



Northern Ireland  
Assembly

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# Contents

## **Assembly Business**

Standing Order 20(1): Suspension ..... 1

Appointment of a First Minister and deputy First Minister ..... 1

## **Executive Committee Business**

Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 ..... 3

## **Oral Answers to Questions**

Finance ..... 21

Health ..... 29

## **Executive Committee Business**

Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 ..... 39

**Assembly Business** ..... 45

Extension of Sitting ..... 45

## **Executive Committee Business**

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 ..... 46

Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017: Motion  
to Delay ..... 62

**Assembly Business** ..... 66

## **Private Members' Business**

Speaker: Motion of No Confidence ..... 66

Alcohol-related Crime ..... 72

# Assembly Members

Agnew, Steven (North Down)  
Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Archibald, Ms Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Attwood, Alex (West Belfast)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Ms Sinéad (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flynn, Ms Órlaithí (West Belfast)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Ms Michelle (Fermanagh and South Tyrone)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hanna, Ms Claire (South Belfast)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kearney, Declan (South Antrim)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Little Pengelly, Mrs Emma (South Belfast)  
Lockhart, Ms Carla (Upper Bann)  
Logan, Phillip (North Antrim)  
Long, Mrs Naomi (East Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Eamonn (Foyle)  
McCann, Fra (West Belfast)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McCrossan, Daniel (West Tyrone)  
McElduff, Barry (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Philip (North Antrim)  
McGuinness, Martin (Foyle)  
McIlveen, Miss Michelle (Strangford)  
McKee, Harold (South Down)  
McMullan, Oliver (East Antrim)  
McNulty, Justin (Newry & Armagh)  
McPhillips, Richie (Fermanagh and South Tyrone)  
McQuillan, Adrian (East Londonderry)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (West Belfast)  
Middleton, Gary (Foyle)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Mullan, Gerry (East Londonderry)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (Speaker)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó Muilleoir, Máirtín (South Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Palmer, Mrs Jenny (Lagan Valley)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Ross, Alastair (East Antrim)  
Ruane, Ms Cairtriona (South Down)  
Seeley, Ms Catherine (Upper Bann)  
Sheehan, Pat (West Belfast)  
Smith, Philip (Strangford)  
Stalford, Christopher (South Belfast)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)

# Northern Ireland Assembly

Monday 16 January 2017

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

*Members observed two minutes' silence.*

## Assembly Business

### Standing Order 20(1): Suspension

**Mr Agnew:** I beg to move

*That Standing Order 20(1) be suspended for 16 January 2017.*

**Mr Speaker:** Before we proceed to the Question, I must remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That Standing Order 20(1) be suspended for 16 January 2017.*

**Mr Speaker:** As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

**Ms Bradshaw:** On a point of order, Mr Speaker. Given the suspension of Standing Order 20(1), can you confirm whether the Finance and Health Ministers will attend Question Time today?

**Mr Speaker:** I have received no correspondence and therefore have no role in that matter.

### Appointment of a First Minister and deputy First Minister

**Mr Speaker:** The deputy First Minister's resignation took effect at 5.00 pm on Monday 9 January 2017. The First Minister also ceased to hold office at that time. If the vacancies are not filled by 5.00 pm today, in accordance with section 16B(8) of the Act, no person can take up office as First Minister or deputy First Minister and the Secretary of State must propose a date for the poll for the election of the

next Assembly in accordance with section 32(3)(b) of the Act.

I will conduct the process of filling the offices in accordance with the procedures set out in section 16B(4) to (7) of the Northern Ireland Act 1998 and Standing Order 44(1). That means that the person nominated must affirm the terms of the Pledge of Office and take up the office within 15 minutes of the nomination unless the Assembly approves an extension.

I will begin by asking the nominating officer of the largest political party of the largest political designation to nominate a Member of the Assembly to be the First Minister. I will then ask the nominating officer of the largest political party of the second largest political designation to nominate a Member of the Assembly to be the deputy First Minister.

As the persons nominated to fill the vacancies shall not take up office until each of them has affirmed the terms of the Pledge of Office contained in schedule 4 to the Northern Ireland Act 1998, I will ask each of the persons nominated whether they accept the nomination and to affirm the terms of the Pledge of Office.

Before we proceed, Members may find it helpful if the Pledge of Office is read into the record:

*"To pledge:*

*(a) to discharge in good faith all the duties of office;*

*(b) commitment to non-violence and exclusively peaceful and democratic means;*

*(c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;*

*(ca) to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future;*

*(cb) to participate fully in the Executive Committee, the North-South Ministerial Council and the British-Irish Council;*

*(cc) to observe the joint nature of the offices of First Minister and deputy First Minister;*

*(cd) to uphold the rule of law based as it is on the fundamental principles of fairness, impartiality and democratic accountability, including support for policing and the courts as set out in paragraph 6 of the St Andrews Agreement;*

*(ce) to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;*

*(cf) to work collectively with the other members of the Executive Committee to achieve a society free of paramilitarism;*

*(cg) to challenge all paramilitary activity and associated criminality;*

*(ch) to call for, and to work together with the other members of the Executive Committee to achieve, the disbandment of all paramilitary organisations and their structures;*

*(ci) to challenge paramilitary attempts to control communities;*

*(cj) to support those who are determined to make the transition away from paramilitarism;*

*(ck) to accept no authority, direction or control on my political activities other than my democratic mandate alongside my own personal and party judgment;*

*(d) to participate with colleagues in the preparation of a programme for government;*

*(e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;*

*(f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;*

*(g) to comply with the Ministerial Code of Conduct.*

*Paragraph 6 of the St Andrews Agreement says:*

*"We believe that the essential elements of support for law and order include endorsing fully the Police Service of Northern Ireland and the criminal justice system, actively encouraging everyone in the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board."*

The Pledge of Office has been read into the record of proceedings and I will proceed with the nomination process.

In accordance with section 16C(1) of the Act, I have received notification from the nominating officer of the Democratic Unionist Party, advising me that Lord Morrow will serve as nominating officer for the party today. I call Lord Morrow to nominate a Member of the Assembly to be the First Minister.

**Lord Morrow:** Following the May election, which was just eight months ago, I had the honour and pleasure of nominating the DUP party leader, Arlene Foster. Everyone in this House will be acutely aware that the people spoke very clearly at that election in May. They said that they wanted Arlene Foster to be the leader, and in particular the leader of unionism. That was demonstrated very, very clearly. Not only was she elected, she was elected with the highest personal vote of any Member. That was not the decision of this House; it was the decision of the people of Fermanagh and South Tyrone. However, ever from that day, it seems that there has been an array of attempts to take Arlene Foster down, and they have not always come from nationalists and republicans.

Ulster Unionists have indulged in that also, and today they should be ashamed of themselves.

I am nominating Arlene Foster to be the First Minister. It is her rightful position, not alone because the DUP says it but because 202,000 people in the country say it. We as the Democratic Unionist Party will decide who the leader of our party is, not someone else sitting in the Chamber. We do not dictate to others who should be their leader, and no one is going to dictate to us today who will be the leader of our party, who it transpires is the leader of unionism in Northern Ireland. Mr Speaker, I very readily and with some degree of pleasure nominate Arlene Foster to be the First Minister.

**Some Members:** Hear, hear.

**Mr Speaker:** Mrs Foster, are you willing to take up the office of First Minister and to affirm the Pledge of Office?

**Mrs Foster:** I am.

**Mr Speaker:** In accordance with section 16C(1) of the Act, I have received a letter from the nominating officer of Sinn Féin advising me that Mrs Michelle O'Neill will serve as nominating officer for the party for this business. I call Mrs Michelle O'Neill to nominate a Member of the Assembly to be the deputy First Minister.

**Mrs O'Neill:** I start by paying tribute to my friend Martin McGuinness. For over 10 years as deputy First Minister, Martin McGuinness has worked tirelessly to make these institutions work and to make sure that they deliver for all our people: unionist, nationalist and everyone else in our society. He took a leadership role to promote equality, respect and reconciliation. His record, his commitment and the limitless energy that he brought to this process is beyond question. During that time, he has faced threats, a lack of respect and a failure by the DUP to reciprocate his Trojan efforts. He persevered because it was the right thing to do. The DUP has again treated these institutions and sections of the community with contempt and with arrogance. It has displayed disrespect towards women, the LGBT community, ethnic minorities, the Irish language and Irish identity. That has diminished the credibility of these institutions.

The renewable heat incentive (RHI) scandal was created by the former First Minister when she was in the Economy Department. Her refusal to step aside shows a total disregard for the concerns and outrage of the public. Martin McGuinness resigned as deputy First Minister because that was the right thing to do. We will not tolerate the arrogance of and disrespect from the DUP. Sinn Féin and the public will not tolerate financial scandal, incompetence or waste of public money. The institutions can function only with the support of the people and can operate only on the basis of equality and respect. Sinn Féin will only be part of institutions that work and deliver for all in our community. There can be no return to the status quo. If something is broken, you stop and fix it. That is the Sinn Féin approach.

Today, Sinn Féin will not renominate for the position of deputy First Minister. Sinn Féin has honoured all agreements. We have striven to make these institutions work. Martin McGuinness has acted at all times with integrity, with dignity and with respect. He has

taken personal and political risks to build a process of reconciliation. If we are to return to this Chamber, there must be real, meaningful change. There must be respect and equality for all sections of our society. The institutions must operate to the highest standard, with no place for arrogance or malpractice. It is now over to the people to have their say.

**Some Members:** Hear, hear.

**Mr Speaker:** The Northern Ireland Act requires that nominations be made by the nominating officers of both the largest political party from the largest political designation and the largest political party from the second largest designation and that the persons nominated shall not take up office until each of them has affirmed the terms of the Pledge of Office. Those requirements have not been satisfied today, and the offices of the First Minister and the deputy First Minister must remain vacant. Let us move on.

12.15 pm

## Executive Committee Business

### Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

**Mr Givan (The Minister for Communities):** I beg to move.

*That the draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 be approved.*

These draft regulations are needed to provide my Department with the powers to make payments to ensure that 34,000 households do not suffer financially when the social sector size criteria, otherwise known as the bedroom tax, is applied in Northern Ireland on 20 February. While it has not been possible to bring the draft regulations to either the Executive or the Committee for Communities in advance of bringing them to the Assembly today, it has been suggested by some MLAs that my Department already has the powers, under the Budget Act or section 59 of the Northern Ireland Act 1998, and there is no need for me to come to the Assembly to seek approval of the draft regulations.

Members of the House are well aware of the complexity of social security legislation.

Indeed, in the past number of months, the House has voted on four separate sets of regulations to give my Department the necessary powers to protect those people who have been impacted by the changes to the welfare system. This reflects the long-established approach to social welfare, which is based on a solid foundation whereby legislation and regulations specify the terms and conditions on which social welfare payments are made and administered.

It strikes me as extraordinary that some MLAs are suggesting that we should try to operate a social security system and make mitigation payments on the basis of the general powers provided for under the Budget Act or section 59 of the Northern Ireland Act, rather than the legislative powers set down in the Welfare Reform (Northern Ireland) Order 2015, which was agreed by the Executive. Indeed, in recent days, my permanent secretary has provided me with detailed legal advice from the Attorney General, which clearly states that neither the Budget Act nor section 59 provide any legal basis for the type of scheme set out in the draft regulations. This advice clearly states that these only provide the Department with the power to spend money; they do not provide the legal framework for the application of that money. Members can see from the draft set of regulations that the general provisions in the Budget Act would not give my Department the powers necessary to make decisions in the different scenarios set out in the regulations.

That nails everything that the Finance Minister has been doing. Whilst he is engaged in a Twitter battle, the public can see who the twit is as he has gone along, making it up on social media, in respect of how this is being issued.

**Mr McElduff:** On a point of order, Mr Speaker. I ask the Speaker to rule on the use of inappropriate language like "twit", which the Member has just said. I ask him to rule on temperate language.

**Mr Speaker:** I ask that all Members moderate their language and that we show respect around the Chamber on any matter as we go through today.

**Mr Givan:** We all know too well what Sinn Féin's agenda is when it comes to respect. Equality: the Trojan Horse to break the unionists. They know what Gerry Adams said thereafter about the unionist population. Mr Speaker, we will not be lectured about respect by the Members opposite, and we will continue to maintain our positions that are principled and

based on sound values. We will not allow the twisting of what equality really is all about. Unionists know exactly what Sinn Féin's agenda is when it comes to equality.

The regulations that I am bringing to the Assembly today are being brought in under article 137A of the Welfare Reform (Northern Ireland) Order 2015 and will make provision for welfare supplementary payment to ensure that claimants are not financially disadvantaged by the changes to housing benefit introduced under article 75 of the Order.

The social sector size criteria will change how housing benefit is calculated for working-age claimants who have a tenancy in a Housing Executive or housing association property. Pensioners will not be affected by this change. The change to housing benefit will bring restrictions to entitlement to housing benefit where a claimant is under-occupying a property. Accordingly, those claimants who occupy a property that is larger than their household size warrants will see a reduction in their housing benefit payment.

Data provided by the Northern Ireland Housing Executive suggests that, as at May 2015, these changes could affect up to 33,916 households in receipt of housing benefit. The regulations will give my Department the powers to make welfare supplementary payments to current and future housing benefit claimants who qualify for a payment over the life of the Fresh Start Agreement until March 2020. The Executive will review the operation of the mitigation scheme in 2018-19.

The Department will identify housing benefit claimants who are eligible for mitigation, and claimants will automatically receive their welfare supplementary payment. Claimants will not have to apply for a welfare supplementary payment. The welfare supplementary payment will be calculated to ensure the claimant does not incur any financial disadvantage as a result of the application of the size criteria to their housing benefit entitlement.

Welfare supplementary payments will cease where the claimant is no longer entitled to housing benefit or where the social sector size criteria no longer applies to them. If the claimant undergoes a change of circumstances that alters the application of the SSSC to their housing benefit entitlement, their welfare supplementary payment will increase or decrease to reflect the change. Welfare supplementary payments will also increase in accordance with rent increases in the social rented sector, and claimants will receive their

welfare supplementary payment every four weeks in arrears throughout the mitigation period until March 2020.

If a claimant is receiving a welfare supplementary payment and they transfer to another property in the social rented sector in which they under-occupy at a lower level, they will continue to receive a welfare supplementary payment at that reduced level. If a claimant is receiving welfare supplementary payment and they transfer to another property in the social rented sector where they continue to under-occupy to the same or a greater extent than in their previous property, they will no longer receive a welfare supplementary payment.

Claimants will retain their mitigation payment if they transfer to another property in the social rented sector under one of the management transfer scheme categories. This scheme makes a claimant a priority to be moved and includes claimants who need to move because of domestic violence or who need to move to an adapted home due to disability or long-term illness.

In the majority of situations, the supplementary payment will be made directly to the landlord. In situations where the claimant normally receives their housing benefit directly, they will also receive their welfare supplementary payment directly.

I can also confirm that these welfare supplementary payments will be disregarded when considering a person's entitlement to social security benefits or working tax credits and that they will not be taxable.

I appreciate that some Members may have concerns that the regulations provide for welfare supplementary payments to be stopped in cases where an individual decides to leave their current tenancy and move to a new house where they under-occupy at the same level or an increased level. As Minister with responsibility for housing as well as social welfare, I have to balance my responsibilities to manage the social housing stock whilst protecting individuals impacted upon by the new arrangements for housing benefit when they are making decisions on whether to move house. It is important that Members are aware that these provisions do not apply to tenants who have to move house because of domestic violence, intimidation or a range of other circumstances set out in the managed transfer list.

However, I am conscious of concerns of Members, and, in response to those concerns, I

am, today, committing to publish, on a six-monthly basis, the number of households that may have their mitigations stopped as a consequence of provisions in regulation 2. If these numbers are considered to be excessive, I am also committing to go back to the Executive for them to consider a review of the regulations, if required. I hope that that commitment will allay Members' concerns and enable them to support the regulations to ensure that 34,000 householders will receive the financial support that they will require come February.

Let me be clear: whilst all of the debate has been going on because of the actions that Sinn Féin has taken, I have been very clear that the most vulnerable should not be used during this election campaign. That is why I have engaged, since the actions of Sinn Féin, to seek a resolution through the extraordinary measures that I am having to take today in the absence of an Executive.

Irrespective of the political campaign that will now take place during this election, we must not allow the most vulnerable in our society to pay the price because of the actions of Sinn Féin. It was not just Sinn Féin that wanted the election; People Before Profit said, "Let's have a riot at the ballot box". The consequences of that approach put 34,000 people at risk to the bedroom tax because 20 February is when the bedroom tax comes in in Northern Ireland. That date is in primary legislation; it cannot be changed, but we have the ability through a mitigation process, which we in this party wanted, to protect people from the bedroom tax. Today, by voting for these regulations, not one person will be faced with the bedroom tax. That is the responsible thing for MLAs to do, given the crisis that these institutions now find themselves in on this the last day of sittings of this Assembly. I trust that there will be a return to these institutions after the negotiations that clearly will now need to take place because of the actions of Sinn Féin. At that point, MLAs will be able to revisit it.

