Member for his question. It may not be possible. Whether it is possible to bring it within the scope of the current legislation is a matter of discussion. However, I am aware that a private Member's Bill has been drafted and is ready to take this forward. I have made contact with my colleagues in Westminster, because, as Members will be conscious, they are due to bring forward legislation to make provision for abortion services where those services have not been commissioned by the required date.

It is important to note that all parties in the Chamber, with perhaps one exception, have voted in council chambers across Northern Ireland in favour of motions that are clear that harassment of people entering medical facilities needs to end and that space is needed for people to access medical treatment and for staff to go to their place of work without interference. I therefore hope that such changes will not be controversial but will allow people to continue to protest in a way that is responsible and does not interfere with access to healthcare.

Mr Speaker: A brief supplementary, please.

Mr O'Dowd: Everyone has the right to protest, but protesting outside a health setting is unacceptable. No one protesting, shouting and roaring at women walking into a healthcare setting knows those women's stories. I welcome the Minister's commitment to examine all legislative pathways. Will her officials engage with the Member who is sponsoring the private Member's Bill if it is introduced later today?

Mrs Long: We will, of course. I am committed to resolving this issue. The right to protest is an important human right and an important part of being in a democratic society, but the Member is absolutely correct that many of the women who access that particular kind of healthcare, and many of those who are seeking not a termination of pregnancy but other medical advice that may be related to that or to other sexual issues, find it incredibly intimidating, distressing and frustrating to have to run the gauntlet of protesters at what is often a most distressing time in their lives. It is not appropriate. Those who genuinely have compassion for those women and, indeed, for the unborn should reflect on how they conduct those protests, how they make their voices heard and at what point in the system they do so. I do not believe that people having to run the gauntlet of protesters on their way to healthcare is an appropriate mechanism.

Mr Speaker: Time is up. Members, please take your ease for a moment or two.

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

Executive Committee Business

Justice (Sexual Offences and Trafficking Victims) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Justice (Sexual Offences and Trafficking Victims) Bill [NIA 29/17-22] be agreed. — [Mrs Long (The Minister of Justice).]

Mr Weir: I rise to indicate that I and my party support the Bill. We support and welcome the principles of the Bill. Although we have yet to see the wording of the three amendments outlined by the Justice Minister, I indicate that, in principle, we will be supportive of those amendments as well.

Mention was made of the route the Bill has travelled. I welcome the fact that we have a Bill that is quite focused on sexual offences and trafficking. It means that not only can we in the Assembly find issues we can unite on across the House but we can ensure that those specific issues are given the focus that they require to ensure that we get things right. There was a little bit of discussion, particularly between the Minister and the Chair, about the quantity of legislation. I am sure they will both agree that the quality of the legislation is even more important. Therefore, it is important that we stress-test the Bill, as Ms Bradley said, to ensure that the wording is right.

I will pick up on the first theme. While the advance of technology has many advantages in a rapidly changing world, its increase creates its own problems. Sadly, we have seen that sexual offenders have used technology to advance their pernicious activity. It is very important that a range of the measures proposed in the Bill help to cover some of that development. Mention was made, particularly on clause 1, of the two additional offences that are being sought for voyeurism through upskirting and downblousing. We can all agree that we need to ensure we can combat offences that could not have occurred 10 or 20 years ago.

One of the areas that we will want to stress-test is highlighted in the Bill's two proposed headings on the motivations of either sexual gratification or humiliation. While those seem

like very sensible approaches, the Committee will want to make sure that the wording on those is right and that the motivation matches the offence.

The dangers of the advance of technology are highlighted in the increased sexual grooming of children. The Bill reflects four new offences from the report on child sexual exploitation, where adults try to sexually exploit children through pretending to be a different age. It is important that those issues are tackled as well.

One thing that may be difficult to achieve but is significant and that the Committee will want to look at is that the provisions should combat such crimes at the most cutting-edge level. They will allow us to catch up with current developments, and we will want to see whether there are any measures that we can take to future-proof the legislation to make sure that those who seek to use new technology and new techniques are combated. That is particularly welcome in the area of revenge pornography, where we have yet to see the exact wording of the amendment. It is a growing threat, and, as we know, it is not simply that it is used for revenge but that its coercive nature is highly significant. Similarly, on criminal conduct, which is dealt with in chapter 1, while it is hard to comprehend how anyone could come to a different conclusion, if the use of terminology could be wrongly interpreted to potentially assume any blame towards children, and we can change the language to make that clearer, that should be embraced.

Chapter 2 deals largely with the Gillen recommendations. Again, while we want to make sure that we get it right, we should have adequate protection for victims so that it does not become a major threat or impediment to those seeking justice. Similarly, that protection is required for defendants pre-charge. That should be done from the point of view of victims, but there have been high-profile media cases, particularly where footage has been leaked from different jurisdictions where there has been an investigation into somebody but not a charge. Quite often nowadays, people tend to think that there is no smoke without fire. We must avoid the situation in which public opinion feels that somebody is guilty of these horrendous crimes prior to a charge.

Similarly, given that we know that this can be a very stressful time for the victim and the defendant, I welcome the confirmation, from the discussion that we had with departmental officials, that there is provision that, while there is exclusion from proceedings, a nominated friend or relative will be with that person. No

one will be left in the courtroom on their own or isolated. Sadly, that is not a hypothetical example. Many of us who have been involved directly in the law know that court cases, unless you are directly involved, are not a great spectator sport. They can be quite dull at times. Sadly, for sexual offences, there can be a prurient interest, particularly in high-profile cases. It is not simply a question of additional pressure in those cases but that, sadly, in a number of high-profile cases, details that should have been confidential have been leaked. In principle, it is right that there should be the opportunity for the public to be excluded from those court proceedings, very much in line with the Gillen recommendations.

Part 3 deals with prevention orders. In principle, I welcome the provision of a form of belt and braces by ensuring a modification to widen slightly SOPOs and VOPOs. Again, we will test the wording of that when we come to examine it in detail.

3.45 pm

Finally, I want to touch on Part 2, which deals with trafficking and exploitation. I was involved in the passage of Lord Morrow's private Member's Bill on human trafficking, back in 2015, as were many in the House. While there are many occasions when people will decry the House, that was one of the most significant pieces of legislation that was passed. It stood as merit to Lord Morrow and, indeed, the House that we stood up for the victims of human trafficking. We stood up in two ways. First, practical arrangements were put in place to provide protection for those who were suffering from human trafficking. Ultimately, as was highlighted in the motion proposed last year by our Chief Whip, Joanne Bunting, there is always more that can be done, but there was that strong practical element to it. The second significance of the legislation was the key principle that it established that human beings, whether on the basis of sexual exploitation or enforced labour, are not to be treated as a commodity. They must be respected as a human being and protected as such. Consequently, I welcome the provisions.

At this stage, I do not see anything in clauses 16 and 17 that concerns me, but, as a Committee, we will want to see whether any actions can be taken that will further enhance those provisions. Clause 16 provides additional support for the victims of trafficking and extends to ensure that victims of sexual exploitation or child labour are protected, and provides the overall that they will be protected if they do not fall within the cover of those categories, albeit, it

is difficult to envisage circumstances where that would be the case. I take on board what has been said and the assurance that has been given by the Minister and officials on clause 17 and the movement towards a three-year strategy, which will mean greater scope and opportunity for the issues to be looked at strategically and implemented. I support the proposition that was put forward by the Committee Chair that there should, perhaps, be an annual monitoring provision, but the strategy should be rolling and able to do that.

These are grave issues on which we need to ensure that we can intervene so that we can provide that level of support and protection for people. I look forward to scrutinising the detail with the Committee. As others have said, it is important that this does not become legislation that sits on a shelf; it must be a living, breathing document. I wholeheartedly support the principles of the Bill and commend it to the House.

Mr Lyttle: I welcome the opportunity to speak in support of the introduction of the Justice (Sexual Offences and Trafficking Victims) Bill. The Bill is another example of the leadership and delivery of the Justice Minister, Naomi Long, in this mandate. I particularly welcome the provisions that will increase the scope of offences relating to child sexual exploitation and extend abusive trust laws to protect young people in non-statutory settings. That includes the addition of the live-streaming of images to the definition of exploitation of children for sexual purposes, and the creation of new offences to deal with an adult pretending to be a child, or, as the Minister said, "masquerading" as a child, and making a communication with a view to sexually grooming a child under 16. It is my understanding that those offences will cover communication with an individual or a group, with a view to grooming a child, and with a view to grooming any child under 16. Importantly, the offences will not be limited to online behaviour.

I welcome the robustness of the penalty for each of those new offences. I understand that there will be a sentence of imprisonment of up to six months or a fine not exceeding the statutory maximum of £5,000, or both, on summary conviction, and a sentence of imprisonment of up to two years for a conviction on indictment. It is my understanding that the Bill will remove and replace existing references to child prostitution and child pornography. I agree with the Justice Minister that that terminology is outdated. Those changes make it clear that children are not responsible or willing participants in their own abuse. Alliance believes that the amendments to those

legislative references will help in raising awareness of the status of children as victims of exploitation rather than as willing participants or otherwise complicit in abuse perpetrated by others.

I also welcome the change to the existing legislation that covers the abuse of a position of trust of a child contained in articles 23 to 31 of the Sexual Offences (Northern Ireland) Order 2008. The amendment will provide greater protection to young people who are in the care of adults in certain non-statutory environments. It is my understanding that that provision has widespread support from agencies and organisations that work with and represent young people, including the NSPCC, Children in Northern Ireland (CiNI), the Children's Commissioner, Barnardo's and the Safeguarding Board for Northern Ireland (SBNI), as well as a number of health and social care trusts and sporting organisations. The provision recognises the large amount of time spent by children in the care and authority of adults, as well as the power differential at play, in many non-statutory settings. It is vital that children have full protection and are safeguarded in those settings to flourish, to develop their interests, talents and abilities and to enjoy sporting and other activities in full safety. It is essential that would-be offenders know that robust law will be brought to bear on those who commit child sexual offences of that nature in those settings. I welcome the seriousness with which many sporting codes are taking the safeguarding of our children and the incorporation of mandatory training into coaching qualifications.

In 2019-2020, an average of six children were sexually abused every day in Northern Ireland, and PSNI figures suggest that there were 2,000 recorded offences against children under 18 years of age, which is up 37% in the five years since 2014-15. That abuse of trust and abuse of children must be eradicated from our society, and I am grateful for the introduction of this legislation and the action being taken by the Minister of Justice to help us to achieve that aim.

Mr Blair: Before I refer to the Bill, I commend the Minister of Justice for already delivering an ambitious legislative programme to reform our justice system, including crucial legislation such as the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. Although some elements of the Bill that is before the Assembly today have been dropped to aid its progression, it is, nonetheless, an important step forward in improving the justice system and ensuring that it protects vulnerable victims. I hope that the

remaining intended elements of the Bill that are not before us today can be delivered in the miscellaneous provisions Bill.

One of the key provisions of the Justice (Sexual Offences and Trafficking Victims) Bill, as it is proceeding, extends statutory assistance and support to victims of slavery, servitude and forced or compulsory labour. Modern slavery and trafficking are global and local problems. As abhorrent as slavery is, it happens in Northern Ireland. Slavery in any form has no place in a modern society. It exploits the most vulnerable people, and it is also, of course, a violation of basic human rights. I further applaud the Department of Justice for the considerable research and work that has already taken place on modern slavery and on tackling human trafficking, for the important work of contracted providers for the support services that they offer and for the progress that the Department has made towards eliminating slavery from the modern day locally. It is my sincere hope that inter-agency actions that are already under way on that will continue at pace.

This afternoon, along with other political representatives, I attended a climate crisis demonstration in the grounds of Parliament Buildings. It is startlingly apparent that the Bill before us, along with other crucial, required legislation, of which legislation aimed at tackling the climate emergency is one example, could be lost without an Assembly functioning as it should and without the politicians here working together in the interests of good governance and, more importantly, in the interests of victims of crime. Like my Alliance colleagues who have spoken, I support the Bill and its progress.

Miss Woods: I support the Bill at Second Stage. The Chair of the Justice Committee has outlined a number of points and issues that were raised during the evidence session last Thursday, so I will not go into most of those. The Bill, as we know, creates several new offences that will better protect citizens. Some of those stem from Gillen review recommendations and others relate to the protections offered to victims of trafficking, which can only be welcomed.

The Bill, in its current form, will offer some form of protection but, crucially, not to all victims of upskirting and downblousing. I will look at the purposes in clause 1, which deals with the two new offences of upskirting and downblousing. I raised this with officials last week when the Committee was briefed on the provisions and principles of the Bill. Some gaps here have already been looked at in England. Those are around the purposes in clause 1, as I said.