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

**Mr Givan:** I will not give way. Let me be clear: we are taking this action today in these unprecedented circumstances in order to protect the most vulnerable. Sinn Féin, shamefully, wanted to use the most vulnerable as part of this process. Whilst I deal with the bedroom tax, there will be people, unfortunately, on waiting lists needing surgery and people in the voluntary and community sector for whom there will be consequences



because of there not being a Budget because of the Finance Minister's failure —

**Mr Allen:** On a point of order, Mr Speaker.

**Mr Givan:** I have taken this action on the bedroom tax, but let us make no mistake about it —

**Mr Speaker:** Minister —

**Mr Givan:** — their actions mean that people will suffer.

**Mr Speaker:** Minister, I have received a point of order from Mr Andy Allen.

**Mr Allen:** I ask that the Minister comes back to the regulations before us and not proceed with party politicking in referring to other matters that have no direct relation to these regulations.

**Mr Speaker:** That is not a point of order, Mr Allen. Apologies to the Minister, but just before he continues, he referred to this being the last day of the Assembly. This is not the last day of the Assembly: business is scheduled for tomorrow.

**Mr Givan:** OK. I am sure that that detail will be well received. This is where we are today: we dealt with the bedroom tax as part of the mitigation measures brought forward by this Executive, which was a demonstration of how the Executive worked in achieving key issues for the people whom we represent. For two and a half years, Sinn Féin refused in respect of welfare reform. In two and a half years, Sinn Féin cost the public purse £174 million in penalties from the Treasury — money that was lost in public services in two and a half years. What did we do when those issues were raised? We worked through them, despite the reckless activities of Sinn Féin that cost £174 million. We worked through those difficulties. We came forward with a mitigation package, within which was the bedroom tax, of half a billion pounds to protect the most vulnerable. Is it not ironic that Sinn Féin brings —

**Mrs Long:** On a point of order, Mr Speaker.

**Mr Givan:** — the institutions down over the bedroom tax, which I am now seeking to deal with?

**Mrs Long:** I realise that the Minister mentioned that there is an election campaign, but he is speaking here as a Minister and not as a candidate. Would it be possible for him to

return to the detail of the legislation rather than simply attacking his opponents?

**Mr Speaker:** I understand the point that the Member is making, but it is not a point of order.

**Mrs Long:** It is. It is straying from the —

**Mr Givan:** All the points that I make — every single point — relate entirely to the regulations on the bedroom tax. I understand why others do not now want the truth to be told because they are worried about the election. We will go out and fight the election and put our cause to the people.

Let me conclude, Mr Speaker. I am taking these actions, despite the politicking of Sinn Féin, to protect the most vulnerable. I appeal to Members: this is the only way that we can stop the bedroom tax being introduced, because of the reckless activity of Sinn Féin, to protect those 34,000 people. Let us move on to the political campaign, which has now clearly started. We will fight those issues on the doorsteps. The most vulnerable should not be used by Sinn Féin as part of its party political agenda.

### 12.30 pm

**Mr Allen:** Like many people, I watched with mixed emotions the events that brought us to the scenario in which a regulation has to be brought before the Assembly without having gone through the proper mechanisms: being brought before the Executive and scrutinised by the Committee. I realise that the Finance Minister and Minister for Communities would rather resort to party politicking and using some of the most vulnerable as an opportunity for one-upmanship. Whilst they were going on social media — Twitter — and 'The View', trying to get one up on each other, I was liaising and dealing with constituents who had major concerns and fears that they would have to choose between heating their home, feeding themselves or paying the bedroom tax.

It is also important to point out and contextualise why we need the bedroom tax. It is because successive DUP Ministers did not — I repeat, did not — build enough social housing to be able to meet the needs of those who wished to downsize. I deal daily with constituents who have attempted to downsize. The housing selection scheme makes no provision for them to do so. Yes, they will perhaps receive underoccupancy points, but they will not receive enough points to compete with waiting lists continually spiralling out of

control. It is important to point out that, whilst the DUP tries continually to say that it is protecting the most vulnerable, it has done nothing: it has not built enough social housing over the years. That is fact — it is clear fact. The Minister came to the House and said that he would build 9,600 houses. We hope to see that.

The Ulster Unionist Party firmly supports the regulations because it believes that the most vulnerable should be protected. Whilst the Minister was, again, politicking on social media, we were liaising through other channels. We did not have to go out and politic: we were liaising with Westminster and the Housing Executive to ensure that the most vulnerable would not be impacted by the bedroom tax. We did not go out and politic —

**Mr Maskey:** I thank the Member for giving way. He is very eloquently talking about the need for a bedroom tax. Can he explain, then, why his party voted against the mitigation package, which included the bedroom tax subsidies?

**Mr Allen:** I thank the Member for his intervention. It is important to remember that we are in the here and now. I am clearly stating that we support the regulations that are before us. We support the mitigation for the most vulnerable. No one needs to explain to me the impact that this will have because, as I outlined, I have liaised and dealt with many constituents who highlighted their concerns and fears. Whilst the rest of us have no fear of going to the electorate and putting ourselves forward, the DUP and Sinn Féin will, no doubt, continue politicking about some of the most vulnerable, and this is when Sinn Féin members cannot even make themselves available for a Committee meeting to scrutinise welfare reform and hear from individuals about the potential closure of jobs and benefits offices. We support the regulations.

**Ms Ní Chuilín:** It is quite obvious that a lot of defence tactics are going on, particularly from the Minister and his party. He is right — I will agree with him on this — that had Sinn Féin not stood firm to ensure that the most vulnerable were protected and protected properly, irrespective of legislation coming from Westminster, we would all, collectively, have been in a much different position. We stood by our convictions and, to the best of our ability, got a deal to protect the most vulnerable. In relation to fines, not one penny came out of the pockets of the claimants whom we all talk about. Yes, money came out of the block grant, but let us be clear about why: while people,

when looking over one shoulder, were waxing lyrical about the need to ensure that the block grant was protected, they failed to look over their other shoulder. Then —

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

**Ms Ní Chuilín:** I will.

**Mr Hussey:** I accept what the Member is saying, and she is waxing lyrical herself. Perhaps she can explain why elected Sinn Féin Members of Parliament elected did not go to Westminster to fight the legislation there?

**Ms Ní Chuilín:** Our position on abstentionism from Westminster has always been out. When the elections are on, we have always put our case to the public, and on the basis of an abstentionist approach, the public have returned us. If you are questioning the public's ability to make a rational decision on a vote, you do that. At a time when you were making silly points, with respect, your party was hitching itself to the Tories to implement cuts here and right across, irrespective, with no mitigation packages and no protections — absolutely nothing. I am accepting what the Member is saying with a very, very small pinch of salt.

On protecting people, I am glad to see a review built into this legislation — these regulations that are coming forward — particularly on the change of circumstances. Without a review, it would have been perhaps ridiculous, because you would see the potential for people who were downsizing property and actually saving the public purse money to be penalised down the road. So that makes a lot of sense.

I am also happy that there will be processes, perhaps through social landlords, to ensure issues for other circumstances. The Minister outlined management transfers and all the issues relating to that. There are also people who fall between some of those categories through no fault of their own, and that needs to be taken into consideration.

I am quite proud — I will take no lectures from Paul Givan or any member of his party — of our stance on our protections for welfare reform.

**Mr F McCann:** Will the Member give way?

**Ms Ní Chuilín:** I will surely.

**Mr F McCann:** It was not that long ago, when the second element of welfare reform was coming in front of the House, that a DUP

Minister at a meeting in Belfast stood up and said that he could not expect us to be treated any differently from the people in Manchester, London or Liverpool. He was talking about that in relation to the mitigation measures and the bedroom tax.

**Ms Ní Chuilín:** For me, that says it all, and that is why we wanted to ensure that we stood firm to make sure that these mitigation packages happened. We will not be taking any lectures on that. We will not be treating people with disrespect. We will not be treating them with arrogance either, and we want to make sure that all these regulations and any that come after, and particularly their implementation, are open and transparent. The thing is that people all have fears, and some of the straplines out there are saying that people who were on benefits are going to be impacted, but these regulations will now ensure that all the scaremongering out there will cease.

**Mrs Long:** Will the Member give way?

**Ms Ní Chuilín:** I will surely

**Mrs Long:** The Member just said that these regulations will ensure that people are protected. Is she conceding that what we were told via the media by her colleague Máirtín Ó Muilleoir that they were protected simply by dint of existing legislation is not correct?

**Ms Ní Chuilín:** No. To be honest Naomi, you are making a political point.

**Mrs Long:** It is a political Chamber.

**Ms Ní Chuilín:** OK, it is a political Chamber, and you are a politician and so am I, but the regulations are here, and unless we insisted — we insisted — that due diligence and the exercising of responsibilities for ministerial duties happened, we would not even be sitting here and we would have found a way to ensure people are not penalised. It is really easy for everybody to get on and dance to someone else's tune. I think we are all genuine about making sure that people who are in difficult circumstances financially are not further disadvantaged. I think that is where the Member is coming from.

**Mrs Long:** Will the Member give way?

**Ms Ní Chuilín:** Certainly.

**Mrs Long:** There is absolutely no question that that is where everyone in the Chamber is

coming from, but this is a serious point. The Minister of Finance said there was no need for these regulations to be brought and that the flow of money would continue. That is an assurance that applies not only to these regulations but to a whole host of other moneys he has provided the same assurance about. Was he right or was he wrong?

**Ms Ní Chuilín:** No. He was not wrong, Naomi. The money is there at our insistence, with our due diligence in the Executive making sure it is there and with people at their desk doing their job. I am not getting into a whole back and forward, as much as we could do that all day. I am accepting that the Member is coming from a position where she wanted to ensure that the people who were listening to scaremongering on the radio were protected, and I believe they are today. I believe they are, with the insistence of our party and the support of other people who eventually came to our position, so on that basis, I am happy to support these regulations.

**Ms Mallon:** We are here to debate regulations for which, in all honesty, there is lack of the detail and time that is deserved, given the importance of the issue. This has been handled shambolically. Listening to the tone of debate, it was clear that, very sadly, the Minister has opted to use his contribution more as a pre-election pitch than to deal with the issues in front of us. That I find deeply disappointing.

Let us be clear: we would not be in this position if, as the SDLP had argued, mitigation of the bedroom tax was not put into legislation. We feared that this mishandling might happen and that it might fall victim to party politicking, either in the Chamber or across the water. That is why we signed a petition of concern. We had hoped, and we were told at the time, that others were going to put forward a petition of concern for exactly the same reasons. That verbal commitment was never followed up by substantial action, and so we find ourselves in this position.

Fresh Start was heralded with much fanfare. In fact, the mitigation of the bedroom tax was specifically singled out as a shining example of how the Executive were delivering for some of our most vulnerable citizens. I have to say that I have listened to statements and watched incidences unfold over several weeks and months. The political brinkmanship that has been played with our most vulnerable over the mitigation of the bedroom tax is something that I find profoundly obscene, and I do not use that term lightly.

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

**Ms Mallon:** In a minute, Christopher. The Minister publicly stated that there was very little, to nothing, that he could do to bring forward the mitigation measures to protect our most vulnerable from the bedroom tax. He said that without knowing, categorically, that that was the truth. Why, in my humble opinion, do I believe he did that? It was because he wanted to put pressure on his partners in government to prevent them from calling an election. What his comments did was to terrify 34,000 vulnerable citizens in my constituency and in that of each and every Member across this Chamber. People could not sleep at night —

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

**Ms Mallon:** In a minute, Alex. People could not sleep at night because they were being told that they were facing the prospect of being slapped with the bedroom tax. That is what the Minister for Communities — the Minister responsible for protecting our most vulnerable — did. I give way to Mr Stalford and then to Mr Maskey.

**Mr Stalford:** I am grateful to the Member for giving way. The Member is absolutely right that, at the core of this issue, are 34,000 people who potentially face having the bedroom tax imposed upon them. Would she agree that, in that context, it was right that the Minister sought advice from the Attorney General, whilst the Sinn Féin Minister at the heart of this issue simply published a note that he received from his permanent secretary? In fact, it was the Minister for Communities who sought the definitive legal position before making it public.

**Ms Mallon:** Mr Stalford, what I believe should have happened is that, acting responsibly as Ministers, they should have sought legal advice; they should have come to a considered and guaranteed position before they went to the airwaves to terrify the most vulnerable across our society. I find it deeply disappointing that both Ministers engaged in a battle over the airwaves when they should, despite the party politicking and electioneering that is going on, have stepped aside and, in private, had the conversations that were required of two Ministers to bring certainty to the people who needed it most.

**Mr Maskey:** Thank you, Ms Mallon, for giving way. Could the Member not reflect on, and perhaps explain to, the 30,000-odd people who, you rightly say, would be very worried at the prospect of having to pay the bedroom tax, how on earth she can say that when, at the same

time, had her party had its way last year, the bedroom tax would not be mitigated? Your party voted against a £500 million mitigation package. Your party, and your party, Mr Nesbitt, voted against that £500 million package. So, square that one.

**12.45 pm**

**Ms Mallon:** I will square it clearly and succinctly: if it had not been put in the legislation, it would not have been happening.

Anyway, I will draw my remarks to a conclusion. Some things are too important to play party politics with. The lives of the vulnerable are one of those things, and, sadly, people have played politics, particularly in the past number of weeks. The 34,000 people who have been treated like this will be listening to the tone of this debate: is it any wonder that people do not have faith in politics here?

**Mr Eastwood:** I thank the Member for giving way. Does she agree that we are in a situation in which we are heading into an election, we do not know what will happen at the far end of that election and there is a real possibility that the powers could be back, as they rest with the Tory Government in London? We will have these regulations in primary legislation. As the Minister says, it is now in primary legislation for the bedroom tax, and that cannot be changed. Those are the Minister's words. Are people not concerned that, if we go into a situation of collapse and suspension, the Tory Government will bring in the bedroom tax or some other draconian form of legislation in Northern Ireland and it will not matter what we have done around mitigation, because it will be too late at that point?

**Ms Mallon:** I thank the Member for his intervention. Sadly, that is the very real case, but I look forward to hearing Members from other political parties provide the answer to Mr Eastwood's question.

**Mrs Long:** Before I make my remarks on the regulations before us, I want to make it clear that the only interest in our mind in coming to the issue is to ensure that, for those who are uncertain and are concerned by what they have seen in the media over the past number of days, with two Ministers who are in the same Government disputing each other's position on this and raising concerns in the minds of vulnerable people about their future, that is put to bed and they can go forward with some degree of certainty and reassurance. We see people in our constituency offices who are

struggling to make ends meet. They come to us genuinely afraid for their future, because they know that they would not find suitable accommodation to live in, were the bedroom tax to be introduced, and, more than that, would not be able to pay the bills in the interim, were they not covered by the mitigation measures in legislation here. When you see those people come to your office with those concerns, it is absolutely beyond me how you can continue to bluster around the issue, as though it is an issue only of party politics between two competing forces in here. It is scandalous.

I am still concerned, because we have not had an opportunity to scrutinise properly the regulations before us. The Committee has not had an opportunity to hear the Minister in detail, to hear the legal advice that he has received and to scrutinise that advice in a robust and proper way. That is due in part to the collapse of the institutions, but the Minister has been rather tardy in bringing the regulations forward. The deadline, regardless of the collapse of the institutions, is 20 February. We knew that this needed to be done from when we were elected last May. There was every opportunity for due process and scrutiny to take place, but it seems that everything in this place has to be subject to last-minute rush and back-of-the-envelope calculations. Perhaps we would not be where we are today if that culture were to end. It seems that the Minister has been too busy treating his Department as his personal fiefdom and running round finding lost cash down the back of magic sofas over recent days to be able to direct his attention to the business of his Department. There is a serious disconnect between the concerns that his Department has responsibility for and the interest that he has shown over the past eight months in those responsibilities. I think that the public will see that clearly in how late we are in coming to such a serious issue.

I am also concerned by what Carál Ní Chuilín said here today. It raises serious issues about what weight we can give to what the Finance Minister has said on the air waves and in personal reassurances to those of us who raised concerns about access to funding during this period.

It is our understanding that there is the power in the current regulations for civil servants to deal with an emergency Budget that is 75% of what it was last year. You can imagine the impact that that could have. What is not clear is whether accruing resources are subject to the same access. Those accruing resources cover issues like pensions, which are a matter for —

**Mr Speaker:** Can I ask the Member to come back to the regulations?

**Mrs Long:** Well, Mr Speaker, you would have more authority in doing so had you done the same with your party colleague Paul Givan when I pointed that he had wandered somewhat further from the matter under discussion than I have on this occasion.

I will point out, Mr Speaker, that my concern is about protecting the same vulnerable people whom we are here to protect — those in receipt of benefits and those who need those accruing resources in order to survive, many of whom will be on pensions and may find themselves in difficulties if it is not resolved. We have a situation now where there is no clarity on that issue and no trust and confidence, frankly, in the word being given by either Minister, because we have not been able to properly scrutinise this. I have to say that, for those living with this fear and without reassurance, this is a sorry state of affairs, involving people who are supposed to be responsible Ministers and will continue to draw their salary over the next number of weeks but who have behaved irresponsibly over the last week in ramping up tensions on these issues —

**Mr Ó Muilleoir:** Will the Member give way?

**Mrs Long:** No, I will not give way.

They have ramped up tensions on these issues over the last week on the air waves and have failed, in what they have said today, to create any more confidence.

We will support the regulations. We do so with significant reservations, having not been in a position to scrutinise them properly, but we believe that it is the only way that we as a party can do our utmost to ensure that no one can hold us accountable for this fiasco.

**Mr Stalford:** I support the regulations, obviously. One of the reasons I got involved in politics is —

**Mr Ó Muilleoir:** Will the Member give way before he gets into his flow, please?

**Mr Stalford:** No.

One of the reasons I got involved in politics is that I come from a working-class community. I was born in Annadale and reared at the bottom of the Ravenhill Road. I can see communities that are in need, and I want to make a difference to help them. It is wrong that people

should be fearful for their future. It is wrong that 34,000 people in Northern Ireland should have been facing the real prospect of the implementation of this tax on them. Mitigations were first negotiated way back by Nelson McCausland, when he was at DSD. Working constructively with others, we managed to put those mitigations in place. That was the right thing to do. It was right that Northern Ireland should have a tailored solution that protected vulnerable people from the introduction of the bedroom tax.

I listened to Carál Ní Chuilín's contribution. In it, she made a defence of Sinn Féin's policy of abstentionism — abstaining from going to Westminster. We have now moved from abstaining from being in Westminster to abstaining from exercising any power or control in Northern Ireland, because —

**Ms Ní Chuilín:** To distance ourselves from arrogance, from alleged corruption, from disrespect.

**Mr Stalford:** Please do not heckle me from a sedentary position.

**Ms Ní Chuilín:** To distance ourselves from you, as far as possible.

**Mr Stalford:** I did not do that to you. Show some manners and decorum.

**Mr Speaker:** I ask the Member —

**Ms Ní Chuilín:** I have plenty of manners.

**Mr Speaker:** I ask the Member —

**Mr Stalford:** Well, then, exercise them.

The fact is that they do not go to Westminster, and now they have decided that they do not want to go to the Executive in Stormont. The power to protect the most vulnerable people in Northern Ireland will be undermined by not having a functioning Government here in order to put in place measures such as the mitigations of the bedroom tax. Devolution can be used for the benefit of the people, particularly vulnerable people. It is unfortunate, therefore, that others have decided that they want to abstain from using the power available to them. That is their choice — we live in a democracy, and they are free to do so — but let us also not forget that, because of their posturing over welfare reform, £174 million in two years was lost to the people of Northern Ireland. That money could have been spent —

**Mr Agnew:** I thank the Member for giving way. Will he clarify his point? The money was not lost to the people of Northern Ireland; it was lost to our block grant but instead it was paid directly to the people of Northern Ireland.

**Mr Stalford:** Well, the block grant pays for the public services that are provided for the people of Northern Ireland, so there was less money to go on the essential public services that we are here to deliver. That happened because Sinn Féin, for its own reasons, decided that it would behave in the way that it did. For someone to stand up from its Benches and say that they are proud of that is remarkable. For someone representing Belfast North, one of the most deprived constituencies in Northern Ireland, to stand up and say they are proud of it simply defies belief.

I welcome the fact that the measures are being introduced, but I also want to address the point that was made by Mr Eastwood. It was an accurate point. Those of us who will be returned do not know what we will be elected to. We do not know what these elections will be. It is likely that we will not have devolution. It is likely that, at least for an extended period, we are being elected to some sort of talks process. Mr Eastwood was right: that means that the people of Northern Ireland will be at the mercy of a Tory Government and their direct rule Ministers. Anyone who thinks that it will simply be a case of collapsing the institutions and then, with the flick of a switch, getting them back up again is deluding themselves. That means that measures such as this — a Northern Ireland-tailored solution to protect our constituents — will not be put in place. We will be entirely at the whim of Home Counties Tories who do not give two figs about the budgetary implications of the cuts that they want to push through. If people are happy with that, that is up to them. They have made their decision, but let us not pretend that, by doing so, they are standing up for their constituents. They are leaving them at the mercy of a Tory Government.

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

**Mr Stalford:** I will give way, yes.

**Mr Allen:** Does the Member agree that, whilst it is welcome that the regulations safeguard some 34,000 people, it is imperative that, whatever institutions we come back to post election, a longer-term strategy is looked at with a view to building enough one, two and three-bedroom houses and exploring mitigation post 2020?

**Mr Stalford:** I absolutely agree with that: it is essential that we build more social houses. That is why I welcome the fact that, in the draft Programme for Government, there was a commitment to build more social houses than we have ever built. Of course, we will not have a Government, so whether that target will be achieved is up in the air, and whether a direct rule regime of people from the Home Counties and the south-east of England will be prepared to see that through and delivered is up in the air. I absolutely agree with the Member about the need to build more social homes.

I welcome the fact that the Minister has brought the measures forward, and I hope that all parties will support them. It is essential that we use devolution to protect the people of Northern Ireland and the most vulnerable in our society. Those who have decided that they wish to cast devolution aside are leaving the most vulnerable in our society at the mercy of people who do not care about them.

**Mr Speaker:** I call Mike Nesbitt.

**Mr Nesbitt:** I am sorry, Mr Speaker; I did not hear you. It was not my intention to speak, but I want to say a few words, having listened carefully to the contributions to date. I know that we appear to be in our last days or maybe even the last day, according to the Minister, and so, with an election looming, I suppose that maintaining a tone that would be well received by the public is challenging.

**1.00 pm**

I want to say a few words about the Ulster Unionist position. We always hear — we have it thrown in our faces — about seven years of Conservative rule and austerity. We have had it today from the two outgoing parties of Stormont Castle. Where are they taking us with no Budget? Where are they taking the vulnerable of Northern Ireland, with no Budget and no Executive?

The Ulster Unionist Party absolutely had our position on welfare reform and tried to negotiate with the other parties around the table, not least at Stormont Castle/Stormont House. One thing we were sure about was that the bedroom tax was not a good tax in principle and was a bad tax for Northern Ireland. When Michael Copeland was our spokesman, he demonstrated huge empathy with the vulnerable, as his successor, Andy Allen, has done, and let us remember that Andy faces his own challenges in life.

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

**Mr Nesbitt:** Yes.

**Mr Maskey:** For the benefit of the House, would the Member like to recall that, when the Social Development Committee was considering many of these matters, I had to go to him as the leader on behalf of Michael Copeland? Michael Copeland was fighting the good fight in the Committee, but your party, under your leadership, did not support him. I had to go and ask you, on behalf of the Ulster Unionist Party, to give some support to Michael Copeland, who wanted to support people against the bedroom tax and other welfare cuts, but your party would not support him.

**Mr Nesbitt:** That is the point I was coming to. You were not asking about the bedroom tax in isolation; you were lumping it in with other proposals. As I have made clear in these opening remarks, we had disagreements on other aspects of welfare.

**Mr Maskey:** Other protections.

**Mr Nesbitt:** You call them "protections". It is politics. We have disagreements, and we try to reach a position. When we cannot reach a unanimous position, the parties of government — the two parties in the castle — make the call, and God help the vulnerable.

There are people on benefits who should not be on benefits. I am not talking about fraud; I am talking about mental health and well-being. I have campaigned on this for four or five years. All the parties now say that they agree, but what have they done? What have they done? They have done nothing.

Here is our position on the bedroom tax: we do not have the housing stock to say to somebody in a multi-bedroom property, "You pay the penalty that is the bedroom tax, or you move". There is nowhere to move to because we do not have the stock. The reason why we think that it is a bad idea in principle is that, if you are building a new social housing unit, putting on a second bedroom is a marginal cost, and those units should be used by one, two, three or four families or one, two, three or four generations over that home's lifetime. For flexibility's sake, it makes sense to build multi-bedroom properties rather than having this huge focus, because somebody has said, politically, that it is a good idea, on single-bedroom properties.

We will support the regulations, which is consistent with our view on this specific element of welfare reform.

**Mr Robinson:** I welcome the regulations, as they ensure that the most vulnerable in society will have the protection that was promised to them. The welfare reform mitigation group did an excellent job of highlighting where greater help was required. That was especially so for housing benefit or, as it is popularly known, bedroom tax.

It is important that we all note that the party that has created the political instability today could have cost the people who require the greatest help this essential benefit, the total cost of which will be around £91 million. I also note that it is a DUP Minister who has ensured that the legislation is brought today so that no one is adversely impacted on by the bedroom tax.

My constituency has high deprivation. I am well aware of how devastating the changes to housing benefit would have been had Minister Givan not taken the action that he has taken to protect Northern Ireland and the most vulnerable. Many people will be relieved that the Minister has taken this brave step. I hope that all Members will support the Housing Benefit (Welfare Supplementary Payment) Regulations 2017, even those who have jeopardised their very existence.

**Mr Dickson:** I want to speak briefly as a former member of the Committee that dealt with a great deal of the work around the introduction of these mitigation measures. I welcome the fact that we have the opportunity to mitigate the bedroom tax. However, for me, as this institution perhaps draws to a close and moves into a very uncertain future, one of the abiding memories will be a plague on both your houses, because the reality is that neither the Minister nor his combative colleague in the Finance Ministry, who have been arguing over this matter on the airwaves, have covered themselves in glory. What they have done is cause a great deal of anxiety and concern among those who faced into having this tax applied to them, because of the disruption and, as others said, the inability of social housing to provide appropriate accommodation.

I very much welcome these mitigation regulations. I welcome them because they need to do what they are required to do, which is to ensure that some of the most vulnerable people in our community have the appropriate benefits and money to live on without any fear of or concern about where this is taking them.

However, the regulations come to the House with a very large health warning. They come, yes, with the advice and guidance of civil servants, and I have a great deal of admiration for the work that they have done in bringing them forward. However, they also come with the substantial health warning that they come to the House without the scrutiny of a Committee. As I understand it, and unless the Minister can tell us otherwise, they also come without the scrutiny of the Examiner of Statutory Rules. That is a very risky situation. However, it is also my understanding — this is why we will support the regulations — that, if anything goes awry, and I hope that it does not, with the regulations being brought into force, the responsibility for any fault lies solely and squarely with the Minister.

**Mr Agnew:** I have to say that I hate to see politicians using the most vulnerable for their own political ends. The sham fight that took place between the Finance Minister and the Communities Minister over the bedroom tax was nothing short of a disgrace. Thirty-four thousand people have seen them toy with their financial security for their own political ends, particularly after Christmas, when people are already struggling, facing debt and financial insecurity —

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

**Mr Agnew:** I will finish the point and then give way. To exacerbate that by playing out a fight about their incomes in the media reflects badly on us all.

**Mr Durkan:** I thank the Member for giving way. I certainly concur that the actions and words of both Ministers have heightened confusion and concern among many more people than the 34,000 who will, thankfully, now be protected. A lot of people out there, such as pensioners, are not included in that 34,000 because they are exempt, but they do not yet realise that they are exempt. The chaos and distress that this has caused have been understated. Does the Member agree with me — I think that I know the answer to this — that the best way to avoid the confusion and worry that this has caused would have been for the Assembly to remove clause 69 in its entirety from the Welfare Reform Bill? On both occasions that my party attempted to do so, 10 February 2016 and 24 February 2016, the only support was from the Member himself.

**Mr Agnew:** I thank the Member for his point, because it is a point I was going to come to. The Green Party is committed to doing what is



right to protect the most vulnerable, which is why we have consistently opposed all legislation that proposed to introduce the bedroom tax in Northern Ireland. We are the only party, along with the SDLP, that consistently did so. We had the opportunity through this Assembly to bring forward bespoke legislation for Northern Ireland. We had the opportunity to say, "We will not legislate for the bedroom tax in Northern Ireland". Unfortunately, whilst others may wring their hands today and purport their opposition to the bedroom tax, when it came to opposing it in the House and preventing such legislation coming forward to the Northern Ireland Assembly, there were only two parties, the SDLP and the Green Party, that stood up to say no to the bedroom tax.

**Mrs Long:** I thank the Member for giving way, and I apologise to Carál Ní Chuilín for not giving way to her earlier, which I ought to have done. Will the Member not agree with me that one of the reasons we are in the fix we are in today is because the renewable heat incentive (RHI) scheme, which is worth a billion pounds over 20 years, broke parity with Westminster without being properly budgeted and therefore plunged us into the crisis we are in, with £20 million a year of costs? Had we done what you are suggesting, where one element of welfare, disability living allowance (DLA), on its own has exceeded a billion pounds per year, and broken parity, we would have bankrupted Northern Ireland almost overnight. These mitigation measures were the best way of addressing the problem.

**Mr Agnew:** I thank the Member for her intervention, and I accept that she was not in the Assembly when we were debating the —

**Mrs Long:** That is right; I was at Westminster.

**Mr Agnew:** She was not here when we were debating welfare reform in the Northern Ireland Assembly. I brought forward 23 amendments to that legislation. I did not, at the outset, say no to all and any welfare reform. What I did do was seek, through reasonable amendments, to make things better in Northern Ireland. I did not do that through a system of copying and pasting the Tory regulations, which her party supported, and introducing them in Northern Ireland legislation; instead, I said, "Let's have bespoke legislation for Northern Ireland", because it is not right to put the legislation into place first and mitigate after. What is right is to get the legislation right first and not have to mitigate. It was not no to any legislation and no to any reform; it was about better legislation for

Northern Ireland that was better for the people of Northern Ireland. In ceding power back to Westminster on this issue, we wasted the opportunity to provide a better deal here.

Whilst I welcome the mitigation measures, ultimately they provide security only for the next four years and leave many people unsure what will happen post 2020. It also means we arrive at a situation where we are having to effectively pass emergency legislation to ensure those people are protected, even in the short term.

**Mr F McCann:** Will the Member give way?

**Mr Agnew:** I will give way.

**Mr F McCann:** I accept that, through the whole debate on welfare reform, you, like our party, were to the fore in trying to push us through as quickly as possible to protect people. People constantly refer to these four years, but my understanding is that one Assembly cannot commit another Assembly to a package, and there was always a built-in review that allows you to pick it up so the thing could be continued. Do you accept that?

**Mr Agnew:** I accept the Member's point that there is the possibility after four years of renewing mitigation measures. What there is not is the certainty, and that certainty would have been provided by not legislating for the bedroom tax.

**Mr Stalford:** I am grateful to the Member for giving way. Whilst Mr McCann is right to say that one Assembly cannot bind another, will the Member agree with me that one Assembly most certainly cannot bind a direct rule regime presided over by a Conservative Government?

**Mr Agnew:** I agree once again with the Member. I hope it does not come to that. It was regrettable that we ceded power back to Westminster on welfare reform. I suggest we should not cede any more power by failing the people of Northern Ireland by failing to find a political solution to our current impasse.

**1.15 pm**

My concern — it comes back to the point of what happens post-2020 — is that it was always the intention of the DUP to phase in the bedroom tax. The DUP's purported opposition came late in the day, and, as I said, it was prepared to pass the legislation in this House. Minister Mervyn Storey, at Consideration Stage of the Welfare Reform Bill, said that:

*"the Executive have agreed to create a separate fund... that will mitigate the impact of this measure"*

— referring to the bedroom tax —

*"by protecting existing and future tenants from any reduction in their housing benefit unless there is a significant change in their personal circumstances or they are offered suitable alternative accommodation."  
[Official Report (Hansard), Bound Volume 101, p489, col 2].*

It was the intention of the then Minister still to apply the bedroom tax where people had a change in circumstances or they were offered alternative accommodation. It was not complete opposition; it was not a case of no bedroom tax ever. That is my concern: beyond 2020, the bedroom tax will be introduced to Northern Ireland, as was legislated for by Westminster. It was mitigated for four years, but there is uncertainty beyond that.

I welcome the legislation today to provide temporary protection for those who are vulnerable to the provisions of the bedroom tax. However, the question remains how long this will be mitigated and why we wasted the opportunity to pass bespoke Northern Ireland legislation that would have said no definitively to the bedroom tax. The Green Party continues to oppose welfare cuts and will continue to take every opportunity to do so.

**Mr E McCann:** Mr Agnew made a most salient point when he said that, after four years — he put it more strongly than anybody else — the bedroom tax will be alive and well and imposed on the people of the North. By that stage, of course, more than 34,000 people might be affected by it; how do we know? The one part where I disagreed with Mr Agnew was where he said that, after four years, we would have to legislate again. No, we will not, Steven. As things are — if there is no legislation to cover the period after 2020 — the bedroom tax will automatically be imposed. Let us be absolutely clear about that.

People say that we got rid of the bedroom tax. I am not terribly interested in the argument, increasingly heated, between the two biggest parties about who is responsible for getting rid, as they claim — wrongly — of the bedroom tax. I was roundly abused by a member of the DUP over the weekend because I would not give them full credit for having, as they put it, "got rid of the bedroom tax". We have not got rid of the bedroom tax. The bedroom tax is here. The difference to the previous situation is that the

Executive — the state — are paying the bedroom tax for the 34,000 people whom we mentioned. However, the bedroom tax is here. The difference will come after the year 2020. How will it be paid then and by whom? So, can we give over with this stuff about who got rid of the bedroom tax? None of you got rid of the bedroom tax. When I say all this —

**Mr Durkan:** I thank the Member for giving way and certainly concur with his verdict that the bedroom tax has not gone away, you know. He refers to the £500 million, and other parties bragged about the fact that they secured £500 million for these mitigations, but this £500 million is not new. Does the Member concur with me that this money is coming from other public services?

**Mr E McCann:** Absolutely. That is not a matter of politics; it is matter of arithmetic. He is absolutely correct.

I draw attention to a point relating to the fact that these mitigations will apply in the interim, until we have to come back to the issue in 2019 or 2020.