Others looking at the English law have pointed to the motives that are missing. I worry that we are going down the same route of having similar limitations to legal protection from those offences and that we are not learning from others' experiences to date.

Not including additional motives or purposes may run counter to the aim of the Bill, which is to clarify the law and aid victims and police. In some cases, the victim's identity is not relevant to the perpetrators; for example, at a festival. We have discussed and heard about examples publicly, such as that of Gina Martin, who explained on Radio 4's 'Woman's Hour' what happened to her. If you have not listened to that, I suggest that you do. It is not clear whether the Bill adequately covers that situation because of the limited purposes prescribed in the construction of the offence in clause 1.

The provisions as written do not cover all kinds of upskirting and downblousing. Again, the actions and behaviour of the perpetrator need to be taken into consideration. Perhaps the Minister can address this in her closing remarks: why is the motivation confined only to sexual gratification? Why does it not consider other motivations like financial gain, "banter", "a laugh" or "group bonding"? Have those been considered? Without those other motivations being considered, does that leave a legal loophole or serious difficulties down the line for prosecuting these cases?

Sexual offences comprise many different elements. They are not just about sexual gratification or humiliation. They can be much more than simply "alarming" or "distressing" for the victim. The law must reflect the fundamental issues of power and control that are involved in these sorts of offences. In addition, the Bill, as it stands, does not cover the distribution of images or videos, which serves to amplify the harms of the conduct and often leads to further harm, abuse or harassment of the victim. I would certainly welcome debating and commenting on that, and I look forward to doing so as member of the Committee.

I am uncertain whether the way in which the Bill is drafted covers the times when people take non-consensual photographs of women, say, breastfeeding. For example, what if a woman is feeding in a public place? Let us take a real-life example. A woman is breastfeeding on a train when she notices someone laughing and taking pictures. She had noted the person staring at her before that. She had thought that he was using his phone but realises quickly that he is taking photos and laughing with his friends. Note that, in that example, it is done not for the

purpose of sexual gratification but for one of the other purposes that I mentioned, namely "group bonding", as the person could reasonably argue in court that they never intended to humiliate the victim but were simply playing up to their peers. The question is this: if the Bill were passed as it is, could that woman go to the PSNI and have her case referred to the PPS under clause 1? Is breastfeeding considered, under article 71B, as:

"circumstances where the breasts or underwear would not otherwise be visible"?

If not, why not? Is breastfeeding a different category? We need to consider that.

Another part of the Bill that I have some questions about is the meaning of clause 7. That clause inserts a schedule to the 1992 Act to provide protections for certain online service providers regarding responsibility for illegal publications where the online service provider is a conduit for the relevant information, is caching the information or is hosting the information. I would appreciate further clarity on the need for those provisions and how they will work in practice.

Are we saying that websites hosting illegal images do not have responsibilities under this law? The provisions give them a defence if they are unaware of their platform being used for illegal publication. I know that that area is usually a reserved matter and that it may be included in the Bill on legal advice, so I wonder if it is in other devolved jurisdictions and how it is being led in England, Scotland and Wales, for example. How would the other side work, for example, if a provider knew that its platform was being used for illegal purposes yet claimed that defence?

4.00 pm

The Minister and the Chair of the Committee also mentioned further amendments that are to be made to the Bill at Consideration Stage, which include the abolition of the rough sex defence, the extension of the revenge porn provisions to include a threat of publication and fixing the removed offences in schedule 2 to the Magistrates' Courts Order. I, too, welcome the legislation changing the abuse of trust laws here, extending them to include the non-statutory settings of sports and religious sectors. We must thank the NSPCC for its valued input and work on abuse of trust. It is paramount that, as a society, we protect all children and ensure that they feel safe.

Without seeing the exact text of the proposed amendment, I am not able to comment further on it, but, at this stage, I will raise a point with the Minister about data collection that the NSPCC, I know, has raised previously. There is a problem with data collection. I have raised it during the passage of previous Bills. We have had debates about the importance of data collection and what it means for resourcing. Without robust, reliable figures on the volume of victims and witnesses, our ability to design a system to respond effectively to the need is limited. There is open data on the number of offences reported to police of all sexual abuse crime against under-18s. In 2019-2020, 2,082 sexual offences against children were recorded, which was around 60% of all sexual crime, but the volume of young people who journey through the system is unclear. Can we have and publish desegregated data for under-18s? Do we need to legislate on that, or can it be done through a different way of collecting and publishing data by process?

During the progress of the Domestic Abuse and Civil Proceedings Bill, a number of Committee members raised the rough sex defence and discussed why it was important to abolish it. Unfortunately, there have been many instances where people have been killed that have attracted much discussion and attention. Recently, through the Domestic Abuse Act 2021, England and Wales legislated for a ban on the rough sex defence, but the campaign group We Can't Consent To This has collated and shown 60 examples of women who were killed through so-called "sex games gone wrong" in the UK since 1972. The claim, as we know, is that the victim had consented to having serious harm inflicted on them for sexual gratification, so the perpetrator must lack the intent to kill or cause grievous bodily harm. The issue is highly contested and highly gendered. According to We Can't Consent To This, 115 people, all but one of them women, have had to attend court, where it was claimed that they consented to violent injury. The law must be clear that you cannot consent to serious injury in the form of so-called rough sex or the '50 Shades of Grey' defence, as it is now known. The defence can be deployed by perpetrators of intimate partner abuse and violence. It is appalling that a victim of serious assault has to attend court to answer questions around their consenting to violence during sex, having to relive their experiences of harrowing sexual violence, and I cannot imagine how painful it must be for family members going through a trial where the rough sex defence is used by the defendant.

There are issues in taking the same approach to that in England and Wales, however, and they have been identified previously. I know that they were brought to the Department's attention through its recent consultation. We need to look at cases where people who kill their partner during sex are still being charged with manslaughter because the bar to charge and convict for murder is too high to meet. That was seen in a recent case in Darlington. The Women's Resource and Development Agency has suggested that we need a new offence that would capture such forms of extreme violence and allow for appropriate sentencing in accordance with the culpability of the defendant. Making it specific in legislation would not prevent defendants claiming that the death occurred by accident, but it would be progress and a step in the right direction.

I recognise that this is a complex and complicated area of law. It needs to be recognised that court cases involving sexual assault and harm involve battles over intimate relationships and the trauma and issues that they bring. We know from Gillen and from previous examples how women especially can have their private lives literally put on trial and how gendered myths are involved in that process. There is therefore much to be done and to be considered as part of the new rough sex defence.

Widespread education is key to a lot of things that we are discussing today and that we have discussed previously. Proper, age-appropriate and mandatory relationship and sexual education must be in place in our schools, colleges and universities. We must all have access to and avail ourselves of education on what a healthy relationship looks like, what consent is and what it is not and where to get support and information. We must be careful not to stigmatise. This is all about keeping people safe, so I hope that the Committee will get sight of the amendments before Consideration Stage, if they are available, as it will be crucial that they get the scrutiny that they require.

The Minister and a number of Members mentioned provisions that are not in the Bill. Like others, I wanted to comment on what was excluded, but I note the previous Chair's comments about my not doing that, so I will leave that to another time.

The Bill will improve the operation and effectiveness of the justice system as well as enhancing public safety and improving services for victims of sexual offences and victims of trafficking and exploitation only if it is well

resourced and financed, if people are aware of it and if people are trained in it and know how to use it. It will go some way to closing the gaps, resolving inconsistencies and modernising our law. Of course, there is much to do. As I said at the start, I welcome the Bill, but I will look at clauses that can be improved. It has taken a long time to get here, and there should be more provisions in the Bill dealing with a wider range of issues, but I thank the Minister for bringing it forward.

Mr Allister: I do not anticipate needing to be long, because, one issue apart, I do not really have any fundamental objection to the content of the Bill. I want, though, to make a couple of comments on clause 1, after which the burden of my remarks will relate to clause 15.

In clause 1, we have the upskirting and downblousing offences. The point that puzzles me somewhat is this: the clause makes it an offence to operate equipment and to record an image. It does not seem to make it an offence to distribute such an image, for gain or otherwise. I cannot think of where else that might be covered. I am pretty sure that it is not in the 2008 Order, so why would we not carry the clause through to its apparent logical conclusion, making the offence not just the operation of the equipment and the recording of the image — I am a wee bit intrigued as to what the difference between the two is, but I will leave that to one side — but the distribution for gain or otherwise of such an image? In her winding-up speech, perhaps the Minister can explain why the offence does not have that dimension within its ambit.

Clause 15 creates a blanket ban on public access where a trial is taking place relating to a serious sexual offence. Part of the confidence-building aspect of our justice system down through decades and centuries is the fact that we have open justice, that we do not hide behind closed doors and that we generally do not convict people away from the public gaze. That is for the profound and good reasons that we do not want to generate gossip, misrepresentation and misconception of how our justice system operates. Therefore, fundamentally, we operate an open book and a justice system that is open to the public. Of course, there have to be certain exceptions as one progresses through that, but to come to the point in the Bill where we introduce a blanket ban on the public being present at any trial that deals with any serious sexual offence takes the matter far further than it needs to go.

I would have thought that the way to approach it and to obtain a legitimate objective would be to,

rather than imposing a blanket ban, insert in what would be new article 27A under clause 15 words like, "Where the court is satisfied that it is in the public interest that a person is to be tried on indictment for a serious sexual offence, the court must give an exclusion direction". That would leave it within the control of the court; instead, the Bill would put it beyond the control of the court by introducing a blanket ban. That will not produce fairness and openness; it will suppress fairness and openness in some cases — maybe in many cases — unnecessarily. I say to the Committee, "When you come to look at clause 15, please consider conditioning the ban with the threshold of it having to be in the public interest to exclude". Otherwise, it is not just unnecessarily draconian but potentially destructive to essential confidence in our open justice system.

I make that comment not least in this context: much of this flows from the Gillen review. It seems to me that in some cases — indeed, in many cases — Members, members of the Committee and people in the Department were star-struck by the eminence of Lord Justice Gillen and thought that, if he said it, it must be right. Lord Justice Gillen has led us to the incredible situation where the cross-examination of some complainants has been so tethered and fettered that it has become farcical. I do not know whether all Members know that, if you are defending someone in respect of a serious criminal offence that involves a complainant who meets the category of "vulnerable" — that can mean someone who is under 18, and many sex cases involve individuals who are under 18, some of whom are considerably sexually experienced — you can ask in cross-examination only the questions that the judge has approved in advance. Cross-examination is a living, evolving part of a trial; you cannot script it. The direction in which it goes is often dictated by the last answer given, and often it takes you into territory where, you suddenly discover, the truth lies.

4.15 pm

Under Gillen, however, we now have what I describe as an absurd and dangerous situation where, if you are defending someone against the accusation of someone under 18 years of age, your hands are tied behind your back during cross-examination because the judge has to approve the questions that you will ask and can disapprove the questions that you want to ask. It totally takes the live action and purpose out of cross-examination and means that the evidence is not sifted and tested as it should be. Cross-examination is the essential bulwark that stands between the man or woman

accused and their conviction. An effective cross-examination that tests the evidence is the best bulwark for a person in that position.

We are supposed to regard everyone as innocent until proven guilty, but when you fetter cross-examination, you are effectively, perversely reversing that. The presumption in these cases now is almost that you are guilty until you prove yourself innocent, and by hampering, thwarting and destroying effective cross-examination, we have produced that situation.

If we are now going to add to that unseemly situation by allowing all proceedings to go on behind closed doors so that no one can see the farce that cross-examination now is in such a trial, I say this to the House: we are headed very much in the wrong direction. We have already done too much, through mere directions, to how such trials are conducted. Yes, of course, in cross-examination no one should seek to humiliate or vilify someone who says they are a victim, but, in pursuit of the fundamental that their client is innocent until proven guilty, they must not have their hands tied behind their back, as Gillen has done in those cases. Now we are going to compound that by hiding it behind closed doors.

I say this to the Committee and the House: think very carefully about slamming the door on open justice. There is no need for it. You can build in the protection of allowing a judge to do that in cases where it is in the public interest to do so, but abandon this presumption and this blanket ban on open justice, because, by imposing a blanket ban on open justice, you do great despite to the whole process of justice. I say this to the House: please do not just rubber-stamp clause 9. Take a long, hard look and do the right thing by everyone involved in the criminal justice system.

Ms Bunting: Thank you, Mr Deputy Speaker, for the opportunity to speak on the Bill. I want to speak to the human trafficking provisions, and, in doing so, I declare an interest as chair of the all-party group (APG) on modern slavery.