At the top of page 2 of the regulations distributed yesterday, it states:

*"(2) But a person's entitlement to a welfare supplementary payment ceases, even though the person continues to be entitled to housing benefit, if—*

*(a) the person moves to a dwelling the landlord of which is either the Housing Executive or a registered housing association, and*

*(b) the number of bedrooms in that dwelling exceeds the permitted number of bedrooms by at least the same number as the number of bedrooms in the dwelling from which the person moved exceeded the permitted number immediately before the move."*

That is a wee bit tangled, as legal documents tend to be. A very small number of people will be affected. The types of people who will be affected by it, and the circumstances in which this will arise, are, for example —

**Mr Maskey:** I thank Mr McCann for giving way. He is in full flow, and it is important that he make the relevant points that he wants to make.

I go back to the origins of this. For the record, the Executive, for all the faults and failings that people, including us, have identified, made the

political choice to make available from the block grant, because we could not get it out of the Tories in London, and spend over £500 million over a four-year period, after which there will be a full review of the efficacy of any of the supplementary payments. We made that £500 million-plus available over four years. We gave it over to an independent panel that was led by Professor Eileen Evason and included eminent members of the wider community, voluntary and professional sectors. Those people identified the best way of protecting the most vulnerable from that pool of money of over £500 million.

The Member talks about the 34,000 people. Other parties here have lamented the situation over the past number of weeks, but they voted against the money to pay for the mitigation measures. Whatever they argue, they voted against the £500 million-plus of benefits that we put forward to subsidise against British Tory cuts being imposed by London. When other parties in the House objected to and voted against the £500 million-plus package, not one of their Members offered, proposed or suggested an extra single pound to come out of any other part of the Budget to go towards further mitigations. We would have welcomed and supported that. At least acknowledge that the Executive paid for this out of the Budget. The civic sector and —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — all the political parties —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — could not force the British Government to backtrack, but —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — this party and the other party across the House, whether we liked it or not —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — made £500 million available for —

**Mr Speaker:** Mr Maskey.

**Mr Maskey:** — welfare protection.

**Mr Speaker:** When the Member asks for and is granted an intervention, it should be short.

**Mr E McCann:** I am sorry, but I am not going to get involved in a complex and heated row between Alex's party and others. I was not here when all of that happened —

**Mr Maskey:** At least acknowledge that the money was made available.

**Mr E McCann:** I have acknowledged that. It is on that basis that we will not oppose the measure. As you said, it provides some mitigation. My point is additional to that: it is about the circumstances. I was not able to take in very easily the provision that I read out, but that is the language in the document. The sorts of people whom it will apply to are, for example, a single mother with three children who, when the relationship breaks up, wants to move house to somewhere nearer her own family — maybe nearer to her mum. She will be vulnerable — to use the word that everybody else has used — to this.

**Mr Stalford:** I am grateful to the Member for giving way. He is being very generous with his time. Having been subjected to that little sermon from Mr Maskey about the mitigations that we put in, does the Member agree that it then defies belief that you would remove the one mechanism — namely the Northern Ireland Executive — whereby you were able to put in mitigations to protect people?

**Mr E McCann:** Again, that is an argument between the DUP and Sinn Féin. I will let a Member from Sinn Féin respond to that.

It is worth commenting that, if there is an intervention from Sinn Féin or the DUP, it is against the other major party. There has been finger-pointing and denunciation by one of the other. Harsh words have been spoken by each. Neither party can deny that that has been the tone of this discussion so far.

How distant seem the days when Arlene Foster and Martin McGuinness were co-authoring documents in the local press, telling us how wonderfully well everything was going and how destructive the people who suggested there were fundamental problems with this place were. And now, just three months since that article was released, we have the spectacle that we had this morning. People talk about the dysfunctionality. What they are referring to is the fact that we have two parties with different ideologies who basically hate one another and what one another stands for lashed together in an Executive. They are locked together in a loveless embrace from which they cannot escape. That is why we have had all this chaos

over recent times; it has not just been to do with the particular circumstances in which things broke down over the RHI scheme.

One of the solutions, which was mentioned before, although I forget by whom, that would provide proper mitigation and a real solution would be if we had a sufficient number of social houses in Northern Ireland. If we had a crash programme of building social housing, through direct state intervention in the economy and the housing market, we could solve the problem or at least move very quickly towards the solution to the problem. Where would we get the money for that? Why not get rid of the stupid idea of abolishing corporation tax, which will cost hundreds of millions of pounds with no guarantee whatsoever — no guarantee — that one job — one job — will be created as a result? Could we put that money into a crash programme for building social housing? I hesitate to mention the 490 million quid that has gone up in smoke, but that would have helped too, as would other moneys that are used for purposes the social relevance of which is far from clear to me.

If the state built houses like that, there would be a number of effects. It would reduce the housing benefit bill substantially, at a saving to the public purse. It would also have another effect. If you had that sort of programme of house building — I have made this point in the House before, but I will make it again because it is absolutely key to what we are talking about, including the cost of housing for ordinary people and how they can be helped to afford it — think about it for a minute, fellow Members. What do you need to build houses? You need land and bricks and so on, but you also need a lot of workers to put the houses together. You need bricklayers, you need carpenters, you need plumbers, you need painters, you need electricians, you need roofers, you need glaziers; you need a range of people with those old and traditional skills that we are losing. Putting them to work, bringing apprentices in and so forth would have a significant effect on the economic well-being of this area and of many citizens here.

**Ms Ní Chuilín:** I thank the Member for giving way. I completely agree with everything that he is saying, particularly around protections and public procurement programmes. I wonder why his party colleague stood outside Casement Park when £80 million of investment was going into the most deprived area, with all those protections for local people. Is it OK for us to build social houses but not dreams for people in the GAA?

**Mr E McCann:** Come on, Carál, that is a different issue, as you know, coming from the area.

**Ms Ní Chuilín:** What is it?

**Mr E McCann:** You know that the issue had to do with the acceptability of the proportions of the stadium and the way that it was proposed.

**Ms Ní Chuilín:** You are supporting it now.

**Mr E McCann:** I am certainly not supporting the scale it was when it was introduced, but I am not from there. You know an awful lot more about it than I do, and I suspect that Gerry Carroll knows as much as you, as do local people, so I will leave it to them in the interests of democracy. The positions that we take up in relation to the Casement refurbishment are not directly relevant to what we are saying today. People are not disqualified from taking one attitude or the other to the matter before us today, depending on where they stood in relation to Casement Park.

This will be my final point. I was struck by the number of Members who have spoken about their concerns for the most vulnerable. We use the phrase, "this will affect the most vulnerable", all the time. Of course, there is a certain kindness in that. It is difficult to object to the language, except in this sense. These people are referred to all the time as if they are helpless, as if they are people to whom we have to go and bail them out, take them by the hand and lead them towards the promised land. They are regarded as spectators at politics. "We have to help the most vulnerable and not hit them." I do not see them as the most vulnerable. I see the people who you are referring to as the basis for challenging the divided nature of our politics and the divided nature of this House that has given rise to the present hiatus. I hope to be able to say more about this, before this day is out, in relation to two of the other items that are coming before us.

**1.30 pm**

Mainly what we mean when we say "vulnerable people" is people who are being oppressed by poverty. We are talking about people who do not have an adequate means of living. That is what it is. It is poverty that is the problem. It is lack of resources in individual families. That is what is going wrong when we consider that problem. I say to people in that position: yes, listen to the debates here; yes, read all the documents and so on. It is good to understand

the detail on these things, but, if you want real change, organise yourselves to demand real change. The only time that we have had progressive change of any substantial nature in this country — in this part of the world — is when people got together and fought together and campaigned together for it.

**Mr Speaker:** Mr McCann, I have been very liberal. I understand that the debate is taking place today in particular political circumstances, but I ask Members, all Members, to return to the scope of the debate around the regulations.

**Mr E McCann:** I am nearly finished. I do think, Mr Speaker, that, on this issue and some of the other matters before us, it is impossible to understand the issues that arise in relation to these things without seeing them in the overall context of economic policy generally and the funds made available, whether from Westminster or from Stormont.

I will say this to end. There is an awful lot of agreement here as well as bickering and finger-pointing. Everybody agrees that we must support the most vulnerable, while there are arguments about how we reached the present situation with regard to the bedroom tax. Everybody seems agreed. I do not think that there is anybody who has failed to say that they want to look after the most vulnerable and even that they entered politics precisely for the reason of defending the least well off and so forth. We are all brothers and sisters. I sometimes got the impression that we all want to storm the citadels of capitalism even though there is some disagreement about who has the right to lead the charge. I say that the people who should lead the charge are the people most affected by it, and I call on people outside the House in this situation that we are moving into, however it is.

I will deal with one other thing before I finish. The regulations last for four years, and I think that it was Alex who said that that is all that we can do because that is the end of the mandate and so forth. That is my point exactly. I want everybody to understand this. Can we please have nobody else talking about us having got rid of the bedroom tax? We have not got rid of the bedroom tax. The bedroom tax is here. That is the fact of the matter, and we could have a more sensible and objective debate if everybody accepted that and moved on the basis of that. Let us try to do that, Mr Speaker. As I said, I direct my remarks mainly at people outside here. I direct my remarks to the people directly affected by these matters. As we move forward in the debate and in the circumstances that we all find ourselves, I am sure, Mr

Speaker, that you will be happy to chair and inform. I hope that I have not attacked anybody personally or unfairly in political terms. We need to proceed like that on an understanding and an acceptance that the bedroom tax is already here.

**Mr Bell:** They say that a society can rightly be judged by how it looks after its most vulnerable members. I will not use any time allocated to me in the House to attack any fellow MLA. I think that there has been enough of that. I will attack the principle of those who would abuse social justice. Everyone in the House should, if we use the law of physics, realise that, in engineering terms, a chain is only as strong as its weakest link. We will then know that there are many people in our society, often through no fault of their own, who find themselves in a position of disadvantage and where they have families that they are responsible for and who have housing needs, which is one of the most basic of all human rights.

In earlier debates in the House, when we looked at the number of social houses being predicted by the Housing Executive and others of 8,800, we were right to say, "Let us try to do better". We did that and sought 9,600 social houses. Is that number adequate? There will always be an infinite demand on the public service to be met by a finite level of public resource. When we look at social justice, we have to look at the money that has been allocated to us and our stewardship of it.

Later today, we will look at one of the gravest financial scandals — the renewable heat incentive — which is proposed to cost the taxpayer £1.2 thousand million. We will turn to that issue. I have not spoken on it since I made one programme; I will speak to it again later today.

The regulations before us have to look at how we give merit to people to mitigate the disadvantage that they endure. We cannot spend the same pound twice. It is not the time for Alice-in-Wonderland politics and pretending that there is money out there that we do not have. All that does is to lead the most vulnerable people into a sense of false hope that something can be done, when everyone in the House knows that it cannot be done.

I pay tribute to Professor Eileen Evason and her team and those who had the vision to look at what devolution could do for Northern Ireland. Professor Evason is one of the foremost experts in the British Isles on welfare policy, and, on our behalf, she examined how we could help the most vulnerable in our society. We all

wanted to do more but were determined never to make the perfect the enemy of the possible. Let me say that again: we were determined never to make the perfect the enemy of the possible. All of us wanted to do more but were not going to let that want stop us from doing anything at all.

The regulations have been very carefully crafted. I have watched civil servants, some of whom are in the House today, in Committee and at other times, when I had the privilege of sitting in the Northern Ireland Executive, work through the detail of what could be done, long into the night and the early hours of the morning. That is why I welcome the regulations because they are the best possible answer from Northern Ireland to the people who are oppressed. That is a strong word but it is the right word: there are people out there who are oppressed by poverty.

Like Christopher Stalford, I grew up in working-class Belfast. We know what it was like in those days to be given a different colour dinner ticket than the next person. That is because society decided that there was a need to give help to families. With social housing and regulations that can help people, there is no alternative but to go with these regulations. In so doing, we will give the very best to the most oppressed people. It should hurt and anger all of us, as I believe it angers God, when people are socially oppressed by poverty, have difficulty finding a house for their families and dealing with the very basic need of shelter. I like the fact that the measures are merited and targeted. I like the fact that, in every way that I have looked at this, due to the expertise in our Civil Service, we will today, from all sides of the House, deliver for the most vulnerable people the best that we can in the circumstances.

I started by saying that we must always stand by the most vulnerable. I can see no better way to do that than to do what is now proposed.

**Mr Givan:** My sense is that, despite all that has gone on today — the content of the speeches — Members will support these regulations. I think that the public will appreciate that, despite all that has gone on, parties can set aside the party politicking that everyone has engaged in. People say that I engaged in party politics — of course I did as have Sinn Féin and every other party. Given the day that it is, that is not surprising. However, despite all that, we will pass regulations that will protect individuals from the financial reality of the consequences of the bedroom tax being introduced. I was very clear that I was not prepared to use the bedroom tax during any political campaign in

the way in which it would have been had we not taken measures today. I spent night and day engaging with my officials on solutions to try to get round the fact that there is no Executive for me to bring regulations to.

I regret the fact that the Finance Minister engaged publicly on all this. On Thursday, when I had identified the way forward, I rang the Finance Minister. I spoke to him personally. I said that I had identified a way forward and that the regulations, the approach that we are taking today, would be the way forward. He indicated to me that he would take it to his Department and come back to me. His response? He published his permanent secretary's advice on social media. That is indicative of the way in which Sinn Féin has been handling these issues over the last week. The very clear agenda, which is much bigger than bedroom tax and much bigger than RHI, is its objective, which Barry McElduff summed up very well in his tweet about his "comrade" Martin and how he stands with him on his resignation, to achieve a united Ireland.

Unionists know what Sinn Féin is doing. Unionists know now exactly what the republican agenda is. I am not prepared to allow bedroom tax to be used during the campaign that will happen —

**Mr E McCann:** You have just used it.

**Mr Givan:** I can confirm what the Member for Foyle said earlier: the bedroom tax is coming into Northern Ireland. Sinn Féin agreed to it. Sinn Féin agreed to the introduction of the bedroom tax. Subsequently, we agreed to mitigate the consequences of the bedroom tax being introduced. As Alex Maskey outlined, it was an example of how this Executive were able to deal with issues that are important to our people. However, it is factually correct that the bedroom tax is being brought into Northern Ireland, and Sinn Féin agreed to it. We then agreed in the Executive to mitigate it. Other parties voted against that. That is the factual position.

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

**Mr Givan:** Let me make some progress, and I will then give way.

In respect of other comments that Members made, I share the concern that Naomi Long and Stewart Dickson raised about the lack of scrutiny of these regulations. I agree: there has not been the normal scrutiny that we, as an institution, should be giving these regulations,

and there is an element of risk associated with that. I, as Minister, will not say that there is no element of risk. I engaged with the Office of Legislative Counsel to get the regulations drafted, but the points about scrutiny are well made. However, given the circumstances, I believe that it is right for me to lay the regulations and for MLAs to vote on them.

**Mrs Long:** I thank the Minister for giving way. On that point, does the Minister agree with me that, if and when the Assembly is re-established, it would be wise for the Communities Committee to examine properly these regulations retrospectively because, if there are any issues with them, that risk could be mitigated at the earliest possible point?

**1.45 pm**

**Mr Givan:** I agree to that. Should the Examiner of Statutory Rules, as has happened with regulations, identify that there could be issues, that is something that, obviously, the Assembly would need to deal with. People need to be honest in the debate. I need to be, I will be and I always am. The regulations are the best option in the circumstances we face, but they are by no means the most appropriate option in a normal functioning democracy for taking legislation through and giving it the scrutiny it requires.

Given the response made by Sinn Féin, I regret the way in which the Finance Minister engaged on this. Ultimately, I was right, and he was wrong. He was wrong in the advice he gave. Therefore, his credibility has been shot to pieces, as he has gone out repeatedly on a range of issues making promises. The approach that I am taking and that Members will vote on shoots his credibility through the floor. He has been wrong on a range of issues, and, rather than trying, as I have done in the unprecedented circumstances, to deal with bedroom tax — my Executive colleague Mr Hamilton is trying to deal with RHI, and we are bringing regulations forward — he should have been engaging in getting a Budget through as an emergency procedure. But, again, more important to Sinn Féin is the republican agenda that goes to the core of what its tactics have been and what this election is all about.

**Mr Durkan:** I thank the Minister for giving way. We have gone a bit further than when I wanted to get in.

The Minister made a point — it is a point that has been made by his party colleagues and his estranged partners in government — about

every other party in the Chamber voting against a £500 million mitigation fund. What parties voted against was the Fresh Start Agreement, which was foisted on the other Executive parties at the time, I have to say, 25 minutes or half an hour before an Executive meeting. This element of Fresh Start is very good — brilliant. Who would oppose mitigation of these draconian measures? However, we were not in a position to cherry-pick bits of it, and the other bits of it have well and truly unravelled. It is evident to everyone in here, everyone out there and everyone across the world that Fresh Start was a false dawn. Look where we are now.

**Mr Givan:** I will not repeat the points, because today will be an incredibly long day; I have no doubt about that. I have put on record the factual position about the bedroom tax, which is coming and will be here, and the mitigation that the Executive rightly brought in and that other parties voted against because they were opposed to the agreement that allowed the mitigation measures to flow from it. We have been working on a range of mitigation measures. One of them that has not been brought forward — again, the plan was to introduce it — is the working tax allowance, for example, for low-paid workers. Without an Assembly, we will not be able to introduce a scheme that would allow approximately £100 million that was proposed by Eileen Evason to be spent out of that half a billion pound block.

The stakes are incredibly high for these institutions, and I do not underestimate the challenges in dealing with those mitigation measures in the future. Let us be under no illusion: the stakes are high for the very future of this Assembly. I believe wholeheartedly in devolution. People said we were not able to make it work, and we did for the past 10 years. This party, by introducing a range of measures, was able to make this place work, but Sinn Féin, for other reasons, because it does not see its agenda being advanced, now believes it can use other issues to weaken unionism. I trust the people of Northern Ireland. I never fear going to the electorate, and I believe it knows exactly the agenda being pursued by Sinn Féin. This party wants this place to work. We want devolution to succeed. I do not want to have direct rule, but I am very clear that we are going into a period of negotiations. Sinn Féin wants weak unionists: I trust the people to elect the right unionists.

*Question put and agreed to.*

*Resolved:*

*That the draft Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 be approved.*

**Mr Speaker:** The next item of business in the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The sitting is suspended.

**Mr Stalford:** On a point of order, Mr Speaker. Has any indication been made to you or your office of the intention of the Minister of Finance and the Minister of Health to attend Question Time to answer questions about their Departments?

**Mr Speaker:** I took a point of order on that from a Member first thing this morning. I have had no indication that the two Ministers will not attend. It is not actually a matter for the Speaker's Office in any case.

**Mr Swann:** Further to that point of order, Mr Speaker.

**Mr Speaker:** I am sorry: I took the point of order from Mr Stalford because it was right on the suspension. We are now suspended.

*The sitting was suspended at 1.51 pm and resumed at 2.00 pm.*

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

## Oral Answers to Questions

### Finance

**Mr Deputy Speaker (Mr McGlone):** Anois, a Chomhaltaí, tá sé in am againn do Cheisteanna don Aire Airgeadais. Tosnóimid leis na ceisteanna ar an liosta. It is now time for questions to the Minister of Finance. We will start with listed questions.

### Health and Social Care: Budgets

1. **Ms Bradshaw** asked the Minister of Finance whether he plans to reconsider allowing for three-year budgets in the health and social care sector. (AQO 875/16-21)

**Mr Ó Muilleoir (The Minister of Finance):** Gabhaim buíochas fosta ar an Chomhalta as an cheist sin a chur orm. I believe that today the addresses move into matters political, so I look

forward to seeing my colleague on the doorsteps of South Belfast shortly.

To return to the question: the health and social care budgets are controlled by the Department of Health, and its budget is subject to the same annual controls as other Departments. That approach reflects the controls placed on the Executive's Budget by the British Treasury. In that regard, it would not be possible to provide separate arrangements for the health and social care sector without considering what impact that might have on other public services.

**Ms Bradshaw:** The core grant funding of health and social care organisations, which your Department provides, was cut by 25% in this financial year. Given the fact that the innovation fund was not brought forward in this financial year, will that 25% be reinstated?

**Mr Ó Muilleoir:** I thank the Member for her supplementary question. It is my intention that, whatever plans and direction of travel we have, we continue in the time ahead. I know that there has been an interest among Members to revise entirely the way we approach matters financial and budgetary. We have certainly delayed that opportunity now. I pledge to the Member that having the best systems for funding the health service is my interest and desire as well. We are locked into a system where we have to have the same approach right across all our areas.

In relation to the specific area of concern, I am happy that you bring that forward and we can discuss it further. Contrary to speculation, my demise has been much exaggerated. I will be here for the next five weeks and, if there are particular issues in your constituency or issues of particular interest, I am happy to tackle those in the time ahead, despite the obvious disruption that we are all encountering.

**Mrs Dobson:** No matter what we say, nothing will be able to accurately reflect the level of outrage that should be expressed at the fact that waiting times are tragically causing patients to come to harm. Does the Minister agree that even the planned single-year Budget for 2017-18 would still cause immense uncertainty and unsustainability for the health service?

**Mr Ó Muilleoir:** I am tempted to take over the job of the Health Minister, but I will not at this stage. However, I will defend the concept of having a one-year Budget. It was the path that the Scottish Government went down as well, because of the many winds that blew against our sails before Christmas and, in particular, Mr



Hammond's November statement. That said, as we move into the next period, it is very evident — I am sure that the Member shares this view; it is shared, I think, by every Member of the Assembly, regardless of political affiliation — that we need to have a system of health transformation here. We need to take the politics out of health and enter into a complete step change. It is unfortunate that we are now into a period where the institutions are coming down so that the public can have its say on matters wider than that. However, I think that the essential point you make is not really about the nature of the one-year or multi-year Budget, but the fact that we are all agreed that there needs to be a transformation of the health service.

I am going to stop now, because I am sounding a bit like the Health Minister.

**Mr Durkan:** Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Following Mrs Dobson's question, does the Minister agree that the chaos that has engulfed the Executive and Assembly means that there is no certainty for the healthcare sector, those providing care and those waiting for it? How does he envisage the double running of the healthcare system to ensure that the transformation of the healthcare system that we are all crying out for takes place?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt don Chomhalta as Doire as an cheist sin a chur, ach i gcionn leathuair a chloig nó mar sin beidh an tAire Sláinte anseo. I think the Health Minister will be here in around 40 minutes. I do not know whether the LeasCheann Comhairle will let me stray into matters political, never mind matters health. The broader point is that we are here today because of the steps that the DUP took. They took a series of actions and steps that undermined confidence in these institutions. The reason we are in a political impasse — the reason we cannot have the proper running of all our Departments and cannot implement the ambitious plans we have — is that triple whammy from the DUP of breathtaking arrogance, allegations of corruption surrounding many, many spheres of their influence, including Red Sky, NAMA and now RHI, and, of course, as the Member from Derry will understand, because he has asked many questions on issues around the north-west, the fact that our former partner in government has not committed to the power-sharing or equality agenda.

The Member, I suppose, had a choice, agus níl a fhios agam cad é an rogha a ghlacfadh sé.

We had a choice, immediately after the new year, to allow Arlene Foster to remain in post or to force her out of post so that the public could have their say on the disgraceful actions of the DUP. I am convinced that Martin McGuinness made the right choice and that, when Martin McGuinness said that he could not, any longer, stand behind these institutions that were drained of credibility because of the stance of the First Minister and her colleagues, that was the right decision. No one — the business sector or the third sector — never mind the politicians, likes the fact that we are entering into this period of uncertainty, but I am absolutely clear where the blame lies. Having listened to discussions today, I can see that the lessons have not yet been learned, but the blame lies fairly and squarely with the arrogance, disrespect and commitment to inequality rather than equality of the DUP.

**Mr Deputy Speaker (Mr McGlone):** Before we move on to the next supplementary question, I remind the Minister of the two-minute rule.

**Mrs Little Pengelly:** The Minister will be aware that the Finance Committee met this morning in an emergency meeting to discuss the disgraceful situation facing Departments and public services at this time of having no Budget for 2017-18. The Minister is very good at running around and telling other Ministers and people what they should and should not be doing, but I put it to you that your number one duty as Finance Minister is to produce a Budget. We are facing a situation, due to the resignation of the deputy First Minister, where there will be no Budget. That will have a profound impact on the Department of Health, for example. What contingencies have you, as Minister, in place to prevent that detrimental impact on public services?

**Mr Ó Muilleoir:** I did not manage to catch the Finance Committee this morning. It is a great pity that my colleagues on the other side of the Chamber did not consider this before Christmas when they became subsumed in covering up RHI and refusing to allow the public to have the investigation they were entitled to. It is a great pity that the DUP did not consider the peril they had placed the institutions in by their persistent and provocative attacks on the Irish language and Irish identity. The events before Christmas, when I met all the DUP Ministers individually and discussed their budgets with them, and when we wanted to go back with a draft Budget to the DUP, were also a great pity. What happened before Christmas? It was not my party that had a former Minister on his knees in a TV studio praying to tell the truth. It was the

DUP that became absolutely consumed with RHI, and, of course, discussions since then, unfortunately, have not resumed. So, the blame for where we are today, and the fact that credibility has been drained from these institutions, does not lie with any other party in the Assembly but my colleagues opposite who are represented on the Finance Committee by the Chair who spoke earlier.

## Cost of Division

**2. Ms Armstrong** asked the Minister of Finance how the Ulster University Economic Policy Centre report on the cost of division has been factored into the 2017-18 Executive Budget. (AQO 876/16-21)

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as a ceist. Since this is the last Question Time that I will be doing for some time, no doubt, it is appropriate that I thank all the Members who have tabled questions over the last seven or eight months. I also thank the wonderful staff we have in the Department of Finance who have been working hard to provide the materials that you need for your questions for written answer and helping me with these questions for oral answer.

The report on the cost of division, which the Member has highlighted before, outlined the significant complexity in the cost of the delivery of services here, which cannot be merely attributed to the context of a divided society. The report found that, whilst the cost of public service provision is generally higher than in comparative regions, the costs typically fall within the range of costs identified in other regions, with the exception of policing. In any Executive, Ministers will be focused on reducing the cost of public services, especially where there are reducing budgets.

**Ms Armstrong:** The Minister has, in recent days, rightly raised concerns about the costs of RHI, which could reach £500 million over a 20-year contract period, but he seems less concerned that the cost of division is around £800 million a year. Will he outline how he intends to reduce that cost?

**Mr Ó Muilleoir:** Gabhaim buíochas arís leis an Chomhalta as an cheist. I think that we are all agreed, certainly those on this side of the Chamber, that there should be no division in our society. My record will show that I am as concerned about division and the cost of division as the Member. I have been forthright in commending those who have been building bridges rather than building walls. I have gone

to many parts of this jurisdiction in the last few months, which represents reaching out to communities other than those from which I come. We do not in any way tolerate the costs of division, but there are costs of division, and, in response to your question, I said that that was particularly evident with the PSNI. Despite that, any costs of division are costs that, in my view, we should try to remove not by efficiency savings but by bringing our people together. Those of us who are concerned about the horrendous waste of public funds in the RHI mess, created by my colleagues on the other side of the Chamber, should not lose sight of all the other areas in which we should try to save money. We should do these things not only because they are right in terms of economics but because they are right in terms of building a shared and prosperous society.

**Ms S Bradley:** On the topic of division and looking at it in an economic context, will the Minister give an assessment of what he thinks the economic impact will be on Northern Ireland of the antics and the catastrophic mess provided by the DUP/Sinn Féin Government during the past mandate?

**Mr Ó Muilleoir:** There must be an election coming, and I hope and trust that all those who have spoken today do very well in that election. When we go to the doors, the people will, I think, ask one pertinent question. They will ask, "Did you stand for equality? Did you stand against the disrespect shown to our ethnic minorities? Did you stand against the disrespect shown to the LGBT community? Did you stand against the disrespect shown to the Irish language community? Did you stand up for tolerance, mutual respect and parity of esteem?". When those questions are asked, I am absolutely convinced that we will be able to answer — *[Interruption.]* — positively to the public, and the public will respond accordingly. When the public ask, "Did you stand up after many years of outreach, bridge-building and peacemaking? Did you call time on intolerance and bigotry and the lack of parity of esteem?" — *[Interruption.]* It is a very excitable and excited Chamber today, a LeasCheann Comhairle. I am confident that the people will give their response. I wish the Member well in the forthcoming election, but I have no doubt that those from my party who answer positively about standing up for equality, respect and the integrity of the institutions, which have absolutely been dragged through the gutter by the DUP, will get their response. I hope that she also does well in the election.

**Mr Deputy Speaker (Mr McGlone):** Before I call the next Member, I remind Members not to make remarks from a seated position while the Minister or any other Member has the Floor. Thank you.

**2.15 pm**

**Mr McCartney:** Gabhaim buíochas leis an Aire as na freagraí sin. I thank the Minister for his answers. We talked about the cost of division, but I ask him to talk about the reputational damage to the Assembly that has come about as a result of some disgraceful decisions that were blatantly discriminatory, sectarian in the truest sense of the word and partisan. What reputational damage have those decisions done to the Assembly?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhaltas as Doire as an cheist sin a chur. I know that the Speaker said earlier that this was not the last day of the Assembly, but I think that we know in our hearts that this is the last day. The language that we use today and the approach that we take will be important. It is disappointing that, on a day when the DUP could have repaired some of the damage that it has done to the credibility of the institutions, there was no humility shown. There was the barracking of opponents, and there was the arrogance that, in fact, has been the downfall of the DUP and of the institutions.

In my view, we can either stand here proud of the institutions, proud of the Assembly and proud of how we do our business, or we have to call time and say that it is closing time. We have responded because of the reputational damage and because of the fact that the DUP has been riding roughshod over the rights and expressions of the people and the rights of the Assembly. The DUP has repeatedly disrespected the people's right to enjoy the principles of parity of esteem enshrined in the Good Friday Agreement. It was right, at some point, to say that the reputation is shot and it is time now to start anew. In that regard, I know that the Member from Derry will agree that we cannot go back. We would be totally failing the people if we went back to the status quo.

**Mrs Overend:** Thank you, Mr Deputy Speaker, for the opportunity to ask the Minister a question. The paradoxically entitled Fresh Start Agreement included a commitment of £500 million of funding from the Treasury to be spent on shared housing and shared education projects. Will the Minister explain why, 18 months into a 10-year timescale, the Executive

have spent only £500,000, which is 0.1% of the total amount?

**Mr Ó Muilleoir:** I would like to respond for the Executive Office, for the entire Executive and for the Minister for Communities and the Minister of Education, who are responsible for education and housing. Having responded for the Minister of Health earlier, I suppose that I might as well make it a hat-trick and respond for them as well.

Ms Armstrong spoke earlier, and she is very familiar with the work of Belfast Met. My position is that we should try to expeditiously use money for integrated and shared education and for shared housing. There is a need in that to acknowledge that there are those who have been setting down criteria for shared housing in particular that are almost unreachable. It was my intention to put forward plans for government developments that would have included an element of shared housing. I raised the issue with the Chief Secretary to the Treasury, David Gauke, before Christmas. I said to him that we needed more flexibility, especially around education because, as the Member will understand, there are only so many integrated schools that we can build. We have a great record of building new integrated schools and will continue to do that, but there are only a certain number of integrated schools that we can build. In that regard, it seems to me that there should be an extension of the flexibility around that funding to embrace further education. I know that there are ambitious plans for a new further education college in Fermanagh. We know that we are close to having other further education colleges finished, and they, for me, seem to be the epitome of shared education, but, at present, the funding does not extend to those. It had been my hope that we could make rapid progress in that regard. An element of the Budget that I was to put forward was that we should try to set a target for shared housing in particular and make sure that it happened. The public are up for that. I can speak only for my constituency, Mrs Overend, but I have no doubt that, were we to create a shared housing model on the Ormeau Road, for example, it would prosper and succeed.

## **Tax Justice**

3. **Mr Milne** asked the Minister of Finance what steps his Department is taking to promote tax justice. (AQO 877/16-21)

**Mr Ó Muilleoir:** Gabhaim buíochas le mo chomrádaí as lár Uladh as a cheist faoi

chothromas cánach. The tax system needs to be fair and one where everyone — regular workers, small companies and multinationals — plays by one set of rules. Fairness and equality must be at the absolute heart of all we do in government. This is an issue I spoke about at a tax justice event in Dublin late last year that brought together tax justice activists, academics, aid organisations and trade unionists from across Ireland.

Prior to recent developments, I asked my officials to lay the groundwork for establishing a ministerial advisory council of experts to advise me on tax justice issues and rates fairness. I have already brought forward proposals to spread the burden and use our rating system as a lever for social and economic development. Furthermore, my Department has taken steps to promote tax compliance in government contracts.

**Mr Milne:** Buíochas fosta don Aire as na freagraí a thug sé go dtí seo. Ba mhaith liom a rá fosta — b'fhéidir gurb é seo an Tráth na gCeist deireannach sa Tionól seo — go ndearna an tAire jab maith, agus sílim go mbeidh tú ar ais arís anseo. What steps has your Department taken to promote tax cut compliance in government contracts?

**Mr Ó Muilleoir:** Go raibh maith agat fosta as na beannachtaí. Tá súil agam go mbeimid beirt ar ais am éigin sa toadhchá nuair a bhéas cothrom na Féinne ar fail anseo agus lá níos gile.

I think the greatest example of how tax justice and fairness was got wrong was the vulture funds. Of course, the NAMA vulture fund was the most egregious example of a fund that came in, exploited and bent the rules, milked and scammed the system and took people on. We ended up with Project Eagle, which is the subject of investigation in at least three jurisdictions. The upshot of that with tax fairness is that a headline in 'The Sunday Business Post' last week referred to vulture funds in Ireland preying on the people and on the damage of the crash of 2008-09: their profits were €20 billion, and the tax bill they paid was €20,000.

It has been a priority of my Department to promote tax compliance in government contracts. With the help of officials, particularly our procurement officials, we have put in place additional measures to make sure that public contracts are tax avoidance and tax dodging-proofed. The Public Contracts Regulations 2015, which implement the 2014 EU procurement directive, provide a contracting

authority with the power to exclude a supplier that has failed to meet its tax obligations.

Last year, I met Christian Aid, which is campaigning on this. When I left, they said, "Just remember one statistic, and quote it when you can: multinational companies that dodge their tax obligations cost the public purse \$160 billion a year". Of course, \$160 billion is equivalent to all the aid given by the Western World and more to the developing world. Therefore, I was pleased to be able to back the Christian Aid campaign to insist that in our supply chain we drive out any tax dodging and tax avoidance.