It is an uncomfortable truth that modern slavery is happening in Northern Ireland today, and, sadly, it is not an issue that can be relegated to the history books. For some, it is their reality, and I find that troubling to such an extent that I just cannot sit back and do nothing. I know that there are others in the House, the Minister included, who feel similarly. Imagine if it were your son or daughter who was taken from you and found themselves in those circumstances. Used and abused. Treated as a thing, not a

person. Perhaps drugged and forced to do someone else's bidding. A slave for labour or sex. An existence, not a life. It is horrifying. We have an obligation and a duty to ensure that survivors of modern slavery receive the support that they need to rebuild their lives. As an Assembly, we need to ensure that we do everything possible to prevent those heinous crimes from happening.

As Mr Storey pointed out, getting clarity about the true scale of modern slavery is incredibly difficult. Sadly, the fact that 128 potential victims agreed to be referred into the national referral mechanism in 2020 accounts neither for those victims who have not been identified nor those who have been identified but chose not to go into the NRM.

When we think about slavery, it may conjure up images from the 1700s, with people being chained up and transported in slave ships. Sadly, in some ways, we have not moved very far from that. I remind the House of the horrific incident in May 2019, when 39 Vietnamese migrants were found dead in a lorry trailer in Essex, the driver of which was from Northern Ireland. That is what human trafficking and slavery look like today: people crammed into containers without air, food or basic sanitisation. It was reported that those people died an "excruciatingly painful death" having suffocated in the container en route. Tragically, they got into that container under the illusion that they were going to a better life. The youngest person was 15 — a mere child.

As the chair of the APG on modern slavery, I warmly welcome clause 16, which extends the statutory support and assistance provided to potential victims of human trafficking under section 18 of the Human Trafficking and Exploitation Act to potential victims of servitude or forced labour where there is no element of trafficking. That rightly places the support that has been provided to those victims since 2016 as a matter of policy onto a statutory basis.

On clause 17, I also agree with Mr Storey's comments and support his suggestion of yearly progress reports. That would ensure that we are aware of the progress that is being made during, as well as between, the three-year periods, and I was glad to see the Minister nodding when Mr Weir also referenced that.

For me, however, what is most significant about the modern slavery provisions of the Bill is how clause 16 highlights something of an elephant in the room. The 2015 Act, as proposed to be amended by the Bill, would still address only statutory support for victims during the period

when they are in the national referral mechanism: that is to say, during the period when we think that they are likely to be victims of modern slavery but before victims receive a conclusive grounds decision that they are victims. It will come as no surprise to the Minister that I raise that.

The moment of the conclusive grounds decision is key for two reasons. First, it is the point at which we say that a person is definitely a victim of modern slavery and so our obligation to them radically increases. We then say that those people have been used as slaves, probably in this country. Secondly, the presenting task is now not to establish whether they are victims of modern slavery but to help them to recover. Somewhat extraordinarily, however, and as I pointed out to the House in the debate that I secured 11 months ago to mark Anti-Slavery Day, our legislation does not make any statutory provision for the support and recovery of confirmed victims of modern slavery.

The Modern Slavery (Victim Support) Bill in Westminster, which is supported by a coalition of 27 leading charities, including Anti-Slavery International, the Human Trafficking Foundation, Christian Action, Research and Education (CARE) and Lord Morrow, of course, proposes legislation to provide all confirmed victims of modern slavery with statutory support for 12 months, should they wish to avail themselves of it, to help them recover.

That has two practical benefits for the victim and the taxpayer. First, it means that victims are given time to recover so that they rebuild their resilience, without which they are extremely vulnerable to re-trafficking. Secondly, in a context where rather than being absorbed with worry about where their next meal will come from or whether they will have a roof over their head next week, confirmed victims in receipt of support have space to think about helping the police and the Public Prosecution Service (PPS) in court.

Without the evidence of confirmed victims in court, it is very difficult to secure convictions of traffickers and our low rate of conviction of traffickers will continue. That is of huge importance, not just from the perspective of securing justice for victims but, in some ways, more importantly, from the perspective of reducing trafficking, which we will never manage to do as long as traffickers continue to judge that the small risk of being caught is greatly outweighed by the attraction of making huge profits. I believe that the lack of statutory support for confirmed victims is something that we should address through amendments to the

Bill. Moreover, in rising to that challenge, there is a special opportunity for Northern Ireland to assume leadership on the issue, as it did in 2015, securing Royal Assent significantly earlier than the equivalent English, Welsh and Scottish legislation.

Members will be aware that the Westminster Government's Nationality and Borders Bill, while placing the current non-statutory support provisions for confirmed victims on a statutory basis, actually makes the service slightly less accessible than it is now. The fact that we are the only other legislature in the UK to be considering, at the same time as Westminster, legislation within which victim support is in scope means that the Assembly has a unique leadership opportunity to model a different and better way. I very much hope that we will come together on a cross-party basis to provide leadership in 2021, just as we did in 2014-15.

We have an opportunity to make Northern Ireland a place that values the lives of survivors of modern slavery. Through the APG, I have had the opportunity to meet with NGOs and hear about their work and that of the charities that are working hard to bring meaningful changes to the lives of victims of modern slavery in Northern Ireland. Now, we, as an Assembly, need to ensure that the legislation and policy processes are in place to assist them in that invaluable work. I trust that the Minister will take on board some of those thoughts, as will the Committee, and I look forward to seeing what comes at the next stage.

Mrs Long (The Minister of Justice): As I mentioned at the beginning of the debate, progressing this legislation and protecting the most vulnerable is a priority for me. Therefore, I thank Members for their very constructive and positive engagement today; it is, clearly, also a priority for them. As the Bill moves through its stages in the Assembly, I hope that we can continue this positive spirit in order to ensure that this important legislation reaches the statute book as soon as possible. I look forward to the legislation delivering better outcomes for those people across Northern Ireland who have experienced the type of offending behaviour that it sets out to address. I know that many of you are supportive of the Bill as introduced and those additional protections that I intend to bring forward as amendments to it at Consideration Stage. Taken together, those measures will provide effective protections for vulnerable people and for the public at large.

I want to turn to some of the issues that were raised during the debate. I hope that I can do them justice because there are a considerable

number of them. First, I welcome Mr Mervyn Storey to his role as Chair of the Justice Committee and I thank him for his support thus far in what was a comprehensive and very sensitive and thoughtful speech today. I also want to put on record my thanks to his predecessor, the now First Minister, Paul Givan, for his service to the Committee and to the Department of Justice during his tenure in that role.

I want to assure the Chair and the Committee members, perhaps more than anyone else in the Chamber, that my intention is to bring forward the amendments to which we have referred as early as possible to facilitate their full scrutiny by the Committee. That is hugely important, which has been reflected in the level of interest shown in the amendments today.

4.30 pm

The extent of the proposed anonymity of victims and the accused was raised by Mervyn Storey and Sinéad Bradley. I want to consider each of those matters in turn, turning first to the anonymity of victims.

In the independent review of arrangements around the delivery of justice in serious sexual offence cases, Sir John Gillen recommended that the anonymity of the victim of a sexual offence, which is currently applicable during their lifetime, should be made permanent after their death. However, legal advice indicated that an indefinite reporting restriction may contravene article 10 of the European Convention on Human Rights (ECHR) — freedom of expression — and that permanency would not be considered proportionate. The provisions have therefore been drafted to prohibit the publication of anything that would identify a victim of a sexual offence for a period of 25 years after their death to minimise the potential for a breach of the ECHR. I consider that to be an appropriate and proportionate period to address the legitimate aim of protecting the reputation or rights of others for a reasonable period after death. That said, the provision provides the opportunity to disapply or modify that period. That will enable the family of the deceased victim to apply to the court for variation, disapplication or extension to the 25-year period. It will also allow persons interested in publishing matters that relate to the victim to apply to the court to have the reporting restrictions varied or disappplied.

The provisions deliver one of the main aims of the Gillen review, which is to protect the anonymity of victims of sexual offences and to

guard against the possibility of jigsaw identification, which is of particular concern in a small jurisdiction with close-knit communities, such as Northern Ireland. Victims highlighted to Sir John their genuine concern that their identity would become known after their death. That has potential reputational consequences. The provisions address those concerns and will also be important to the victim's family, who will be provided with reassurance that their loved one's integrity will be protected going forward. The more the anonymity of victims of sexual offences is protected, the greater their confidence in the criminal justice system will be and, consequently, the more likely it is that they will feel confident in reporting those crimes to the police.

I turn to the anonymity of suspects. Of course, Mr Allister was right in saying that there should be no presumption of guilt on behalf of an accused person and that there has to be balance in how the courts deal with these issues. The Gillen review highlighted the dangers of the public shaming of innocent people pre-charge. There have been a number of high-profile cases in which that was the case. The review gave an example. There are high-profile cases such as Cliff Richard, who was named as being under investigation for offences but was subsequently not charged. That sort of pre-charge public scrutiny threatens to undermine the right to be thought of as innocent until proven guilty. Sir John Gillen concluded that to identify the suspect before there is sufficient evidence to even establish a charge:

"is effectively to engage in a fishing expedition."

By introducing anonymity for suspects pre-charge, the right to be thought of as innocent until proven guilty is not undermined, and those who are not subsequently charged will not have to suffer, be publicly shamed or risk having their reputations ruined by a flawed presumption that there is "no smoke without fire". The provisions may also generate greater confidence in the justice system for victims, who may be encouraged to report sexual offences knowing that media attention will be minimised and that there will be less likelihood of jigsaw identification of them as victims. Again, that is of particular importance in as small a jurisdiction as ours.

Anonymity for suspects who are investigated but not subsequently charged is being placed on a par with that of victims. Their anonymity will be equally protected during their lifetime and for 25 years after their death. That is on the

basis that they are an innocent party in the eyes of the law.

The provisions are not absolute. For example, a suspect can waive their right to anonymity to substantiate an alibi. The police can also apply to the court to have anonymity disapplied, when, for example, the suspect is at large and poses a threat to the public. The penalty for a breach of the anonymity of a suspect, which, on summary conviction, is up to six months' imprisonment, a fine or both, is in line with the increased penalty that will be available for breach of the provisions relating to anonymity of a victim after death.

I concur with the Chair of the Committee in respect of trafficking for slavery, servitude, forced labour and, particularly heinously, sexual exploitation. I reassure the Member that, with the national referral mechanism having been legislated for only in 2012 and legislation requiring referral coming only in 2015, the increases may well show better cooperation between statutory authorities when identifying victims and using the national referral mechanism rather than a sudden increase in that particular kind of crime. However, he is, of course, right: any level of crime in that space is something that we, as members of the public and Members of the House, should all be alert to and do all in our power to try to address.

I reassure the Member that the longer time frame for the strategy does not represent any diminution in our focus on the issue in the Department. A three-year strategy will give us an opportunity to look at combined operational plans across all of the various agencies that are involved, which will give us a cycle in the planning strategy that will allow us to deal with some of the key issues in a more nuanced and, perhaps, constructive way. That is an effective and strategic approach. However, since the Member specifically asked, I also reassure him that we will continue to produce annual progress report updates. It is important that we keep a watching brief on this area of work.

Finally, the Chair raised concern about the support that is available to child victims of trafficking. The working arrangements for the welfare and safeguarding of child victims and potential child victims of modern slavery and human trafficking were produced by the Health and Social Care Board and PSNI, in consultation with my Department and the Department of Health. Those arrangements set out the pathway for supporting child victims, which are delivered through existing provision by the health and social care trusts. The arrangements note that:

"Any child or young person who is known or suspected to be a victim of Human Trafficking or Modern Slavery is by definition a child in need of protection and should be subject of an investigation under the provisions of Article 66 of the Children Order (a child protection investigation)."

The Health and Social Care Board has also commissioned Barnardo's to deliver the independent guardian service in line with section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Those guardians represent and act in the best interests of child trafficking victims, ensuring that they get the help and support that they need.

I welcome Sinéad Ennis as she takes up her role as Deputy Chair of the Committee. I also put on record my thanks to her predecessor, Linda Dillon, who served in that role over the past number of years and has now, I believe, moved on to take up the mantle in the Policing Board. I welcome Sinéad's support for the Bill and her particular focus on upskirting and downblousing. Those issues were also raised by Sinéad Bradley and a number of other Members, so I will spend a little bit of time on them, if I may.

As Members will be aware, upskirting is an offence in the rest of the UK but downblousing is unique to this jurisdiction, so we hope to get ahead of the curve with respect to these issues. A number of Members, including Peter Weir and Rachel Woods, have raised concerns regarding motivations other than sexual gratification and/or humiliation, or the desire to cause fear. We have not included those other motivations, such as financial or coercive motivations, for those offences because we believe them to be already covered in other legislation. I will spend just a few moments explaining that.

Where such behaviour is, for example, an attempt to blackmail or coerce a victim to do something against their will in the context of a coercive relationship, it would be caught by our proposed provisions or our existing legislation with respect to domestic abuse where it happens in an existing relationship. Such behaviour in a coercive relationship could be captured by the amendment to the Bill that is planned for Consideration Stage about making it an offence to make threats to disclose private sexual photographs or films. I consider that, if a person took an upskirt photograph of a victim with whom they are not in a relationship and subsequently attempted to coerce them with

threats of showing it to others, the attempt to humiliate, alarm or distress the victim would be proven, and such behaviour would fall within the scope of the offence. Where blackmail is the motivation, the offence of blackmail — an indictable-only offence with a maximum penalty of 14 years — can also be considered by the PPS.

Where a journalist, for example, makes money by taking images of celebrities where they are getting out of taxis, and subsequently sells those images to media outlets, or where someone makes money by publishing them on a website for the sexual gratification of others, I consider that that behaviour will also be caught by the offence. Where an upskirt image is published, the journalist may know that the image has value because of the humiliation, alarm or distress caused to the victim, or that it might be published knowing that it will be used for the sexual gratification of others. Again, in those cases, I consider that intent is there and the behaviour is within the scope of the offence.

Doug Beattie, Paula Bradshaw and others raised the importance of the Gillen review and of bringing forward these legislative provisions, which help us to implement those aspects of Gillen that require legislative underpinning. Open justice is important, but there is significant evidence that taboo and shame around rape and sexual assault prevent victims from going to trial. The Gillen review concluded that the unrestricted access of the public to trials of serious sexual offences deterred, humiliated and intimidated complainants. Such access undermined the right to anonymity of the victim, even when special measures were invoked, and brought the legal process into disrepute, fuelling already existing fears about reporting sexual crimes to the police.

The review recommended that the public at large should be excluded from all serious sexual offence hearings in the Crown Court and that only those necessary to the functioning of the trial should be allowed to remain. It also recommended that the public should be admitted for the verdict and, where there is a conviction, for sentencing. The provisions of the Bill will minimise, again, the risk of victims' identities becoming known through jigsaw identification. The exclusion of the public, accompanied by the availability of special measures, will make the trial ordeal less harrowing for victims. As Gillen noted, the risk of identification is one of the reasons why victims are deterred from reporting these offences. The fear of recognition is heightened by the relatively modest size of our jurisdiction.

Another, and perhaps even greater, deterrent to victims is knowing that they will have to discuss intimate and harrowing details of what happened to them in front of a public gallery. I take on board entirely the concerns that were expressed by Mr Allister, specifically with regard to the issue of open justice. It is important that we demur from that only where it is absolutely necessary and where there is an evidence base that justifies such a decision. In this case, it is not just the vulnerability of the witness or victim but also the protection of their anonymity which gives us that evidence base. I also reassure Mr Allister, if I may, that this is not, as he suggested, taking away responsibility from the courts. The courts retain responsibility for the extent of those who are excluded and can make provision, for example, for members of the press, and others where they see fit, to have access to the court legitimately. However, we have been advised that the best way to allow the courts to do that in a constructive way is to have this particular provision in place, which can then be adjusted by the court.

Mr Allister: Will the Minister give way?

Mrs Long: I will.

Mr Allister: The Minister talks about adjustment by the court. Proposed new article 27A(1) is very clear:

"the court must give an exclusion direction".

So the presumption and the operating basis is that there is a blanket ban on people being excluded. The Minister says that this can be adjusted. Why, then, does she not simply acknowledge the presumption of open justice and allow the court to decide whether it must make an exclusion order, in the light of the interests of justice in each case, on a case-by-case basis? Is that not the way to go?

Mrs Long: I have set out the rationale and evidence as to why the alternative provision has been put in place with respect to having a presumption in favour of the court not being open to the public in the case of serious sexual offences.

The court has discretion, however, to permit any other person to remain in the court where it considers that doing so is in the interests of justice. The review concluded that unrestricted access to public trials in serious sexual offences deterred, humiliated and intimidated complainants, that the right to anonymity of the victim is often destroyed even when special measures are invoked and that it brought the

legal process into disrepute, fuelling already existing fears about reporting sexual crimes to the police.

4.45 pm

It should, however, be noted, as I have stated, that if the proceedings change — for example, if the more serious sexual offences are dropped in favour of lesser charges — that exclusion direction can also be changed and, indeed, lifted. The court can vary an exclusion direction if circumstances change, and the public will be admitted to the court to hear the verdict where there is a conviction. They will also be admitted to hear the sentence proposed.

It is important that we protect those who are accused of serious sexual offences and those who are the victims of serious sexual offences. I believe and, indeed, Sir John Gillen believed that that presumption struck the right balance in doing so but left a degree of discretion with the courts so that, either where there were additional people who rightly should be in the court or when the judge felt that there was good reason that there should be additional people admitted to the court, they were free and able to do so.

It is, however, further evidence of the taboo and shame that surrounds victims of rape and sexual assault. If we do not deal with that shame and taboo and do not deal with the victim-blaming culture that leaves many people afraid to come forward, to complain to police and then to pursue their case to the court, we will not be able to remove rapists and sexual abusers from our society, and it is important that we have the ability to do that.

I concur entirely with Doug Beattie, Paula Bradshaw and others who highlighted this issue — the issue of sexual assault, the vulnerability of the victims and the importance of the legislation — as an example of why it is important that the Assembly continues to fulfil its functions for the remainder of this mandate and is able to deliver legislation of this kind not just in the justice sphere but across the board.

In addition, Paula Bradshaw, Jemma Dolan and Chris Lyttle raised the issue of the intended amendments from the Department that relate to the abuse of trust. The main intent of those offences is, as Members have stated, to prevent the manipulation of young persons to consent to sexual activity by those who hold a position of trust with them. While the provisions seek to protect all under-18s by virtue of the Northern Ireland statutory age of sexual consent, the provisions mainly relate to persons

aged 16 or 17. Current offences were not intended to cover all situations in which an adult might have contact with or a supervisory role over under-18s. They focus on particular areas in which government has a duty to protect young people. It is important to ensure that, in extending the current provisions, a proportionate balance is achieved that protects our young people in vulnerable situations and, at the same time, respects their right to give legal consent to sexual activity from the age of 16. Framing the offences too widely could prohibit any person over 18 having sex with anyone aged 16 or 17, effectively raising the age of sexual consent.

It is important to note that the existing offences have been drafted against the backdrop of a wide range of general child sex offences already available. Those make it a crime for anyone to engage in sexual activity with someone under the age of 16, whether or not they consent. The proposed provision will extend the scope of the legislative definition of a person of trust so that offences apply to those who work with young people in the areas of sports and religious settings, where evidence presented to date is strongest.

I brought this forward earlier than was intended, because I believe that it is important that we act now in order to offer the maximum protection that we can. To extend the law beyond those settings at the moment, however, would require more extensive consultation and engagement to identify and explore fully any areas of potential concern in order to ensure that legal intervention was required. I also have concerns about extending legislation around human rights compatibility, particularly regarding engagement with article 8, which relates to the right to a family and private life.

To promote clarity in the application of the law and withstand legal challenge, it is crucial that we have a robust definition of the offence. However, I will keep the door open on the policy with the inclusion of an enabling power to allow further sectors to be brought within the scope of the provision by way of secondary legislation in due course where there is evidence of a further gap in protection. The work was informed, as others mentioned and as I mentioned in my opening remarks, through engagement with key stakeholders. In particular, I am grateful for the assistance of the NSPCC, which worked closely with my officials in that area.

I want to address a number of other issues that were raised. First, I want to reassure Rachel Woods that the word "record" covers both moving and still images with respect to

upskirting and downblousing. I also want to ensure that the issue with respect to breastfeeding has been and will continue to be considered. I am happy to engage directly with the Member. Currently, taking photographs of someone who is breastfeeding is not an offence where they are breastfeeding in public, and there is no expectation of privacy. The Bill's provisions apply specifically to taking images of breasts or underwear that is covering breasts that would not otherwise be visible. Images of a woman who is breastfeeding would not, at this point, come within scope where the woman is breastfeeding openly. However, if the woman is taking steps to be discreet from public view when an image is taken to reveal more than she intended to reveal, it would potentially be covered by the legislation. It is not a simple issue. There are many circumstances in which someone who is breastfeeding will be more than happy to have photographs taken by family members and friends. Again, it will fall back on the issue of whether there is a cause of distress, alarm or disquiet in the motivation of the offence.

A number of Members raised, both in the debate and questions for oral answer, the issue of ISSPs. There is some concern in that regard. I want to have a quick look at the issue. It relates specifically to the requirements of the e-commerce directive 2000/31/EC, which set up an internal market framework for online services. Its aim is to remove obstacles to cross-border online services in the EU internal market and provide legal certainty for business and consumers. Provision in the Bill was included on the specific advice of the UK Government, with whom the Department consulted on that issue as a consequence of Brexit. The e-commerce directive ceased to apply to the UK with effect from 31 December 2020. That means that ISSPs established in the EEA, whose services are accessible in the UK, will now have to comply with any specific laws that are applicable in the UK. As ISSPs will have to adhere to the legislated provisions of the Bill, defences are required to ensure a proportionate level of protection where it can be proven that their role in the use of the information was merely in caching, hosting or as a conduit for it without their knowledge. That is, as I said, the advice that we received from Westminster. Obviously, we are happy to share further discussions with Members.

Finally, I turn to the departmental amendment on the rough sex defence. The Department has completed an extensive consultation exercise on that provision. We had 175 responses. Some 98% of respondents considered the current Northern Ireland legislation to be

insufficient, 92% believed that the defence of consent should be outlawed, and 99% believed that a programme of education was required. There are no direct statistics for the number of occasions on which the rough sex defence has been used. However, from 2002 to the end of 2019, the PSNI charged 502 suspects with choking or strangulation. That may not be a direct indicator of non-consensual rough sex, but there are often links between the two behaviours. In addition to the provisions to abolish the rough sex defence, Members will know that I am committed to a wider review of the law on non-fatal strangulation. Consultation on that issue closes on Friday 17 September. That may provide a suitable vehicle for taking forward some of the concerns that others raised.

Finally, I will turn to the comments from Joanne Bunting. I know that the Member has a particular interest in slavery and human trafficking. I would be happy to work with her and her colleagues on the APG to ensure that the areas of concern that she outlined are ones that we can address. We work in a difficult space, because many of those issues on providing support are not within the devolved purview. She will understand the complications of that.

In his time as Minister, David Ford, working closely with Maurice Morrow and others, managed to extend the cover and support that we already give to victims of human trafficking. The Bill will put that on a statutory footing. However, I am, of course, open to looking at what more can be done. I say to the Member, though, that I hope that she will also knock on the doors of Executive colleagues, because, ultimately, the funding for this is not within my gift as Minister of Justice but would require Executive agreement. Many Members made clear their concerns about human trafficking and their desire to support those most vulnerable people who have gone through that utterly horrifying and terrifying experience.

I am encouraged by the support that Members have shown for the Bill. In drawing my remarks to a close, I thank everyone who contributed to what I hope was a useful and constructive discussion. I am confident that the Justice Committee will have an interesting and productive, if, perhaps, very busy time, in considering the issues and scrutinising the Bill. I wish Committee members well for the task ahead, and I commend them for their attentiveness to date. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Justice (Sexual Offences and Trafficking Victims) Bill [NIA 29/17-22] be agreed.

Assembly Business

Standing Order 10(3A): Extension of Sitting

Mr Deputy Speaker (Mr McGlone): I have received notification from the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 13 September 2021 be extended to no later than 8.00pm. — [Ms Bunting.]

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

5.00 pm

Executive Committee Business

Private Tenancies Bill: Second Stage

Ms Hargey (The Minister for Communities): I beg to move

That the Second Stage of the Private Tenancies Bill [NIA 32/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): In accordance with convention, the Business Committee has not allocated any time limit to the debate. I call on the Minister for Communities to open the debate on the Bill.

Ms Hargey: Thanks very much, and I thank the Chamber. By way of background, the Bill will make the private rented sector safer and more secure for tenants. I believe that every Member will welcome its introduction, particularly as more people live in that sector, including many vulnerable people, older people and young families.

I acknowledge that landlords provide an important source of housing. I am particularly grateful for the actions of many landlords to help and support their tenants throughout the pandemic. The overwhelming majority of landlords want to provide good, safe homes for their tenants, and doing that is the basis of their business. However, it is also true that there are bad landlords out there. The aim of these measures is to protect tenants and give them assurance that they can live in a safe, secure home.

Housing is a huge issue, and many people would like to see the Bill go further with increased regulation in the sector. I assure them that I also want to do more, which is why the Bill is only the first phase of a programme to improve the lives of those living in the private rented sector.