**Ms Hanna:** I thank the Minister for his answers so far. I welcome the initiative on tax compliance. I introduced a similar policy through Belfast City Council in 2015 with Christian Aid, and I hope that can act as a pilot for it.

Does the Minister believe that, in the context of the Executive not adequately investing in skills, education and infrastructure, thereby not creating all the conditions for jobs, his proposed corporation tax cut would represent tax justice on the principles he has laid out this afternoon?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt do Chomhalta eile as Deisceart Bhéal Feirste. The South Belfast field is getting very crowded this afternoon.

On tax fairness, I am amazed that my colleague did not bring up her colleagues tonight opposing rates fairness by organising a meeting in South Belfast partly to scaremonger but also to set their face against a fair rating system. One would have thought that the socialist part of the SDLP would have said that those who were better off pay a little more, that anyone who is asset-rich but cash-poor does not have to pay any increase in their rates and that anyone who is on benefits does not have to pay their rates. Instead, the approach of Alasdair McDonnell and Mr Boyle — Mr Boyle, of course, is in the newspapers every day for other reasons, and I have brought his name up previously — is to organise against rates fairness and try to scaremonger.

I suppose that the thing that surprises me is that the Member for South Belfast has been silent on that when we needed her to take a stand, as I have, and say, "Even though it is my constituency, everyone should pay their fair dues. It is wrong for people who are less well-off to subsidise the very rich". That has spoken volumes this week. I do not know how the SDLP's attempt tonight to organise votes

against me in South Belfast and scaremonger will go, but I stand behind the principle of fairness in taxation and rates. I hope that, when those who have been active in this in Belfast City Council and other places go into the rooms and say what they have done, they will also say, "This is how I failed to stand up for fairness in the rating system".

**Mr Deputy Speaker (Mr McGlone):** I advise Members and the Minister that it would be helpful if we stuck to the item being asked about in the question.

## Rating Review

4. **Ms Bunting** asked the Minister of Finance, further to his statement on the review of the rating system, to outline any feedback he has received from the general public and small businesses, outwith the hospitality and retail sectors, to his proposals. (AQO 878/16-21)

7. **Mr Middleton** asked the Minister of Finance for an update on his Department's proposal to end the rates exemption for charity shops. (AQO 881/16-21)

**Mr Ó Muilleoir:** Go raibh maith agat, a LeasCheann Comhairle. Dhéanfaidh mé do chomhairle. With your permission, I will take Mr Middleton's question with this. Before I start the answer, I want to thank Brian McClure of our rating policy division, who has been an enormous help to me over my seven months as Finance Minister.

My Department is consulting on all the Rates Rethink proposals announced to the Assembly on 22 November. Although some responses have already been received, it is not appropriate for me to summarise them in case it would prejudice the consultation process. Consultation closes on 16 February, after which my Department will prepare a factual report on the responses received.

**Ms Bunting:** The Minister has made great pronouncements today about the things and the people he has stood up for. One thing that he cannot claim to have stood up for is the business community. He knows full well the implications for and impact on the business community of plunging us into political instability, as Sinn Féin has done.

In the statement, the Minister proposed the removal of the rates cap. Does he understand the fear that he has generated amongst older homeowners who have worked all their days for what they have and who may be asset-rich but

are now cash-flow poor and the implications that his proposals have for them?

**Mr Ó Muilleoir:** I thank the Member for her question. Of course, there are protections for those who are asset-rich and cash-poor, particularly older people. If the Member wants to speak to the aforementioned Mr McClure, she can get detail of those protections.

In fact, what we also did in the Rates Rethink was to give a proposed injection of £22 million to small business, in particular the hospitality, retail and tourism businesses. I was delighted, along with some of Ms Bunting's colleagues, to address Hospitality Ulster and NIIRTA on this very matter before Christmas and to receive the overwhelming endorsement — I do not want to call it "enthusiastic endorsement", but it was absolutely 100% endorsement — of the Rates Rethink plan from those represented by Hospitality Ulster and NIIRTA. I do not know whether the Member wants to declare an interest in this regard, but it may also be worthwhile saying that, when we assessed the small business rate relief programme, the message came back from our experts again and again that it had had no meaningful effect. Therefore, my proposal was to move to a better system that would deliver results for all our people but, in particular, create jobs and help those in the hospitality and tourism industry because, of course, that is an area of potential growth for our economy.

2.30 pm

**Mr Deputy Speaker (Mr McGlone):** We now move to topical questions to the Minister of Finance.

## RHI Debacle

T1. **Mr McNulty** asked the Minister of Finance to divulge, in relation to the RHI debacle, the information that he was privy to, when he became aware of the massive overspend and what he did about it. (AQT 636/16-21)

**Mr McNulty:** I applaud the Minister for standing by his officials and his Department. At least he recognises where the buck stops, unlike someone on the opposite Benches who wants to pin all her failings on her officials.

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt duit. There is getting to be a very crowded election feel today.

This was before the Member came into the Assembly, but you will find that what happened is that, when the Economy Committee became aware of the renewable heat incentive (RHI) scandal, we demanded action from the relevant Economy Ministers, and the matter was then reported to the Public Accounts Committee. It is a fact that, when those parties other than the DUP became aware of the brewing RHI scandal in January/February 2015, we all delivered on our commitments.

As well as that — speaking, if I may, a LeasCheann Comhairle — for Sinn Féin, we immediately started asking hard questions, but let me tell you what I did to bring the shameful RHI scandal to an end. On my appointment, it was quite clear to me that the threat from RHI — the hundreds of millions of pounds — was unsustainable. We immediately made sure that this was brought up repeatedly with the Department for the Economy. That Department did not need my officials to tell it that by May/June/July of 2016. There had been so many other warnings and so many other red flags that it should have been moving on the issue. Of course, in July 2016, there was not only a pivotal meeting with my officials at which they said, "Get this sorted", but that was the month when the Comptroller and Auditor General dropped his explosive report on the desk of the Economy Minister. That then led to the PAC inquiry. I am happy that the buck stops with the architect of the RHI scheme, and we know that that is Arlene Foster, by her own admission. The buck also stops with the DUP Minister who, for whatever reason, did not close down — perhaps only an investigation will get to the truth of this — the scheme in time. That has left the shameful situation in which, every day as we speak, £85,000 is lost to the public purse.

**Mr Deputy Speaker (Mr McGlone):** I remind the Minister again of the two-minute rule.

**Mr McNulty:** It is well-documented that your party, Minister, was well aware of the overspend a year ago. Why did it not act sooner, or is it simply a matter of being caught out?

**Mr Ó Muilleoir:** The Member was not here of course and was not on the Economy Committee, but all the other parties found out at the same time and took the correct steps at that time. Let me tell you what I have done additionally to bring people to book and, as far as possible, to bring about the closure of the RHI scheme. Since my appointment, I have insisted that the Department for the Economy

come up with a solution. The pathetic, risible attempts by the SDLP to link Sinn Féin to the corruption of the DUP and to the arrogance and ineptitude of the DUP in dealing with this are just that — absolutely pathetic. We have brought the DUP to book on the issue. We insisted that it come forward with a solution to the RHI debacle. When it dithered and foot-dragged, we went back and had another pivotal meeting. When the PricewaterhouseCoopers (PwC) report came out, we said, "These are the options. Bring them forward. Take some action". Sadly, as I have said in the media, not until 'Spotlight' did we get the momentum that the public deserved. The ineptitude lies with the DUP. The cock-up lies with the DUP. The inability to act when it should have lies with the DUP. We will be told later today that we will get a temporary solution — the fault for that lies with the DUP. If it had taken action and listened to the warnings from me and others, we would not be in this position today.

### Relationship with Minister Givan

T2. **Mr E McCann** asked the Minister of Finance, in view of the lively exchanges across the House earlier, whether he can recall the recent day when he and Minister Givan walked together down the grand staircase outside, prompting journalists, visitors and others in the Great Hall to break into a spontaneous chorus of, "Here they are again, happy as can be, all good friends and jolly good company"; to state when the bromance ended and, given all that had happened before, to outline what it was that caused him suddenly to realise that Mr Givan was not the type of fellow he could work with. (AQT 637/16-21)

*[Laughter.]*

**Mr Ó Muilleoir:** This is Minister Givan in waiting. I think you mentioned Mr Givan first, but Minister Givan is certainly very pertinent to the discussion today.

Let me put one thing on record, because my colleague Ms Long was too exasperated to allow me to make a correction earlier: Minister Givan is absolutely wrong when he says that he did not and does not have the authority to make the mitigation payments for the bedroom tax and other welfare payments. My advice is 100% correct. He could have acted in that way. I am content that he has come forward with regulations, if that is his choice, but the situation is that I was absolutely right. As I said to Ms Long earlier, when you get a pledge from the Finance Minister, you can take it to the bank. You can be sure of that.

**Mrs Long:** *[Interruption.]*

**Mr Ó Muilleoir:** I did not get a chance — Mr Stalford would not take an intervention either — but what I said was absolutely 100% on the money, as they say. As for Mr McCann, why do we not let him get to his supplementary question?

**Mr E McCann:** I find it interesting that, when I ask the Minister of Finance about the shock deterioration in his relationship over the last week, he does not answer me at all. He answered the Minister for Communities, who is not even present. What am I to deduce from that? Even after they break up, they still cannot help thinking about one another. *[Laughter.]*

**Mr Ó Muilleoir:** I am now very happy to answer Mr McCann's question, having got the other matters on the record. Eamonn, we entered into a Fresh Start with the DUP and did our level best. Martin McGuinness epitomised that effort in the weeks and months since Fresh Start. We deliberately stretched out the hand of friendship. Mr Givan and I visited Portrush, where I was very keen to support an initiative that he was involved in around the forthcoming Open. That was our approach, and it was the correct one. The community wanted a fresh start. However, that fresh start was undermined by the repeated actions of the DUP and by the fact that there was no reciprocity. As you know, Mr Givan excelled himself: he went above and beyond in terms of the daily provocations from the DUP before Christmas when he moved into a class of one by his action on the Líoifa bursary.

## Budget Delay

T3. **Mrs Hale** asked the Minister of Finance whether he accepts that the deputy First Minister's resignation prior to the bringing forward of a Budget will significantly and detrimentally affect those most in need and to state what consideration he has given to the impact of the inability of the section 59 procedure to allocate the accrued expenditure of some £2.5 billion. (AQT 638/16-21)

**Mr Ó Muilleoir:** I suggest that the Member ask that question of her colleagues on the other side of the Chamber. This crisis was caused by your colleagues — by their total neglect and ignorance of the need to act in a manner that shows respect for their fellow Members and the public at all times. I am confident, since you asked the question, that moneys will continue to flow and that no moneys will be lost to our Budget. I followed that part of the Finance

Committee this morning. You can be sure that, despite the political crisis which the DUP has caused by its response to and stance on RHI, its inability to accept the equality agenda and its breathtaking arrogance, moneys will continue to flow in the time ahead.

We face an election. I am not sure when that will be, Mrs Hale; maybe at the end of February or the start of March. In the period after that, I have confidence that, as needs be and as appropriate, moneys will continue to flow to front-line services.

If there is blame to be meted out in relation to the situation that we are now in, in my view, and in the view, I think, of the majority of the public, it lies with not me, this side of the Chamber or any other party in the Chamber but your colleagues in the DUP.

**Mrs Hale:** Minister, officials confirmed today the inability of section 59 to allocate the accrued expenditure of £2.5 billion, so I am going to ask you this again as my supplementary: what consideration did you — not others — give to the impact of this?

**Mr Ó Muilleoir:** Well, arís, thanks very much. We will repeat ourselves as need be. The DUP brought down these institutions by its arrogance, its commitment to opposing equality and its refusal to accord parity of esteem and respect to all sections of our community. I repeat what I have said: the moneys will continue to flow. I know that there will be some scaremongering about this, which is surprising since it is the DUP that put us in this position, but moneys will continue to flow to front-line services. I am convinced that that is the case. Afterwards, if we enter into a period of uncertainty, I am confident that the civil servants, particularly the permanent secretary of the Finance Department, will continue to ensure that moneys flow as appropriate to front-line services.

It is a bit rich for the DUP to show any concern about public finances when ye are the people who created the RHI debacle and scandal and that egregious waste of public funds. It would be much better for you, Mrs Hale, and your colleagues, when you come to address matters relating to the public purse, to ask what happened with RHI, whether the allegations of corruption and malfeasance are true and why we could not have had the investigation that people demanded. Will you now accept that there is a need for just a little touch of humility? Will you say to the public, "We got it wrong. We created the mess; we are the architects of the

debacle. We will go after the wrongdoers, bring them to book and close this sorry chapter"? Instead of that, unfortunately, it is just excuse-making, pandering and trying to cover up the corruption of others.

## Budget Delay

T4. **Mr Nesbitt** asked the Minister of Finance, given that, when the Executive were formed, he promised a Budget for the mandate, then a Budget for 12 months and now a Budget for nothing — and before he becomes a quiz question to which the answer is Máirtín Ó Muilleoir, with the question being who could not produce a Budget — to confirm that, while we walked away to let him get on with it with the DUP, he is just walking away. (AQT 639/16-21)

**Mr Ó Muilleoir:** I used the word "pathetic" earlier. I do not want to repeat myself, but the reality is —

**Mr Nesbitt:** Do not be so hard on yourself.

**Mr Ó Muilleoir:** I think that you get a supplementary, Mr Nesbitt. If you want to ask it now, you can, or you can wait for your supplementary.

The reality is that the situation that we are in was caused by the DUP, but I am content that I did my work. We met all the DUP Ministers in relation to budgets. The budgets were ready to go. It was the DUP that became consumed by RHI, former Ministers kneeling in studios and the First Minister being taken to task for her role in the RHI debacle.

I stand over my record in this office. I stand over what we have done, the culture of change and the momentum that we brought to it, and the efforts that I made to stretch out the hand of friendship and go that extra mile in dealing with all my colleagues in the DUP and the independent Member over the last six or seven months. That commitment remains; our commitment is to a shared and prosperous society. If we cannot have that through these institutions, they are not worth the candle. We cannot go back to the status quo. We called time on intolerance and arrogance and on those who will not commit to respecting all our people.

2.45 pm

## Health

### Respite Care

1. **Mr K Buchanan** asked the Minister of Health what provision is made for emergency respite care for adults with severe learning difficulties and challenging behaviour. (AQO 889/16-21)

**Mrs O'Neill (The Minister of Health):** Respite care, now known as "short breaks", is a vital form of support, particularly for those in our society who play an invaluable role in caring for people with a learning disability. Short breaks are available on a planned basis in all health and social care (HSC) trust areas as well as in emergency situations, and they are provided in a variety of forms, depending on the needs of those accessing them, which are often complex and varied.

With the introduction of other forms of support, however, such as crisis response teams, the demand for emergency respite is expected to reduce. Other sources of vital support for those caring for someone with a learning disability and challenging behaviour include community-based behavioural support services, which have been established in all five trust areas.

Funding for short breaks and respite provision is not separately identified in trusts' financial returns. However, the demand for short breaks is increasing, due in part to the continuing rise in the number of adults with a learning disability, especially older adults whose parents face increasing challenges in coping as they enter their later years, and the increase in the number of people with complex needs coming through from children's services.

In light of that and given the challenging times we find ourselves in financially, we need to make sure that we are getting the best value for the money we already spend. I am committed to working with everyone in the HSC and with the people who use these services to ensure that, where necessary, we make changes to how we do things so that resources are targeted where they are most needed. Clearly, while we have made progress on developing supports for carers and people with a learning disability — for example, through short breaks — there is still much to do. For my part, I am committed to doing all that I can to ensure that the services that we provide are effective in securing the best outcomes for people with learning disabilities.

As I have said before, where that requires us to change how we do things, we have to be prepared to do that if we are to move beyond short-term responses and crisis management. That applies as much to services for people with a learning disability as it does to other parts of the health and social care system.



**Mr K Buchanan:** I thank the Minister for her response. Will she clarify the position with Hollybank in Magherafelt? Normally, it is closed on 25 and 26 December, but, over this festive season, it was closed for five days, which caused stress, particularly for those requiring emergency care.

**Mrs O'Neill:** Obviously, the Northern Trust provides a variety of short breaks to over 500 adults with a learning disability, some of whom may have complex health needs or challenging behaviour. Those are provided at Ellis Court, which is a six-bedded residential unit in Carrickfergus, and Hollybank, which, as you said, is a five-bedded residential unit in Magherafelt. Those services are pre-booked so that families can have a planned break from caring. The trust also has contracted bed-based services from the independent sector — namely, two beds in a residential setting in Coleraine, which specialises in the management of service users with highly challenging behaviours. Those services are also pre-booked.

I will respond to the Member in writing on any potential issues with Hollybank, but, needless to say, it is important that we plan those services in conjunction with families and carers because they know their needs and what they need from Health and Social Care. If there are any particular issues with Hollybank, I am happy to write to the Member, but, as I said, it is key that we listen to the views of families and carers and make sure that we design appropriate services. That is certainly how I conduct my business as Health Minister.

**Mrs Dobson:** Does the Minister recognise the immense pressure on private residential nursing homes? If even a small number closed, as has happened in my constituency of Upper Bann, the number of respite places available would be greatly reduced. I want to learn more about the actions that she is considering to reduce those pressures. Does she bear in mind the heartache that closures bring to elderly residents and their families?