It may be helpful for Members if I spend a few minutes outlining some of the key provisions in the Bill. On the notice to quit, landlords will now be required to provide tenants with a notice giving the particulars and details relating to the tenancy. It must be free of charge and completed within 28 days of granting a tenancy. Details of what is in the notice will be prescribed

in regulations made by the Department — for example, it could lay out the roles and responsibilities of landlords and tenants. Rent increases will be restricted to once a year. Where a tenant pays rent in cash, the landlord will be required to provide the tenant with a rent receipt free of charge. In order to prevent landlords from charging excessive deposits, the Bill will introduce a limit set at no more than one month's rent. The Private Tenancies Order 2006 will be amended, which will mean that there will be no time barrier on prosecuting a person who fails to comply with the set requirements of the tenancy deposit scheme.

For safety in the private rented sector, I will require that all private landlords provide fire, smoke and carbon monoxide detectors in their properties. All tenants are entitled to a safe home, and the detail of that will be brought forward in regulations. Similarly, for electrical safety, the Bill contains enabling powers to make regulations about electrical safety standards in private tenancies.

As a first step to improve thermal comfort and reduce fuel poverty, the Bill contains enabling powers to make regulations about the energy efficiency of private tenancies. People's homes should be warm and comfortable, not just because it is nice to have a warm home but because it is a healthier home. Private rented homes will be required to have a minimum energy performance certificate (EPC) rating, the detail of which will be made in regulations after the consultation. Obviously, that is a key part of the future work to deliver our carbon reduction targets by 2050. Officials are working in partnership with colleagues in the Department for the Economy to look at those areas.

As an initial step on the notice to quit, I am increasing the period that a landlord provides to a tenant to eight weeks. That will come into effect once a tenant has been in a tenancy for more than 12 months. The notice to quit will remain at 12 weeks if the tenancy is more than 10 years old. I will be honest: in many cases, eight weeks is not sufficient time for a tenant to find an affordable or suitable new home. Therefore, I have asked my officials to carry out some further work on this and to see what is possible. I understand that the length of the notice period might need to be different in different circumstances, and I have therefore included a clause in the Bill to alter the notice-to-quit period up to a maximum of six months. Of course, work to look at that is being carried out at the moment, and I am hopeful and am trying to ensure that we can get that done before the end of this mandate and get the changes made. The Bill will also change the

notice that tenants have to give landlords to four weeks if the tenancy is less than 10 years. It will remain at 12 weeks if the tenancy is older than that.

As I said at the beginning of my remarks, I know that there are many who would like this Bill to go further and would want to see greater regulation of the private rented sector. I completely agree and want that also. We need to regulate letting agents and stop them charging illegal fees to tenants. We need to consider the grounds for eviction. We need to improve the oversight and work more closely with councils to deliver this locally. We need to look at the fitness standards, and we need to ensure that rents are fair.

Once the Bill has completed its passage through the Assembly, a further Bill will be considered covering areas such as the regulation of letting agents and grounds for eviction. It is also clear from the discussion with stakeholders and, indeed, with other parties that there is support for a balanced set of proposals. On that basis, I hope that Members can support this initial Bill at Second Stage.

Ms P Bradley (The Chairperson of the Committee for Communities): On behalf of the Committee for Communities, I welcome the Bill's Second Stage. The Committee was briefed by departmental officials on 1 July 2021, and the Minister introduced the Bill just before recess. The Committee has taken a keen interest in housing matters since it was established in 2020 and, indeed, decided at a forward-planning day in September 2020 to devote considerable time to taking evidence on housing challenges.

Subsequently, we heard evidence from an economist on housing market challenges in a pre- and post-COVID world and research evidence from the UK Collaborative Centre for Housing Evidence (CaCHE). Unfortunately, however, given the Committee's packed work programme over the past year, in connection with the COVID response and primary legislation, we have not been able to undertake as much work in this area as we would like to have done. Given that, members are now very keen to take the opportunity that the Bill's Committee Stage presents to focus on the role and regulation of the private rented sector.

In its scrutiny, the Committee will bear in mind the context in which the Bill sits, which is that our private rented sector has grown considerably over the past decade, particularly for the 25-to-34-year-old age group. It is now larger than the social housing sector and

accounts for over 17% of the housing stock in Northern Ireland. This growth is likely to continue if first-time buyers are priced out of the market by rising house prices and a potential shortage of accessible mortgage products. It is also a fact that economic uncertainty, such as many are facing at this time, tends to boost demand for rental accommodation.

We will also bear in mind that almost half of private renters in Northern Ireland are in receipt of housing benefit or the housing element of universal credit. Also of concern is that there are twice as many families with children in the private rented sector than in social housing, and they deserve a safe and secure tenancy. The Committee is, of course, concerned that many are in private rented accommodation because of the shortage of social housing, and, no doubt, all Members have heard horror stories from constituents living in the private rented sector.

We cannot, however, solve all housing problems with this one Bill, and we know that some issues need to be dealt with over a longer timescale. It is only right to do what we can to ensure that good legislation is made to offer tenants better protection and make the duties of landlords and tenants clear.

Members are well aware that the journey to this Bill, like many of the Bills that we debate, has been fairly long, and I think that is helpful to briefly remind the House of that history. Back in 2010, we had the Department for Social Development's private rented sector strategy, 'Building Sound Foundations', which introduced a tenancy deposit and landlord registration schemes. Then the housing strategy action plan 2012-17 committed the Department to undertaking a review of the role and regulations of the private rented sector. The Department carried out that review in two stages. First, consultation on a discussion paper was completed in February 2016, and that was followed by engagement with stakeholder groups. Secondly, recommendations were set out on how the sector could improve its support for a wider range of households. The Department then established a working group to look at the key issues, resulting in the 2017 proposals for change document, which made proposals in areas of housing supply, affordability, security of tenure, tenancy management, property standards and dispute resolution.

The Committee is aware that the Bill deals with a number of those issues but does not address them all. Nevertheless, we will consider the Bill in the context of the background that I have just

outlined and as a key step in the right direction, with the aim of better protecting tenants by ensuring that landlords and agents meet government regulations about the quality and safety of the accommodation offered.

The Committee notes that the proposals in the Bill fall mainly in the areas of tenancy management, rental payments and deposits, property standards and security of tenure. Among the changes that the Bill will bring are a requirement for all private tenants to receive a written tenancy agreement; restrictions on rent increases; an increase in the eviction notice period from the current four-week minimum; a limit on deposits; an obligation on private landlords, for the first time, to provide smoke and carbon monoxide detectors and to carry out periodical electrical safety checks; and new powers to councils to introduce and enforce minimum energy efficiency standards in private rented homes.

The Committee supports the aim of the need to future-proof the private rented sector and to call time on the minority of rogue landlords operating in the sector. The Bill proposes welcome changes, but, as Members know, the devil is often in the detail. That is why I look forward to the scrutiny of the Bill at its Committee Stage, ensuring that we hear from key organisations, and making sure that the voices of tenants are heard. Although the Committee understands the need for the Bill to have a focused scope, Members can rest assured that, if our scrutiny uncovers gaps in the proposals or any vital aspects that have been overlooked, we will not hesitate to seek clarification and propose amendments. Our track record on detailed scrutiny, with the recent licensing Bill, speaks for itself in that regard. We will bring the same vigour to our scrutiny of this Bill. Overall, the Committee is supportive of the principles of the Bill, and members look forward to working with the Department and stakeholders in the weeks ahead.

Ms Ennis: The right to a good-quality, affordable and secure home is a fundamental human right, which upholds all other aspects regarding health outcomes, educational attainment, suitability for work, childcare, and much more. It is crucial that that is delivered within the private rented sector, too.

Undoubtedly, a key aspect of the proposed Bill, for many in the private rented sector, will be the extension of the notice to quit period. As the Minister outlined, a clause in the Bill provides the potential to alter the notice period to a maximum of six months. Citizens in the private rented sector deserve to live in dignity, security

and peace, as much as people in any other sector. When asked to leave a property, it often means transferring all postal addresses, finding alternative work and medical practitioners, and much more. For those with families, that can, perhaps, involve finding alternative educational facilities, childcare arrangements and support networks. That is an immense pressure in and of itself, and we must ensure that people are better supported within the private rented sector so that no person has to pack up their life with little or no prior notice. As a result of the pandemic, the notice to quit period has been extended to 12 weeks, and that will be the case until May 2022, but the shift in demographic within our private rented sector makes it all the more important that we try to ensure that the legislation is strengthened further. NISRA statistics from June 2021 indicate that 14% of the households that present as homeless are homeless due to a loss of rented accommodation.

The Bill also requires that all private landlords provide fire, smoke and carbon monoxide detectors and that their properties meet electrical safety standards. The right to adequate housing is recognised in international human rights law. Crucially, in the midst of a housing crisis, prices can continue to increase as standards drop, and the Bill must help to protect tenants through mechanisms such as those mentioned.

5.15 pm

The UN has outlined that:

"housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards."

The Bill aims to provide thermal comfort and, simultaneously, reduce fuel poverty, as it contains enabling powers to make regulations concerning the minimum energy efficiency standards of private tenancies. Oftentimes, when you scroll through the likes of PropertyPal, you see that many homes in the private rented sector have a low energy performance certificate (EPC) rating, meaning that it will cost more for tenants to heat their homes and maintain warmth as a result of poor insulation. Therefore, homes in the private rented sector will be required to have a minimum EPC rating. Sinn Féin believes that that should be a matter of absolute priority, in light of the fact that fuel poverty is linked to

socio-economic circumstances and housing quality. Energy retrofit measures will mean more energy efficient homes and warmer homes. Thus, ambitious targets should be set to meet energy rating standards in the private rented sector. The benefits are cross-cutting: cut costs for tenants, tackle fuel poverty, improve living standards through better health outcomes, comfort and energy efficiency, and deliver carbon reduction targets by 2050.

The Bill is necessary. It provides renters in the private rented sector with some increased protections. The Bill will ensure that those in the private rented sector have access to a high quality, safe and secure home.

Mr Durkan: I welcome the chance to speak at the Second Stage of the Private Tenancies Bill. I thank all the organisations and individuals in the housing and advice sectors who have helped to push and progress this vital legislation, which will see essential and long overdue improvements to and protections for the private rented sector.

The importance of secure, stable housing has never been felt more keenly than during the COVID pandemic. I welcome the emergency housing legislation introduced by the Minister in that time, including the extension of the notice to quit period from four weeks to 12 weeks for private renters. It is clear that such protections will continue to play an important role in the months ahead, as the economic fallout of the pandemic unfolds and we come to terms with the pressures being placed on an already struggling sector.

The right to shelter is, above all else, the solid foundation needed for the building blocks of a successful society. It is a starting point from which people and families build their lives, making for happy, healthy, thriving communities. The past 18 months have underscored the value of housing and the central role that it plays in all of our lives. I very much welcome the Bill's content as the first step of many necessary improvements towards the better safety, security and quality of the private rented sector.

The private rented sector across these islands has grown exponentially in recent years. However, the North has experienced the greatest level of growth. The private rented sector has now overtaken the social housing sector, helping to meet housing need and accounting for over 17% of all housing stock here. That is staggering. It is clear that neither standards nor the Executive have managed to keep in step with that growth. To date, no

specific legislation has been put in place to protect private renters, many of whom have been pushed into the sector by the lack of social housing stock. The bulk of the private rented sector consists of young families. It is mostly lone parent households, who will have been most adversely impacted by COVID and whose financial outlook may be even more precarious given the Tory plan to remove the universal credit uplift at the end of the month.

I have spoken with Housing Rights and others in recent weeks. They attest to the fact that a disproportionate number of calls to their advice line come from private renters. No doubt that was heightened during the pandemic. It is imperative that individuals and families who rent privately are safeguarded through legislation, so that we can ensure more affordable, safe and secure tenancies.

I turn to the detail of the Bill. As my Committee colleagues and the Minister have already referenced, this legislation is much needed and not before time. It will afford private renters a safety net that will improve the usually precarious nature of private tenancies. Clause 10 is a prime example of that precariousness, with private rental properties often not held to the same safety standards employed elsewhere in the housing sector. Electrical safety standards regulations will play a vital role, allowing Northern Ireland to keep pace with a rapidly growing sector. I appreciate that most good landlords ensure the upkeep of electrical wiring in their properties, but we cannot ignore the fact that neglect and resulting electrical hazards are fast becoming a problem for private tenants. I hope that that provision also provides peace of mind to private renters.

The current climate is testament to the need for this important piece of work. Rising property values here mean rising rents in an already costly market. Clause 7, which will see restrictions on rent increases limited to once every 12 months, is a welcome step. Similar legislation was introduced in Scotland at the end of 2017 under the Private Housing Tenancies (Scotland) Act 2016, whereby a landlord can increase the rent no more than once a year and must give tenants at least three months' notice of any increase. Again, we fall behind our counterparts in protecting our citizens. However, we can use this intervening period as a learning space.

We have witnessed the outworking of the Scottish policy, and there have been some issues with landlords effectively now issuing annual rent increases, which they did not do beforehand. Some apparently believe that it is a

requirement under a private residential tenancy (PRT). Clause 7 could result in a similar unintended consequences, so it is crucial that that change is communicated and marketed adequately to limit confusion and opportunism. I hope that there is also room in the clause to look at how we might place a cap on the size or scale of any rent increase, and I look forward to fleshing that out with my colleagues at Committee.

Likewise, in recent months, our constituency offices and the independent advice sector have witnessed a worrying trend: increasing numbers of private tenants receiving notices to quit. In some instances, landlords have taken advantage of the booming housing market and decided to sell up. I am cognisant that those circumstances do not apply in all notice to quit cases; however, it is clear that such practices are placing strain on an already crumbling housing system. I am glad that Minister Hargey has listened to calls to extend until May next year the 12-week notice to quit enhancement introduced in response to the COVID pandemic. Thank you for that, Minister.

On clause 11, the notice to quit enhancements are welcome, but the Bill could and should go further. I would like to see the 12-week period applied to all tenancies of over a year. We have been operating like that under the current emergency legislation, so perhaps that can help to address any concerns that the Minister's officials may have about consultation and so forth. Shorter-term tenancies should go to eight weeks rather than four, and we would like to see that in the Bill. I welcome the Minister's commitment to protect some up to eight weeks, but the issue is how that looks in the Bill.

There are concerns that the 12-month tenancy stipulation could inadvertently create a practice whereby some landlords may curtail the length of tenancies, thus exploiting a potential loophole in the legislation to avoid the enhanced notice to quit periods. As the economic impact of the pandemic deepens, it is vital that those protections be extended to strengthen security of tenure for all private renters. I have witnessed first-hand the increasing numbers of individuals and families receiving notices to quit, and the interim extension will, no doubt, prove vital in the months ahead. The Minister and her Department must utilise everything at their disposal to protect tenants and should at least consider such oversights as we proceed.

There remains the bigger issue of local housing allowance (LHA) rates for private tenants falling well short of their actual rental costs, given that

rents have increased. Coupled with the freezing of LHA rates in April, we have a perfect storm whereby inadequate welfare support is forcing families from their homes due to affordability issues. That cap must be removed in order to secure tangible stability in private tenancies.

On clause 13, while I appreciate that a commencement date is at the Department's discretion, a time frame needs to be placed on the introduction of this vital legislation. As I have said, the North is already several steps behind other jurisdictions in providing protections. The Bill will undoubtedly strengthen protections, but the simple fact remains that many individuals and families have been forced into the sector in the first place due to the dearth of social housing stock. That further underlines the need for the urgent implementation of a housing supply strategy, which, I hope, will operate in parallel with the Bill to address and tackle the housing crisis properly.

Overall, the SDLP is supportive of the broad principles of the Private Tenancies Bill, which, as I have said and will say again, will provide security, stability and predictability for tenants, as well as safeguards for landlords. I look forward to the opportunity afforded at Committee Stage to make improvements to some of the clauses therein. I am cognisant of the time limits placed on the Department and acknowledge that action to tackle all the issues in the private rented sector may not be advanced in the current mandate. Nevertheless, the Bill is a solid body of work and provides a springboard for tackling outstanding matters in subsequent mandates. I support the Bill.

Mr Allen: I declare an interest as a private-sector landlord.

I thank the Minister and her officials for bringing forward this important legislation, which is the first substantive change to our private tenancies legislation in nearly a decade, outside of the COVID regulations, which were very welcome to protect and support tenants during the period that we have come through.

As the Chair pointed out, the Communities Committee has a keen interest in housing matters. Owing to COVID, we have not been able to devote the time to them that we would have liked, but we will give the Bill our full scrutiny, as we did with the Licensing and Registration of Clubs (Amendment) Bill and will do with the range of other Bills that come before the Committee. We will not be put under the cosh, and we will afford the time necessary to

scrutinise the Bill properly. I will not mince my words when touching on some of the clauses.

I welcome clause 1, which deals with tenants being given notice regarding certain matters. It is astounding the number of tenants who come into my constituency office who do not know their rights. They do not have details of their particulars. When I ask them for a copy of their tenancy agreement, many have not even been given a copy of it. It is therefore very welcome that that will have to be provided within 28 days.

Clause 3 deals with the requirement to provide a tenant with a receipt for each rent payment in cash. I ask the Minister whether there is scope for that requirement to cover any other cash payment.

Clause 4 places a limit on the tenancy deposit amount, which is an area that has caused me great frustration. I have worked with and supported many constituents who have been required to provide up to three times their rent as a deposit. That is simply unaffordable. It is not justifiable. A deposit of £1,500 or £1,600 is not affordable, so I welcome the clause's inclusion.

Clauses 8, 9 and 10 concern increased safety. None of us will have missed the announcement of the rise in energy costs in the past couple of weeks, so clause 9, on energy efficiency regulations, is crucial. We cannot have a circumstance in which the private rented sector, as others have said, across our three housing tenures — owner-occupier, social and private rented — makes up 17%. It is larger than our social housing sector, but the arguments about our social housing sector are well rehearsed. We are in the midst of a housing crisis, and until such a time as we can build adequate levels of housing — at least 5,000 homes a year — to accommodate people who need housing, we will continue to see people going to the private rented sector. It is therefore vital that we provide the necessary security of tenure, support and safeguards.

Clause 11 is important, and I welcome the Minister's comments on it. Eight weeks does not go far enough, however, and we need to look at how much further we can extend that.

Speaking as the Ulster Unionist Party's communities spokesperson, I broadly welcome the Bill's Second Stage. I look forward to seeing the legislation go through Committee Stage, to hearing from a broad range of stakeholders and renters and to looking at how we can further shape the Bill.

5.30 pm

Ms Armstrong: Thank you, Minister, for bringing the Bill's Second Stage to the House.

When you are the fifth Member to speak, you are lucky in that colleagues will have said quite a lot of what you wanted to say. Throughout the debate, I was smiling as people picked up parts that I was going to talk about. I will not rehash stuff, but some of it may come up again as I speak.

We all know, as the Chair of the Committee said, that 70% of housing stock is private rentals, so we have a huge swathe of people living in private accommodation across Northern Ireland. Why is that the case? As others have said, we need more social housing. The Minister is committed to providing that, but other issues are impacting on that. Planning takes an extraordinary amount of time to get processed. That means that more and more people, instead of being able to get a social house, are having to turn to what private rentals are out there.

I am not down on all landlords. Not all landlords are bad landlords; indeed, most landlords who are looking at the Bill — I suppose that I should be pointing at Mr Allen of the Ulster Unionists — are good and will welcome it as proposed. It will not cause them a lot of difficulties, because, in most cases, they already deliver what the Minister is pointing out in the legislation.

I certainly look forward to working with the Minister and the rest of the Committee to fine-tune the legislation. We know that areas are missing from the Bill. One is the legislation on letting fees. Even after the judgement in the 2017 Loughran case and the joint statement from the Department for Communities and the Department of Finance in 2020, illegal fees are still being charged. Minister, can you, in your summing up, assure the House that the issue of letting fees will be dealt with in the second piece of legislation, which is where the Department intends to deal with, among other things, a cap on rents? However, there are a number of —

Mr Allen: Will the Member give way?

Ms Armstrong: Yes.

Mr Allen: The Member may well be about to raise the important issue of homelessness. Often, MLAs from across the House have constituents coming into their constituency offices regarding homelessness and, in

particular, the 28 days that must have passed before the Housing Executive can press "Go" to progress their application. We need to look at that vital area.

Ms Armstrong: I thank the Member for that intervention. It is something that I have considered. During Committee discussions with officials, one of the things that I raised was the need to ensure that the definition of homelessness, which is covered by different legislation, will be brought into line with whatever the agreement is on the minimum notice that a landlord must give. The last thing we want is for people to be given the minimum amount of notice, whether it is eight weeks, 12 weeks or whatever it may be, and that person is not deemed homeless until they have four weeks left. Finding a house in four weeks is impossible. That puts pressure on the Housing Executive and on a family.

There are some issues with clauses on which I would like clarification, Minister. Maybe you can address those or officials can bring them to the Committee. Where the Bill requires notice to be served in writing, it is important to clarify whether the notice period relates to the date on the notice or the date on which the tenant receives the notice. That is important, as the letter may not reach the tenant for a number of weeks. Tenants need as much time as possible to comply with a notice, especially in the case of an end to a tenancy, so that they can find a new place to live. It would be good to get that clarification, especially in legislation. That may be dealt with through regulations, but I would prefer it if the Minister could provide clarification and put it in legislation.

Under clause 3, "Tenant to be provided with a rent receipt for payment in cash", which Mr Allen has already mentioned, I would like to see a receipt provided by the landlord for any cash payments. Also in clause 3, what is meant in new article 5(3)(b) by "reasonably possible" with regard to receipts needs to be clarified. It would be preferable that a time limit of, for example, four weeks was put on the landlord to provide a receipt.

I agree with the limit on tenancy deposit outlined in clause 4. That means that a deposit would be restricted to the equivalent of one month's rent.

Under clause 6, I look forward to discussing how a landlord who has continually offended in relation to tenancy deposits may have a restriction or even a bar placed on their ability to be a private landlord.

I agree with the restriction on rent increases outlined in clause 7. It means that rents cannot be increased within 12 months of taking up a tenancy or within 12 months of the last increase. However, I have concerns about the requirement to give written notice in new article 5D, as described in clause 7, as it needs, as I have said before, to be clear when the notice period applies from. Is it the date on the landlord's letter or the date on which the tenant receives the letter? There could be a significant gap between those dates, and, if we are only talking about weeks, that could cause a family a lot of problems.

New article 11B in clause 8 deals with a landlord's duty to cover

"fire, smoke and carbon monoxide alarms"

The word "etc" is missing. We do not know what type of alarms there will be in the future. Instead of having to change the legislation to cover whatever alarms are required in the future, we could just add "etc", as it is earlier in the Bill.

Under clause 11, it would be useful to know why the notice given by landlords is different to that being asked of tenants. Clause 11(5) confirms that, if the tenancy has lasted more than 12 months but fewer than 10 years, the relevant notice period can be more than eight weeks but not more than six months. If you have been a tenant for more than 10 years, the relevant period rises to more than 12 weeks. Under clause 11(7), tenants have to give four weeks' notice if their tenancy has lasted between 12 months and 10 years and 12 weeks if it has lasted more than 10 years. Why is that not the same? Can we not have a minimum and a maximum period for tenants in the same way as it is broken down for landlords?

What about protection for tenants who have been living in their home for fewer than 12 months? Over the past year, we have seen how a breakout clause would help students, so I ask the Minister whether we can add something for people who have been living in a place for fewer than 12 months. The extension to the notice periods certainly helped to prevent evictions during the pandemic, so I thank the Minister for that. The periods of notice she is talking about are worth exploring to see if they are enough.

I find the commencement of the Act in clause 13 to be a little strange, which Mark Durkan talked about. There needs to be a commencement date for the whole Act — for example, it could be six months from Royal

Assent — because we will be moving into a new mandate and it would be good to see the legislation properly enacted, especially given the work that will go on to get it passed.

The schedules need to have clarity on electrical standards. I thank the electrical standards people and Housing Rights for meeting me about that part of the Bill. We need further information. For instance, what qualification will the electrician need when inspecting an alarm or the processes involved? Who will be required to inspect the premises to make sure that the alarms work? If that falls to our councils, will they charge landlords or tenants for the inspection, or will they be funded by Communities to carry out that role? The electrical safety industry has also said that there should be a confirmed period within which alarm and electrical safety inspections are carried out. Some have suggested that that should be every five years, and I am keen to know if the Minister would add a specific time frame to the safety inspections.

Can tenants' voices be added to the list of consultees in schedule 3(5), because they do not appear there? The list includes everyone but them, and, as part of co-production, it is vital that the customer's voice, which is that of the tenant, is included.

Others mentioned the carbon reduction targets. If we are going to put targets on owners in the private rental sector to retrofit their homes so that they meet future standards, how are they supposed to meet the costs of that? Will that be another cost that is passed on to the tenant at their 12-monthly rent review? We need to think about funding and supporting those private landlords to bring standards up, make homes more carbon-efficient and reduce carbon reduction targets, otherwise the tenants will face increased rents to meet landlords' needs.