**Mrs O'Neill:** I absolutely understand the heartache, and I have met many families and carers who have lived experience of supporting their loved ones and friends. As I said in a previous answer, it is so important that we listen to the views of those people and design services that meet their needs. Whilst providing residential care is one element of the type of support that you can provide to people, there are other ways in which you can support people. It is important that we tailor support to

the needs of the individual as opposed to trying to impose a blanket approach. That is very much what we need to do. We need to invest more to make sure that support is in the communities and help people in their homes without them having to move if that is what their families want. It is important that we continue to provide services in conjunction with those people who use them.

It is also really important that we continue to support our carers, because they are absolutely stretched to the limit. They do such fantastic work to support family members or the friends whom they might care for. We need to continually drive home the message that carers are also entitled to be cared for. They need to have their carer's assessment, and we need to be able to meet the needs identified as a result of that. I absolutely believe that carers provide invaluable work that the health service could not provide, and we need to recognise that. I believe that I have done so through meeting carer representative groups and engaging with carers over the last seven months.

**Mr Milne:** Agus mo bhuíochas leis an Aire fosta as a freagraí go dtí seo. Will the Minister update us on any progress made in learning disability services in the Western Trust?

**Mrs O'Neill:** I have repeatedly made clear my commitment to ensuring that the issue is resolved. Actions are being taken forward to facilitate that, and I have met the families involved. I have made arrangements for the appointment of an independent facilitator to work with the trust and the families to restore relationships so that a plan for further investment in adult community learning disability services in the area can be developed as a matter of priority. The terms of reference for that work have been finalised, going initially to the chief executive of the Western Trust in December. They require me to approve the appointment of a facilitator, which I will do following further engagement with representatives of the families in the area. I have also appointed a senior official from my Department to oversee progress and act as the point of contact for the families. Arrangements are being made to facilitate a meeting between the Health and Social Care Board and the families to discuss the capitation formula, because this is a complex subject, and I know that the families are keen to understand and know more about it. I am happy to facilitate that.

**Mr Lyttle:** Why are only six adult learning disability respite care beds available in east

Belfast and only 23 in the Belfast Health and Social Care Trust that are often displaced for emergency use? What is the Minister doing to address the unacceptably poor provision of much-needed respite for families living with learning disability?

**Mrs O'Neill:** I do not have the breakdown for east Belfast, so I cannot give you information on that, but I am happy to provide it for you in writing. As I said previously, we need to recognise that it is not just about the residential facility; we need to have in place a combination of measures and appropriate supports because everybody has different needs and requirements. We have more adults with a learning disability and more families under an awful lot of pressure as the people providing the care get older. Respite care, which is now more commonly known as "short breaks", is something that we need to continually keep under review. One of the things in the review of learning disability services in the Bamford evaluation is looking at where we should target supports. It very much points to the need to look towards more care in the community, making sure that we provide support close to people and, in an ideal situation, in their home, if that is possible. Short breaks or residential care, as you call it, are a crucial component of the continuum of comprehensive support services, but we need to make sure that we provide every possible opportunity for people to receive care in the manner in which they need it. I believe that, like everything else right across health and social care, it is about bringing care closer to people and closer to their home.

## Out of Hours Service: Armagh

2. **Mr Kennedy** asked the Minister of Health for her assessment of the pressures on the Armagh GP out of hours service. (AQO 890/16-21)

**Mrs O'Neill:** The out of hours base in Armagh city is open each weeknight and for three slots on both Saturday and Sunday. The Southern Health and Social Care Trust seeks to ensure that a safe and sustainable GP out of hours service is available across all five bases in the trust area, including Armagh. In 2015-16, the Southern Trust out of hours service received nearly 94,000 initial patient telephone calls. The service provided over 5,000 home visits and 52,000 GP, nurse or pharmacist telephone assessments, and 36,000 patients had appointments in the Southern Trust out of hours centres. Despite the increasing pressure facing the service, more than 85% of people

contacting the trust's GPs out of hours were triaged within 20 minutes.

The Southern Trust has taken a number of actions to support the out of hours service, including the introduction of nurse practitioners and clinical pharmacists to support GPs in managing the service. Patient and staff safety is of the highest priority, and, in the event that there are insufficient clinical staff to cover all out of hours bases across the trust area, resources may be consolidated in fewer bases. Where this is the case, all patients calling out of hours services continue to receive telephone advice and are offered an appointment at an alternative base or a home visit, as deemed clinically appropriate, following the initial telephone triage.

There has been significant investment in GP-led services over recent years. I set out in 'Health and Wellbeing 2026' the importance of primary care, and I have confirmed my intention to invest significantly in primary care. The future model of primary care must be focused on keeping people healthy and well and must be based on multidisciplinary teams embedded in general practice. I have already announced plans to have named district nurses, health visitors and social workers for every GP practice to support the development of new roles such as physician associates and advanced nurse practitioners and to continue to invest in practice-based pharmacists. I also intend to invest in technology to help transform the way general practice works and informs the services to patients. To that end, I have confirmed the further roll-out of the askmyGP system.

I have also said I will bring forward a public consultation on the role of GP federations. Further detail on our approach to building multidisciplinary teams will follow over the next number of months on how we are going to do that and how we are going to secure what I have set out in 'Delivering Together'. Given my focus on supporting and investing in primary care, I have also announced an increase to 111 GP training places over the next two years. This year, 2016-17, saw the investment of up to £7 million in GP services following contract negotiations, building on investment of up to £5 million made last year.

**Mr Deputy Speaker (Mr McGlone):** Just before we move on, I advise the Minister about the two-minute rule.

**Mr Kennedy:** The early part of the Minister's response highlighted the need for the retention of GP services in Armagh and, indeed, in

County Armagh. How will the Minister react and, more importantly, what will the Minister do to deal with the current wider GP crisis highlighted by the comments today by the chairman of the Northern Ireland General Practitioners Committee, Dr Tom Black, warning that Northern Ireland GPs will vote to leave the National Health Service because of the crisis in the political institutions?

**Mrs O'Neill:** I think my track record speaks for itself in what I have done, in the early days in office, on investing in primary care to make sure that we support our GPs. I have taken on board the whole review and the recommendations that were put forward under the GP-led review. I am as committed today as I was when I announced I would take on board all those suggestions and make sure that we implemented them.

The situation we are in today is not of my making. It is absolutely down to the arrogance of the DUP. It is down to the RHI scandal. Let us be very clear about where we are in relation to the current situation and why we are in the scenario that we are in.

I set out a vision for transforming health and social care that very clearly put it at its core that we need to invest heavily in primary care and bring care closer to people's homes. That is absolutely the vision I am wedded to and will continue to be wedded to until I leave office. I would much prefer to be driving forward with that transformation agenda, but there is a crisis of confidence in these institutions because of the actions of the DUP. As a result of the actions of the DUP and because of its continued arrogance and disrespect towards the public, I believe that the public are rightly entitled to have their say on the future, and that will include GPs.

**Mr Deputy Speaker (Mr McGlone):** Members, please be advised that you should have a little respect for the Minister when she is responding and likewise for anyone else who has the Floor.

**Mr McNulty:** I thank the Minister for her answers thus far. The Minister responded to my questions for written answer on the matter confirming that 2,779 shifts in the out of hours service in the Southern Trust went unfilled in the last 18 months. She went on to confirm that the Armagh base was closed on 242 occasions over the same period. Will the Minister explain why her Department continues to close the Armagh base, given that her Department has also closed the minor injuries unit in the city?

**Mrs O'Neill:** From 20 December to 2 January, the Armagh base was open 18 out of 28 times, which is 64%. Although the Armagh base may be closed, the GP out of hours is a trust service, and patients in Armagh will be provided with a service. When it is closed, it affects only appointments, and patients will be offered an appointment in one of the other bases. Normally, the Armagh base has one GP; however, on six of the occasions that the Armagh base was open, it was staffed by two GPs, and on one occasion it was staffed by three GPs. The GP out of hours service is provided to all the Southern Health and Social Care Trust population and is delivered by GPs, triage nurses, nurse practitioners and pharmacists from bases throughout the trust.

### 3.00 pm

That is in relation to performance, but the issues faced by the Southern Trust in relation to out-of-hours services are pretty typical of issues with out-of-hours services across the piece. This points to the need to train more GPs, and I have already set out what I am going to do. It points to the need to look at other services that can be provided in the community and how else we can provide additional nurses. I have said that we need to enhance the role of advanced nurse practitioners, and we need to look at placing pharmacy at the centre of GP services. I have set out the direction that we need to take to fix a poor picture in relation to the stress and pressure that I have no doubt GPs are under. The situation in the Southern Trust is symptomatic of the wider issues and the need to transform health and social care.

**Ms Seeley:** I thank the Minister for her answers so far. The Minister has committed to investing in primary care. How does she feel that will alleviate pressure across our health system?

**Mrs O'Neill:** Investment in primary care is critical. The vision for transforming health and social care, 'Health and Wellbeing 2026: Delivering Together', set out clearly the importance of primary care. As part of that vision and direction of travel, I confirmed my intention to invest significantly in primary care. We have to change the future model of delivery. The future model of primary care must be focused on keeping people well and healthy; it must be based on multidisciplinary teams embedded in GP practices.

I have already announced plans to have named district nurses, health visitors and social workers for every GP practice; to support the development of new roles such as physician

associates and advanced nurse practitioners; and to continue to invest in practice-based pharmacists. I also intend to invest in technology to help to transform how general practice works and improve services to patients. To that end, I have confirmed the further roll-out of the askmyGP system. I have also said that I will bring forward a public consultation on the role of GP federations. Further detail on our approach to building multidisciplinary teams will follow over the next short period.

Given my focus on support and investment for primary care, I have also increased to 111 the number of GP training places over the next two years. This year, 2016-17, also saw investment of up to £7 million in GP services following contract negotiations, building on investment of up to £5 million made last year.

**Ms Armstrong:** Minister, 20% of attendance at out-of-hours surgeries is for routine, repeat prescriptions. No matter what we do to inform the public that the service should not be used for that, it is still happening. The main reason for that is that no one can get near a GP surgery for love nor money. I heard you talk about supporting GPs, but what are you going to do to make absolutely certain that the public can access GP services?

**Mrs O'Neill:** I think that I have clearly set out what needs to happen. I set out the transformation vision, Delivering Together, which is the road map; that is what we have to do to transform the picture. There is no doubt that our GPs are under significant pressure. We all recognise that; we all see it every day, and we all engage with people who are trying to get an appointment but cannot. GPs need our support, and that is what I said I wanted to do. It is about building a multidisciplinary approach and about making sure that when you go to your GP, you can, perhaps, be seen by an occupational therapist or physiotherapist or anyone you might need in a multidisciplinary team.

If we do not get to that place, our hospitals will be continually under significant pressure and our waiting lists will continue to grow. I am as committed today to the transformation and the work that needs to happen on it as I was when I announced it in the Chamber a number of months ago. We have to deliver transformation; otherwise the health service will continue to be in crisis and waiting lists will continue to grow. Transformation is the long-term answer. If we invest, I believe, wisely in primary care and in bringing care into the community — that includes domiciliary care

workers and everyone who works at the coal face and supports individuals — we will arrest the picture, and we will be able to change things. However, in the absence of transformation, we cannot keep doing things the way we are and expect people to have different outcomes.

## January Monitoring Round

3. **Mr Smith** asked the Minister of Health whether she will make a bid for additional funds in the January monitoring round. (AQO 891/16-21)

**Mrs O'Neill:** As the Finance Minister said in the previous Question Time, as there is no Executive, due to the DUP's mishandling of the renewable heat incentive (RHI) scandal, there will be no January monitoring. We refused to tolerate the DUP's arrogance and the contempt that it continued to show towards power sharing and the principle of equality. That is regrettable, given that we are all aware that Health is facing significant and increasing challenges in endeavouring to meet the ever-increasing demand from within constrained financial resources. There are a significant number of front-line service pressures right across health and social care, from the hospital sector through to community services and social care. Those pressures are being managed proactively, and will continue to be, in order to live within our resources, but let us be clear: public finances will continue to flow in the absence of a January monitoring round. We are all aware that Health is facing significant and increasing challenges, and, in endeavouring to meet the ever-increasing demand from within constrained financial resources, there are a significant number of front-line-service pressures right across the sector. As I said, those pressures are being proactively managed in order to live within resources. We will continue to engage with the Department of Finance to address the additional investment necessary to support the delivery of services.

I have consistently said that the transformation of the health and social care system will require significant funding, but it is important that, first, we build capacity in primary care by developing multidisciplinary teams, increase surgeries that do not require overnight stays and move towards elective care centres to focus on waiting lists, among many other things.

**Mr Smith:** I thank the Minister for her answer. I appreciate that the initial question has been taken over by events, but, now that we have no

monitoring round capability and the first Bengoa action on waiting lists will fall, what does the Minister say to the 250,000 people on record waiting lists to explain why she has put party politics before effectively doing her job for all the people of Northern Ireland?

**Mrs O'Neill:** What do I say to the people on waiting lists? I say that it is not good enough, and I continue to say that. It is absolutely not good enough. I set out how we needed to transform health and social care in the short, medium and longer term. I set out a number of key actions that we need to deliver from the Bengoa report and the direction of travel for doing that. There are 18 points. We have actioned quite a number of those, and we are on target to deliver on the others. There was some confusion last week. I will publish an elective care plan. I will publish exactly what I intended to do with waiting lists, because that is important for trying to build public confidence.

We cannot let the waiting lists issue overshadow the real, meaningful transformation that we need to achieve. I have said it previously and will say it again: let us be very clear that the reason why we are in this scenario is because of the DUP. We are in this scenario because of the DUP's arrogance and the fact that it continues to ignore the public concern over the RHI scandal. Until seven months into this mandate, it failed to publish a plan for how it is going to stop the flow of money. Despite all the pleas and calls for the First Minister to stand aside, she ignored the public, and we now find ourselves in a scenario in which we have no option. Martin McGuinness took a very considered decision to place his resignation before the Assembly. It was absolutely the right thing to do. I only want to govern and be part of institutions that have equality at their core. Without that, there is no public confidence in them. The public need to be very sure that, when I or any other Minister who is part of an Executive takes a decision, it is done on the basis of the public interest and on the basis of equality, parity of esteem and mutual respect.

I do not think that the public will thank us or anybody else for being part of institutions that do not have equality at their core. It is now over to the public to have their say. I will send this message to the public: I believe that I have set out a vision for health and social care. I wanted to be at my desk continuing to deliver the transformation. I will stay at my desk until the eve of the election, when that ceases to be the case. I am as determined today to deliver on the principles of the health service as I was when I took up office and set out the

transformation journey. This situation absolutely falls at the feet of the DUP and its arrogance.

**Mr Sheehan:** Will the Minister give us an update on funding for the community and voluntary sectors?

**Mrs O'Neill:** It is really important that I listen to the views of the groups out there on core grant funding, and I did so over the past number of months. One of the issues that they consistently raised with me is their belief that the loss of core grant funding will be detrimental and take away from their ability to provide advocacy services. Therefore, I would give some consideration to what was originally tabled for the way forward, where there would have been a reducing percentage of core grant funding going out and an innovation scheme coming into place. The more that I have considered that over recent months and the more that I have engaged with the community and voluntary sector, in place of the innovation scheme, the more that has led me to intend to establish a new core grant scheme that will be linked to the vision for health and social care and transformation. It will support the core functions of voluntary and community sector organisations and will be open to applications from any voluntary and community sector organisation that demonstrates that it meets the aims of the requirements of the new scheme

Whilst, as I have said, I was supportive of the innovative aims of the proposed innovation scheme, I was concerned that closure of the core grant scheme would leave a significant gap in relation to the strong advocacy role that is performed by the voluntary and community sector. Work on the design of the scheme has started, and I have asked officials to engage the sector in the design process. Organisations that are currently in receipt of core grant funding will continue to receive grants at current levels until the new core grant scheme is up and running and accepting applications. To be very clear: there will be no reduction in grants in 2017-18 as previously planned. All 65 voluntary and community organisations that are currently in receipt of core grant funding were informed of my decision by letter on 5 January.

**Mr McGrath:** My first question to the Health Minister in this mandate was about the Downe Hospital. It would appear that my last question to the Health Minister in this mandate will be about it, too. Does the Minister feel that monitoring round money offers an excellent opportunity for pilot projects which can help excellently located facilities such as the Downe

Hospital to provide services locally and also help to ease pressures in the wider hospital network?

**Mrs O'Neill:** Obviously, there was a change in the approach to monitoring rounds. We were doing things differently. It is now a process of ongoing conversation with the Finance Minister, and I can assure you that I regularly knock on his door. I had an opportunity to go down and meet some of the staff of the Downe Hospital. I very much welcomed that opportunity. They are absolutely passionate about what they can do. They also see very clearly their role in how health and social care will look in the future. The Downe Hospital absolutely has a key role to play. I am looking forward to working with the staff to ensure that we develop that and that the Downe Hospital plays a significant role in the future delivery of health and social care. I have always said that the future of delivery may look different, but there is no doubt about it: hospitals like the Downe Hospital should look at this as a real opportunity to be part of the new vision for health and social care.

**Ms Bradshaw:** I would like to go back one question, Minister, to core grant funding. It is welcome that there will be no reduction next year, but there has been a reduction of 25% this year. The rationale for that was that this innovation fund was coming forward. It was believed that that money was in the budget. Given the urgency with which we need these health and well-being projects to be delivered, would it not be prudent to reinstate that 25% for the current financial year?