Mr Durkan also mentioned the housing allowance rates. We need to review those rates in line with inflation, because, as we are seeing, the housing market is going into a boom. It would be good to make sure that our private rental tenants are not forced to pay more out of their universal credit benefit, for instance, because their housing allowance does not meet their housing costs.

Minister, as the Alliance Party spokesperson for communities, of course I will support the Bill, and I look forward to working with you to bring it forward. As others have said, we can be a bit detailed when it comes to legislation, but that is no bad thing because we make better legislation for it. This is a good setting. It is not

as if we are going to change every part of your Bill — there are parts that I absolutely support — but there are some bits that we can clarify in order to help you produce good legislation that will protect our private tenants across Northern Ireland.

Mr Deputy Speaker (Mr Beggs): Members, this is Ciara Ferguson's first opportunity to speak as a private Member. I remind the House of the convention that a maiden speech is made without interruption. However, Ms Ferguson, if you choose to express views that may provoke an interruption, you are likely to forfeit that protection.

Ms Ferguson: Thank you, Deputy Speaker. It is a great honour to rise in the Assembly this afternoon and give my maiden speech as a representative for the Foyle constituency.

I take the opportunity to pay tribute to my formidable predecessor, Martina Anderson. While working in the fields of research, community development and regeneration in the city, I have always admired Martina's tenacity, commitment and devotion to improving the lives of residents. That is not lost on me or the constituents of Foyle. It is a privilege to carry on her mandate, and I pledge today, like Martina, to the best of my ability, to help to deliver better outcomes for all the people in my constituency.

As someone who worked in housing with the Housing Executive while studying housing at Ulster University's Magee campus and as someone who lived in private rented accommodation as a student and as a parent raising three young children in the 1990s, I very much welcome the introduction of the Private Tenancies Bill, which aims to improve standards and enhance conditions for tenants who live in the private rented sector. As we know, that is the second-largest housing tenure in the North after owner-occupation.

As we also know, the private rented sector has been expanding rapidly in recent years, and it is made up of an increasing number of families, elderly people, those who have retired, people with disabilities or ill health, carers and other vulnerable groups. Indeed, in the North, 45% of single parents live in the private rented sector, and one out of every two private rented sector residents require financial support through housing benefit or universal credit to meet their housing costs.

In the current economic climate and given the ongoing impact of the COVID-19 pandemic, we must do all that we can to improve protections

for our most vulnerable. The right to a good, affordable and secure home is a foundational human right that upholds all aspects of health outcomes for our children and young people and families, educational attainment levels, suitability for work, childcare, social cohesion and so much more. It is fundamental that that is delivered in the private rented sector.

The Bill, which is aimed at providing good, safe and secure housing, will ultimately amend the 2006 Order and provide private rented sector residents with better protections in relation to their tenancies, such as receipts for payments made in cash and documents covering the detail of tenancy agreements. Indeed, a fundamental aspect of the legislation, which, as we know, is just one part of a much larger housing revitalisation work programme, is about ensuring that legal limits are placed on tenancy deposit amounts, alongside restricting rent increases to once per annum. Private rented sector tenants will no longer have to worry that they could face unexpected rental increases in each annual term of a tenancy agreement.

Tenants in the private rented sector often pay their rental costs while having to save for a deposit so that they can move to another property. Oftentimes, that is not a decision of their own making. By limiting the deposit to no more than one month's rent, we would not only help to protect the accessibility of the private rented sector but help to ensure that people are not being faced with extortionate deposits to secure property or being locked out of the private rented sector when prevented financially from accessing further housing tenures.

Ms Bailey: I am not on the Committee for Communities and will not, as others have, address the schedules and clauses in the Bill, but I will keep a close eye on the Bill's progress as someone who was a lone parent, was served a notice to quit, spent time with my young children in a homeless hostel and experienced the degrading treatment and lack of rights in the sector.

5.45 pm

We are in a housing crisis. That has been said, but we have so many crises in Northern Ireland that I really have to wonder whether we are desensitised to the meaning of the word. Over 40,000 people are on the social housing waiting list, and that figure has risen by 10% since the coronavirus pandemic hit. Many more are excluded from even being on that list, and the only option that is left to them is the private rented sector.

In my role as an MLA — many others here have also said it — I have lost count of the number of constituents who have come to me in despair after being served with eviction notices by private landlords, through no fault of their own and without any realistic prospect of being rehoused any time soon through the social sector. I know and understand the confusion, stress and panic that that causes, because I have been in that situation. I know exactly what it is like to be told that you have nowhere to go due to private rented systems in which you, as the tenant, have little say, no power and limited rights. We need to address that imbalance as a matter of urgency.

Like the Minister, I am an MLA for an area with the highest density of houses in multiple occupation and with six of the most deprived social output areas due to living environment. Those are in our constituency. I also have a long list of horror stories from those in private rented accommodation, with some landlords charging £50 for call-outs that residents neither asked for nor needed. I have had tenants living for months with gaping holes in their ceilings, with exposed wires and water leaking in. I had students who moved into a property only to find that it did not have a toilet cistern. When they reported it, the landlord just shrugged. Those stories are just the tip of the iceberg, and that is before we even look at how difficult it is becoming to access private rented accommodation.

People are now lining up outside housing for viewings and are bidding on rental prices. They have to have guarantors and provide application fees, multiple months' worth of deposits, references and credit checks. It is becoming akin to 'The Hunger Games' out there rather than just applying for a house.

Then there is the cost. The Nevin Economic Research Institute produced a working paper in 2018 that clearly identified the high housing cost burden on low-income households in the private rented sector. Rents are too high. They were too high then, and they have only increased since. Working families and young people are particularly affected by that, and they desperately need the Executive to step in. We only need to look down the road to Dublin to see what happens when the financialisation of the housing market is allowed to go unchecked and unrecognised. The anecdotal evidence suggests that we are heading in exactly the same direction and, as our colleague Andy Allen said, energy price hikes of up to 26% are being imposed on households across Northern Ireland. That was announced this week.

The Bill is absolutely necessary to try to start to get some sense of control over the sector. However, I am concerned about the level of ambition in the Department in bringing it forward. I understand the time limitations that we, as legislators, have in this mandate, and I recognise that the Minister indicated that this is only the start of a process of housing reform, but the very real fact remains that private renters are suffering now and cannot wait years for change. We knew that change was necessary for so long. We are well past the point when tinkering around the edges of the private rented sector is adequate or even sufficient.

Aspects of the Bill are good, particularly in trying to bring health and safety standards into line with best practices. I know the difficulties that were caused for fire safety standards when flats were taken out of the definition of HMOs under the Houses in Multiple Occupation Act (Northern Ireland) 2016. That meant that the Fire Service could no longer carry out its much-needed inspections in much of the Holylands area, for example. I hope that the Bill will go some way towards ensuring that all properties in the sector are held to the same standards.

The Department's ability to make regulations around the energy efficiency of homes is welcome, but of course the devil will be in the detail of those regulations. Getting that right could go some way towards significantly reducing our carbon emissions, as the Minister mentioned, and helping to alleviate fuel poverty. I hope that the Bill aims to deliver on that.

There is, however, so much more that the Bill needs to do. The four weeks' notice is grossly insufficient. Indeed, even 12 weeks' notice under the conditions that are currently granted by the Department's temporary coronavirus measures still makes it very difficult for people to try to sort out alternative accommodation. I know that the Department stated that it was unable to extend that indefinitely without consultation first, so I am pleased that it is consulting on the notice to quit period. While being given notice to quit is always going to be bad news for tenants, the very least that this Government can do is to ensure that they are given maximum time to prepare and that landlords are required to give tenants notification of their rights alongside their notice to quit.

There is nothing in the Bill to stop the unlawful charging of letting agents' fees. That is something that the Minister has already committed to addressing, and she said that her Department is working on that. It seems remiss

not to use this vehicle to bring forward that simple change, while a wider review of the regulation of letting agents is ongoing. There is nothing on rent control, and I fear that many of the Bill's provisions will simply do nothing for the vast majority of those in the private rental sector here, as leases over 12 months are very rare. Indeed, the Bill may ensure that it stays that way.

That being said, it is good to hear the Minister say that she wants to do even more. I look forward to seeing the Bill being strengthened as it passes through its various stages.

Mr Carroll: I thank the Minister for bringing the Bill forward. The housing crisis that racks our society should be at the top of the Executive's list of priorities. As a representative of West Belfast, which is a constituency that, unfortunately, often tops the charts in terms of poverty and housing stress, I deal daily with what I can only describe as horror stories when it comes to casework arising from housing issues. Others have stated that too. Central to that problem are often those tenants who are forced to live in an exploitative private rental sector and find themselves having to pay increasingly exorbitant rents for homes that offer little protection and little security.

As others have indicated, we are talking about tens of thousands of people here, accounting for significant housing stock right across the North — tens of thousands of people who have children and many of whom are young single parents or couples. There are thousands more older households, including many retired pensioners as well as over 15,000 people who are permanently sick or disabled or are caring for a loved one. Practically half of all private tenants receive some form of state financial support, either through housing benefit or universal credit, to help them with the cost of rent. That acts as a huge state subsidy for exploitative landlords, and there is a lack of monitoring of their actions and activity. Certainly, not all landlords are bad, as people have stated today, but the system is stacked against tenants. The rights of property owners and landlords are favoured instead. That situation is in urgent need of reform, and, therefore, I welcome the opportunity to do that through the Bill. It is, obviously, still in its early stages, so I will offer some indicative thoughts today.

Much of the Bill seems very welcome, but it remains to be seen whether it goes far enough, and even the Minister alluded to that. The move to strengthen tenants' rights with regard to notice to quit is welcome. It is simply

outrageous that people can build homes for themselves for years, even decades, only to be given four weeks' notice from a landlord to move out, upturning their home and the lives that they have built in them in the process.

I have witnessed many constituents being forced out in that manner over the years in circumstances that, I believe, ought to be illegal, never mind the morality of it. Therefore, I welcome the move to extend the period to enforce eight weeks after one year, 12 weeks after two years and 16 weeks after 10 years. That said, whether that is long enough is an open question. I note that the early stages of consultation on the Bill — Ms Armstrong talked about it — were notable for the lack of engagement with tenants. I look forward to further engagement in that area during the Committee process.

The move around energy efficiency is, obviously, welcome, and provisions to compel landlords to take their responsibilities seriously around smoke, fire and carbon monoxide threats are also welcome.

Perhaps the most talked-about element of the Bill will be clause 7, which relates to restrictions on rent increases. The private rental sector is notable for increasingly exploitative rents. Across the city, rent increases have been a serious problem over the past decade, especially since the housing crisis of 2008. During the pandemic, rent has shot up when, in many cases, wages have been cut.

It is outrageous that, as things stand, landlords can essentially increase rent on a whim, and there is little protection for tenants and little regulation from government. This Bill aims to resolve that by allowing rent increases to be implemented only 12 months after a tenancy has been signed or in the 12 months after a previous increase has been implemented. While that would obviously be better than the current arrangement, in which there is essentially no regulation whatsoever, it is unlikely to solve the problem, because each landlord would still be able to implement rent increases annually, none of which will need to be tied to inflation or be in line with lower rents that exist elsewhere, such as in social housing. Instead, it is likely that landlords will continue to cite market pressures in order to raise the rent in a more structured and planned way, bringing little long-term or lasting reprieve for those who are struggling to make their payments as it is.

I raise this issue now because I fear that it is where the Bill may, and indeed already appears to, fall significantly short. I hope that this Bill is

not a missed opportunity to tackle the issue of exploitative rent by controlling that practice. One way to do it would be for the Minister and her Department to explore the option of, and implement, a rent cap on private landlords, forcing them to charge similar rates to those operating best practice in social housing, such as the Housing Executive. I ask the Minister whether she and her Department have explored that issue. This legislation is clearly at a relatively early stage, but that type of issue needs to be addressed in the Bill. Renters and their rights generally need to be supported. I look forward to scrutinising the Bill.

Finally, I concur with two Members — I think that it was Ms Armstrong and Ms Bailey — about letting fees. People still do not know that those fees are illegal and that they should not be charged them at all. The Minister said that she is working on that. I would like to hear the early plans for tackling it and what she is considering, even though there has been no concrete proposal so far.

Mr Easton: This is a timely Bill to address a range of issues in the private rented sector in Northern Ireland. As we are all aware, privately renting homes in Northern Ireland is increasingly popular. There are a number of reasons for that: some are down to choice and affordability; others are due to issues with our social housing provision.

The demographic of those utilising the private rented sector has also changed. A higher number of families, older people and disabled people are now in that type of accommodation. We have all heard cases of poor quality private rental homes or tenants who have been treated unfairly. We also know that many, particularly younger people, can struggle to afford privately rented homes and may live insecurely from month to month. The review that took place several years ago was a necessary acknowledgement of the need for changes to make the privately rented sector more attractive, safe and secure for those who use it.

Clause 3 provides protection for tenants and landlords regarding receipts for rent payments made in cash. Many of the provisions appear to contain some common sense, such as the details that are required on the receipt and the fact that the receipt must be provided within a reasonable period. Tenants who do not receive a receipt, or who receive a receipt with incorrect information on it, are also protected, with guilty landlords subject to a conviction or a fixed penalty notice. Likewise, the Bill ensures that landlords are able to provide a reasonable defence against those charges.

Clause 4 sets the limit of a paid or retained deposit to no more than the value of one month's rent. The Bill sensibly sets out the meaning of one month's rent in cases where rent is not paid monthly. It also protects tenants who are overcharged by creating an offence for landlords with a fixed penalty notice attached, and by creating a provision to allow the tenant to be repaid the amount that they were overcharged.

We know that the average cost of renting a home is increasing ahead of current wage levels. This Bill seeks to protect tenants from such short notice increases in their rent. The Bill states that rent cannot be increased within a year of the tenancy being granted or within a year of a previous increase in rent. This will particularly impact students, who often have year-long tenancy agreements, ensuring that there will be no increase in their rent for the duration of their tenancy. By removing that provision, clause 7 also provides protection for landlords who seek to improve their rental properties through renovation and extension.

The Bill seeks to provide tenants with certainty by requiring landlords to give notice of rental increases no less than two months before the changes take effect. The clause contains a provision for the Department to change the duration of the period in which rent is not allowed to increase, up to a maximum of two years. I am glad to see that the Bill ensures that, if such a change is proposed by the Department, landlords and tenants' representatives will be properly consulted.

6.00 pm

Clause 11 seeks to protect tenants further, specifically regarding notices to quit, by ensuring that a reasonable time period is given, depending on how long the tenant has been renting the property, naturally increasing in length for longer tenancies. Similar protections have also been put in place for when tenants are giving notice to their landlords that they intend to move out. Those are longer notice periods than were previously required.

Clause 8 concerns fire, smoke and carbon monoxide detection. It goes without saying that this is a very important inclusion in the Bill. I know that the tragedy that occurred at Grenfell Tower will come to mind for many of us. Therefore, I am glad to see that this provision will require landlords of tenancies that have also been granted to retrospectively fit those detectors before a deadline that the Department will set in the future. The retrospective fitting of

those alarms and the requirement for all new private rented homes to have those alarms are necessary to reduce the risk of harm to tenants and increase confidence in the safety of private rented accommodation. Proposed new article 11B, which will require such detectors to be kept in working order, is another common-sense inclusion in the Bill. Importantly, the Department has the power to assess the adequacy of those safety provisions. Landlords who are found not to be complying with the new regulations will be guilty of an offence. However, it is good to see that landlords are also protected in cases where damage is caused intentionally or through negligence by the tenant and that they cannot be found guilty of an offence in situations where a tenant fails to inform them of any issues with the appliances.

The Bill contains a number of clauses that give the Department the power to make regulations specifically regarding energy efficiency and electrical safety standards for private rented properties. That means that I cannot comment on those issues in detail at this time, but it is right that those areas are being explored. I am pleased to see that schedule 2 and schedule 3 require thorough consultation to take place before the regulations are laid in the Assembly. I also note in the explanatory memorandum the suggestion of potential grants or funding to assist landlords to achieve greater energy efficiency. That will assist us in achieving our climate change targets and is therefore of interest. However, it will need to be examined in detail before implementation. I am also encouraged to see that a full regulatory impact assessment will be conducted before energy efficiency regulations are introduced.

It is right that changes are made in this area. As this is a growing sector, it is only sensible that we review how private rented accommodation is regulated. These issues are impacting a growing number of people. Responses to the consultation survey showed that over 90% of tenants were supportive of the majority of the proposals. I look forward to examining the Bill in more detail.

Ms Hargey: Thanks to all the Members who contributed to the debate. As was noted by a number of Members, the legislation has been set in the context of the housing crisis that we are going through. That housing crisis has been acknowledged by me as the Minister, by the Department and by Carál Ní Chuilín when she stood in for me last year. The legislation is also set in the context of the huge housing transformation that we are doing. We know that the system is broken. We know that, in

assisting those who are living in the private rented sector, including many families and children, we need to be more ambitious with our social sector. We need to build more social homes. We need to ensure that the Housing Executive can build again. As part of the housing transformation agenda, that is a key driver and a commitment from me.

Many Members said that not everything is in this Bill. I acknowledge that. Had we had the time, I would have introduced a full Bill, in which all those things could have been concluded. I came into post only in January of last year, however. I became an MLA and a Minister in the same week. Nobody could have foreseen, at that time, that we would have the biggest global health pandemic ever, and that has stalled or slowed down a lot of work right across the Assembly. That having been said, I want to make sure that I can bring in protections for the private rented sector in this mandate, which really ends in March of next year. That is only a few months away, and I want to make sure that, in the time that we have, we bring in changes. The Committee is working with me. We are doing six or seven important pieces of legislation. All of that takes time. We saw that with the liquor licensing Bill, which we finally got through after over a decade of waiting.

I am keen to progress this Bill, but I reiterate that it is only the first part of a more substantive piece of legislation that needs to come forward. Indeed, the private rented sector is important in helping us meet housing need, and it is now bigger than the social housing sector, as some Members recognised. Many people who would previously have found themselves in a social home now live in the private rented sector. As that sector increases in size, housing a wide range and wide variety of people, it is important to make improvements and to future-proof the sector to ensure greater protection for private renters. By improving standards and conditions, the Bill will make the private rented sector a safer and more secure housing option for people living in it. Those much-needed changes will ensure a better regulated and fairer private rented sector.

The initial Bill is only the start of a longer-term programme of work to address the long-term issues that Members raised, such as letting agent regulation, grounds for eviction and fitness standards. I therefore ask for Members' support today to agree the Bill's Second Stage so that it may proceed to Committee Stage for further in-depth scrutiny.

There were many questions asked, and I will probably have missed some. Should I not

capture them all now in my response, my officials are taking a note of proceedings. We will listen back to the debate, and, if I miss anything, I will make sure that we communicate with Members. Moreover, my officials will obviously be attending at Committee Stage to respond to scrutiny of the Bill.

We are in a housing crisis: that goes without saying. I want to make sure that we provide more housing, particularly social housing, but we must improve standards in the private rented sector. We want to ensure that, overall, we provide access to good-quality, secure and affordable homes. We want to make sure that those homes are safe for the families and individuals who live in them.

I am aware of how the crisis is magnified, particularly in working-class areas and super-output areas. I live in one of those, and I grew up in a social home. I still live in that inner-city working-class community. I know very well the issues faced by people living in the private rented sector and in the social rented sector. Many Members brought up the issue of speculation, and, indeed, I have gone to court to fight speculators, while working with the community in which I live. We must ensure that there is sufficient land on which to build public housing, and I will continue to do that in the time ahead. I hope to make some announcements on that shortly.

I thank the Chair of the Committee, Paula Bradshaw, for her support at this legislative stage, and I look forward to working with her and the rest of the Committee on scrutinising the Bill. As with the liquor licensing Bill, if we can improve the legislation, I am more than willing to engage. Equally, my officials and I are more than willing to sit with Members who are not on the Committee to see whether we can improve the Bill in the time allowed for it.

I touched on the housing shortage. That is having an impact on the private rented sector. Many Members will know that we are looking at infrastructure and supply issues. The call for evidence as part of our housing supply strategy closed recently.

I was in a meeting just before coming here, and we were looking at the introduction of an infrastructure commission. Housing would be a critical part of that. Having that alignment between infrastructure and housing is one of the key areas coming out of that housing supply strategy. That is a focused area that we are working to progress, particularly in areas of highest housing need where land is a particular

issue. I will make an announcement on that shortly.

I agree wholeheartedly with what Sinéad said: housing is a fundamental right, and access to quality, secure and affordable homes is a must. Reducing carbon emissions is a huge challenge. Housing, and particularly the construction of homes, is a key area that we will need to look at as we try to meet the commitments set out for 2050. A private Member's Bill is also moving forward. We need to be more ambitious in our targets.

As Mark mentioned, I extended the longer notice to quit period until May 2022. Of course, I want to go further in this legislation. Work needs to be done on that. I was given legal advice not to extend it during the disaster last year. I would have extended it for two years, but I was told that there could be a legal challenge. However, we have extended it until May 2022. That is the two-year cut-off for temporary legislation. This legislation will look at that in a more coherent way.

Mark recognised the work of housing organisations, and I completely commend them. The Bill would not have been possible without them. We want to continue to engage with them and with housing activists who are out on the ground. I have been and am a housing activist in the community that I work in and more broadly, and I want to continue to liaise and engage with them in the time ahead.

We are looking at extending the notice to quit period. We need to look at the exemptions, and we are looking at models of how things have worked. We have looked at the Scottish model, we are looking at the Welsh model, and, if Members have other suggestions, I am more than happy to listen to them.

Andy, Kellie and others raised the homelessness point. I recently asked officials to review the existing legislation to ensure that it is fit for purpose, and they will come back to me before the end of this mandate with proposals or recommendations on what we need to do. We are looking at that urgently. If there are suggestions or ideas, I encourage Members to engage with officials as part of that review process to see what legislative changes we need to make.

The Department is looking at the issue of cash payments. We are happy to discuss that to see whether their use can be widened and what areas we could look at. We are happy to look at that as we start to progress through the next stages of the legislation.

Kellie raised the issue of letting fees. She had a lot of questions, and I have probably missed some of them, so apologies in advance. That issue will be dealt with in the second phase of the legislation. There is more detailed, cross-cutting work to be done, so it is not as easy as saying that we will just do it. We will look at that in the next phase, and work is ongoing. We also want to look at letting agent regulation. That is a critical area, and it is important that it is regulated.

We are also looking at the introduction of grounds for eviction, fairer rents and a rent review. We have already started work on that in the social rented sector. We are also starting work in the private rented sector. As was touched on, we are looking at broader fitness standards to ensure that homes are safe and that they are up to standard, not just for now but future-proofed in line with the climate emergency.

6.15 pm

I have not met Ciara yet. She is away. I congratulate her and wish her luck. With regard to electrical safety details, we are looking at ways to include tenants in the regulations. More details of that will come through. Tenants will be at the heart of consultation. We are looking to see whether there is anywhere in the legislation that we could confirm that. Once we find a way to do that, we will update the Committee and individual Members who are interested in that area. We will do that in the time ahead.

Members mentioned rent control. That is a concern for me as well. Since I came into post last year, I have been trying to find ways to look at rent control and rent freezes. We are continuing that work. Some of it involves contract law. A more in-depth piece of work needs to be done. It could not be done in time for the draft legislation, but that said, I am still pushing officials to look at it urgently because I completely recognise that people's finances are being squeezed. We have already started work on that, particularly in the social sector. We will continue to do that urgently for the private rented sector. There will probably need to be a call for evidence in order to really hear the views and experiences of individuals on the ground.

I think that it was Gerry who said that letting agent fees are already banned. It is extremely disappointing that some are still acting illegally by charging those fees. In the second piece of legislation, which will cover letting agents, we will look at how we can stop that completely. As I said, we want to ensure that we regulate the

sector because that is where one of the big gaps is.

I will just touch on the last points. Consultation is key. Notwithstanding the restrictions, as they begin to ease, if there are better ways to engage or other organisations and groups that can be engaged with, I know that the Committee will do that extensively, as it has for other pieces of legislation. We will continue to do that.

In conclusion, this is one part of a much bigger piece of legislation. Scrutiny will be crucial. I want to make sure that I can get as much as possible into the legislation, and if there are amendments or changes that we can bring to this first piece of legislation before the end of the mandate, I am more than happy to meet people and to talk to them to see whether we can include those. I will make my officials available to speak to people about what those would look like. Work is ongoing on the second piece of legislation. We have already started to look at that. As soon as we can provide more detail on it, we will do so. Of course, the Committee will get updates on that as part of its scrutiny role.

I commend Members for the debate and for their suggestions and observations. If I have missed any, we will follow them up. I am sure that I have missed some. Thank you. I commend the Bill to the Assembly for its approval.

Question put and agreed to.

Resolved:

That the Second Stage of the Private Tenancies Bill [NIA 32/17-22] be agreed.

Private Members' Business

Abortion Services (Safe Access Zones) Bill: First Stage

Ms Bailey: I beg to introduce the Abortion Services (Safe Access Zones) Bill [NIA 35/17-2], which is a Bill to make provision in respect of safe access zones for premises providing abortion services.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker (Mr Beggs): That constitutes the Bill's First Stage.

Adjourned at 6.19 pm.

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