**Mrs O'Neill:** I can assure the Member that I am actively looking at that area and issue and how best we can use the funding. I am glad that she welcomes the new scheme. It has certainly received positive feedback from the community and voluntary sector. Given how we have now aligned the new scheme, we need to look at that additional funding. I am committed to doing that. I am looking at potential ways in which we can support the community and voluntary sector, and I particularly want to look towards mental health. I think that there could be an opportunity for us to do something in relation to that. I will keep the Member informed as to how we will roll it out, but I am looking at the 25% and how best we can make sure that it does enter the community and voluntary sector arena and how best it can then be spent.

## **Emergency Departments: Pressures**

4. **Mr Durkan** asked the Minister of Health for her assessment of the pressures faced by emergency departments over the Christmas period. (AQO 892/16-21)

12. **Mr Girvan** asked the Minister of Health for an update on the measures taken to address emergency department waiting times. (AQO 900/16-21)

**Mrs O'Neill:** With your permission, a LeasCheann Comhairle, I will answer questions 4 and 12 together as they both relate to the pressures that are being faced by emergency departments and the action that is being taken to address them.

The period following Christmas and new year is always one of increased pressure for health services right across Europe. I wish to assure you that we plan for this on an annual basis. However, it is true that this year has been an exceptionally challenging period for trusts and the Ambulance Service across the region due to winter illnesses, including norovirus. The latest provisional information that has been provided by the Health and Social Care Board (HSCB) for the nine larger acute hospital type one emergency departments indicates that, from Saturday 24 December to Wednesday 4 January, there was an increase of 8% in the number of people who attended emergency departments compared with last year. In some hospitals, this figure was as high as 14%. There was an increase of 5% on the same period last year in the number of patients who were transported by ambulance to emergency departments.

As I have said, the trusts and the HSCB put detailed plans in place for this winter. The plans for each area include a comprehensive range of additional or enhanced measures to manage expected winter demand, as far as possible avoiding the need for patients to go to hospital or, where this is necessary, avoiding the need for admission through the usage of ambulatory pathways. Where patients do require hospital admission, the plans propose a range of additional enhanced measures to optimise patient flow on a seven-day basis, including timely discharge. However, the rise in demand was right at the upper end of the forecast, and this has been reflected in the impact on emergency departments.

HSC trusts are also continuing to work to recruit emergency medical doctors, but there is a recognised shortage of those staff. The Department is continuing to address the issue of medical workforce planning. A workforce planning review of emergency medicine has

been carried out, covering the period from 2014 to 2022. A number of recommendations have been made, which are being considered by the Department.

### 3.15 pm

I want to pay tribute to all the health and social care staff; in particular, those staff who have had to face increased demand in emergency departments in all our hospitals over the last number of weeks and who continue to do their very best in extremely difficult circumstances.

**Mr Deputy Speaker (Mr McGlone):** That concludes the period for listed questions. We now move to topical questions.

## Daisy Hill Emergency Department

T1. **Mr McNulty** asked the Minister of Health, after commending the staff — nurses, porters, paramedics and doctors — of Daisy Hill Hospital for whom he has the utmost admiration in how they have handled the pressure that they are under, especially over the Christmas period, for an update on securing permanent senior consultant cover for the emergency department at Daisy Hill. (AQT 646/16-21)

**Mrs O'Neill:** I concur. The staff in the emergency departments have been under immense pressure. They have all come in when they are supposed to be off. They are coming in, covering shifts and doing absolutely everything. I absolutely put on record how fantastic they have been, and they continue to work really hard as we get through the winter period.

I can confirm it for you in writing, but I believe that we have been successful in the recruitment of at least one emergency consultant at Daisy Hill. We had advertised for two posts. I will confirm it in writing when contracts have been signed, but I believe that we were successful in attracting someone to the post.

**Mr McNulty:** I know of one instance over the Christmas period where an 85-year-old man was left on a trolley in an overflow room. Are there any contingency plans to bring consultants in from other areas, or how can this issue be appeased in this locality for those emergency situations when there is an overload?

**Mrs O'Neill:** Obviously, the priority has to be about making sure people are seen as quickly as possible. It is regrettable to say that some

people have had to wait the extreme length of time that they have had to do. I have outlined the challenges that our emergency departments face, but we are not alone in that. The same challenges are right across this island; they are in England, Scotland and Wales. Actually, they are as far as Europe where there is an issue about recruiting consultants. It is an issue that needs to be factored into the future workforce planning, because one of the things that I always said when I took up post was that I was really surprised that there was not an overarching workforce plan. There is a European-wide issue, perhaps even a global issue, about a shortage of people to work in these fields, and that is where the workforce strategy comes in.

Nobody should have to wait in corridors or side rooms, and our staff are doing everything that they possibly can. This year, we were in a better state of readiness in our preparations for winter than we ever have been. I made sure that I brought everybody in — all the heads of the trusts, the board and the Ambulance Service — to be assured that everything that could have been done in advance was being done. We did have particular, challenging issues this year, not least being the fact that more people attended our emergency departments, but also because we had outbreaks of viruses such as the norovirus, which obviously put additional pressure on hospitals.

## Adult Learning Disability Underspend: Western Trust

T2. **Mr McCrossan** asked the Minister of Health for an update on the actions that she has taken to investigate the underspend on adult learning disability services in the Western Trust area, which was discovered in 2013, with us now almost a year down the track since it was revealed following great work by families and the media. (AQT 647/16-21)

**Mrs O'Neill:** Maybe the Member was not in earlier; I did answer this question, but I am happy to do so again. I have repeatedly made clear my commitment to making sure that the issue is resolved. I have met the families and agreed a number of actions with them that we are going to take forward to facilitate their being able to achieve the information they asked for. I have made arrangements for the appointment of an independent facilitator to work with the trusts and the families to restore relationships, so that a plan for further investment in adult community learning disability services can be developed in the area as a matter of priority.

The terms of reference for this work have been finalised and were issued to the chief executive of the Western Trust in December. These require me to approve the appointment of a facilitator, which I will do following further engagement with representatives of the families in the area. I have also appointed a senior official from the Department to oversee progress and to act as a point of contact for the families. Arrangements are also being made to facilitate a meeting between the Health and Social Care Board and families to discuss the capitation formula. Obviously, it is a complex subject, and the families are very keen to know more and to understand it.

**Mr McCrossan:** Thank you, Minister, for answering the question. You did not answer it earlier, and I am not enthused by your answer, nor will be the many people and families who are listening, sitting on the sidelines, disappointed and disgusted that we still have not got answers about this money.

First, where is the money, Minister? Secondly, do you not feel that the many promises that you have made are letting people down? You are about to walk out of office, as your party has done, collapsing with your love partners in the Executive. What do you say to those families, Minister? They are waiting on the sidelines with people on waiting lists for operations and everything else. You are politicking, and people are in crisis. It is time that this issue was taken seriously, and I do not think that your party is doing that.

**Mrs O'Neill:** You have a neck on you to tell anybody to take anything seriously. I have taken up this issue. From the very first day that I came into office, the issue was brought to my attention. I have done absolutely everything I can to work with the families.

**Mr McCrossan:** Was that to work?

**Mrs O'Neill:** You should not shout over me.

I have done everything that I can to work with the families. I agreed a number of actions with them. I told them exactly what I was going to do. I told them that I would appoint an independent facilitator and that it was time that we started to try to build a relationship. I thought that we could do that through the appointment of an independent facilitator. That is exactly what I have done. It is important that we support those families and that they feel that they are being listened to. I said that we would get to the bottom of the issue and get clarity on the £8 million that we talked about. It is more

important to make sure that they start to build a relationship with the trust again and that the independent facilitator accommodates that to allow them to feel confident that their loved ones are being looked after and for trust to be built up again between the individuals and the trust. For me, making sure that that work is done is far more important than trying to make a headline for yourself in next week's local paper.

I want to be a Minister. I have shown my track record and what I could do when I came into office. Every decision that I took was based on equality and mutual respect, and my track record in transforming health and social care, listening to staff and patients, listening to —

**Mr McCrossan:** You are leaving office.

**Mrs O'Neill:** I have done absolutely everything I can. You are right: I am leaving office. Do you know why? Because I will not tolerate the arrogance of the DUP. That is exactly why I am leaving office. You can sit on the sidelines, but you are absolutely irrelevant. Let me tell you why: you could have brought all the motions you wanted to the House, but the only person who could hold Arlene Foster and the DUP to account was Sinn Féin and Martin McGuinness when he placed his resignation before the House. So do not talk —

**Mr McCrossan:** Failed government.

**Mrs O'Neill:** A LeasCheann Comhairle —

**Mr McCrossan:** Failed government.

**Mrs O'Neill:** Do not talk your nonsense with me. Do not try to muddy the waters. I am absolutely committed to making sure that I deliver every support to those people with a disability or a learning disability. I am absolutely committed to making sure that we get to the bottom of the issue in the Western Trust and that those families can get on with caring for their loved ones. I do not think that you should use the issue to try to score petty political points. I am not interested.

**Mr Deputy Speaker (Mr McGlone):** Members, please. We have tried to conduct our business today with quiet respect, one for the other. I would seriously appreciate it if Members would not talk across one another or shout when another Member has the Floor, please.

The Member who placed question No 3 is not in position.



## DFM Resignation

T4. **Mrs Little Pengelly** asked the Minister of Health to outline the representations she made to the deputy First Minister to state that, rather than resign when he did, he should wait to allow a Budget to be laid in order that her Department and all those people who need health services can get the help and support that they need when they need it, given that she will be aware that the Finance Committee held an emergency meeting this morning to hear about the inadequacies of section 59, which, for example, does not allow the distribution of accrued funds of some £2.5 billion; the Finance Minister has not brought forward rates regulations, which means that rates bills cannot be sent out and that additional money brought in, which will cause a huge crisis in the Departments, including the Department of Health. (AQT 649/16-21)

**Mrs O'Neill:** The Finance Minister, Máirtín Ó Muilleoir, answered you earlier in relation to section 59. This is another example of the DUP trying to scaremonger and get cover. The reason we are in this situation is absolutely of the DUP's making; it is nobody else's. Had the DUP listened to the public outcry and been really serious about having integrity in government, it would have stood aside. We are in this position because of the actions of the DUP, not those of Martin McGuinness. Martin McGuinness did the right thing; he tendered his resignation because he was no longer prepared to lead his party in government with people who are not interested in equality or mutual respect. Our position is very, very clear. I want to be at my desk delivering for health and social care. I want to make sure that I drive forward the transformation piece, but I tell you this: I will not be part of a government in which the DUP is not interested in equality. We cannot be partners in government with people who care about certain sections of society only. It is not good enough.

**Mrs Little Pengelly:** Sadly, what we have heard here today is a Minister of Health reading off a Sinn Féin election cue card rather than caring about the many, many thousands of people who will be impacted by the lack of a budget. The Health Department will start this financial year without a budget or planning, and that will impact on those most at need. The responsibility lies with you as Minister of the Department. You cannot duck the responsibility to ensure that there is a budget in place and to make representations to your colleagues to that end. What contingencies have you put in place,

Minister, to ensure that public services in health are not impacted detrimentally?

**Mrs O'Neill:** Again, we are back to the same point. The reason why we are in this situation is the DUP, its arrogance, its lack of integrity, the RHI scandal and everything else that went before it. The DUP should have listened to the calls for Arlene Foster to stand aside, allowing a full investigation to disclose all of the information and have it in the public discourse. There is a crisis of confidence in the institutions — an absolute crisis of confidence. People do not trust the DUP, so I absolutely think that Martin McGuinness took the right decision. We know that he took the right decision. It is now over to the public to have their say. Our track record on delivery and on putting equality at the core of the Departments for which Sinn Féin has held the ministerial portfolio speaks for itself, and we will never be distracted from that. We will, however, only ever come back to these institutions and be in the Executive if equality is embedded at their core.

## Minister's Legacy

T5. **Mr Allister** asked the Minister of Health, after apologising for interrupting the lovers' tiff, whether she agrees that, with GPs threatening mass resignation, waiting lists again running out of control and budgets heading for the buffers, the public are entitled to judge her legacy as one of failure. (AQT 650/16-21)

**Mrs O'Neill:** We have made it very clear. Let the public decide; let the people decide. We have had DUP arrogance, failure to recognise the public mood, failure to listen to concerns and failure to do the right thing. The public will now have an opportunity to have their say, and I look forward to engaging on the doorsteps with everybody who wants to talk about it, but I am making it very clear: we will only come back and be part of an institution and Executive that have equality embedded at their core.

**Mr Allister:** I am tempted to say that those in Sinn Féin are the last people to set any standards of probity about anything. On the Minister's legacy, will she, before she leaves office, implement the call from international experts to ensure that the air ambulance is doctor-led from day one?

**Mrs O'Neill:** I am in office until the eve of the election, whenever it might be called, and I will continue, at my desk, doing my work every day. That includes taking decisions relating to the future of the air ambulance and how it will be staffed. I have always said that I will be guided

by the Chief Medical Officer and his recommendation, and that continues to be the case.

## Ministerial Apology

T6. **Ms S Bradley** asked the Minister of Health to reflect on her time in office and all the empty promises that were made at the outset and to state whether she feels any duty to apologise to the people of Northern Ireland whom she has so severely let down by walking out of office, regardless of where she wants to point the finger of blame, which gives little comfort to those people who are waiting for operations, waiting for care and are waiting for instruction and governance that is absent. (AQT 651/16-21)

**Mrs O'Neill:** Do I apologise for prioritising mental health? No, I do not. Do I apologise for setting out a vision for transforming health and social care and delivering better health outcomes? No, I do not. Do I apologise for putting a focus on tackling health inequalities? No, I do not. Do I apologise for all the things that I have done in relation to engaging with staff and making sure that their voice is heard? No, I do not. The issue of waiting lists has been unacceptable to me since the day and hour I took up office, and I have been working every day to deal with those issues.

Do not use your electioneering on me today, let me tell you. I am interested in delivering for the public. I am interested in doing absolutely everything I can. I will continue to do that until the day I cease to hold office.

**Mr Deputy Speaker (Mr McGlone):** That concludes topical questions. I ask Members to take their ease, please, while we change the top Table.

3.30 pm

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

## Executive Committee Business

### Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017

**Mr Givan (The Minister for Communities):** I beg to move

*That the draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 be approved.*

The regulations are being brought in under article 137 of the Welfare Reform (Northern Ireland) Order 2015 and will amend existing regulations for the payment of welfare supplementary payments introduced during 2016. The Executive considered and approved the draft regulations at their 29 September 2016 meeting, and they had been scheduled for scrutiny by the Communities Committee on 12 January this year. However, the Committee did not meet on that date.

The regulations have been developed following publication of the welfare reform mitigations working group proposals on how the Executive should help those who are financially disadvantaged as a consequence of the changes to the welfare system. I thank Professor Evason and her colleagues on the working group for bringing forward these recommendations, which were subsequently endorsed by the Executive on 21 January last year.

Members will recall that, last year, the following mitigation regulations were approved by the Assembly: the Welfare Supplementary Payments Regulations (Northern Ireland) 2016; the Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016; the Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016; and the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016. Those regulations gave my Department the powers to make payments to households adversely financially impacted by the benefit cap, those affected by time-limiting of contributory employment and support allowance (ESA) and those affected by the introduction of personal independence payment (PIP).

The regulations for debate today are further amendments to the existing welfare supplementary payment regulations and cover various circumstances that could arise and for which provision was not made in the original regulations. Members will be aware that officials were asked by the Executive to ensure that the mitigating measures were put in place when the Westminster Government reforms were introduced. The regulations give my Department powers to cover circumstances not addressed in the original regulations and will not make any substantive change to the administration of the existing scheme.

The amendment regulations make the following provisions: to require the reporting of a change in certain circumstances; to set the effective date for a change of circumstances; to continue, reduce or cease welfare supplementary payments in certain circumstances; to deal with couples; to disregard sanctions; to allow welfare supplementary payments to be made to a landlord's agent or a person nominated to receive payments on a claimant's behalf; to allow information sharing with the Northern Ireland Housing Executive and Her Majesty's Revenue and Customs; to set a priority order for the payment of welfare supplementary payments for carers; to align welfare supplementary payments with housing benefit and to amend the definition of limited capability for work credit; and to effect the recovery of overpayments of welfare supplementary payments from future welfare supplementary payments by deduction from benefits, by deduction from earnings or via the courts. The regulations will help to ensure that mitigation payments are made under the appropriate legislation and that my Department makes regular and accurate mitigation payments to claimants impacted on by the changes to the welfare system.

**Ms Mallon:** I support the regulations, but the Minister will not be surprised that, because the regulations refer to the appeals process, I wish to take the opportunity to emphasise a point on which I have been in correspondence with his Department. It is about the fact that, to access a mitigation package, the necessary gateway is to go through the tribunals process and appeal a benefit decision. The Department has recognised that there will be a huge spike. I obtained figures from the Department that testify to the fact that the appeals forecast for this year is just under 12,000. That rises to almost 33,000 next year; in 2018-19, it rises to over 41,000; and it goes on. The Minister recognised that and increased investment in the physical infrastructure of tribunals, but there remains a gap around advice workers who are specifically trained to assist people through the tribunals process. In Belfast alone, 30,000 people will go through the appeals process this year, so I urge the Minister to look again at the issue and, if possible, bring forward ring-fenced funding to ensure that people who have specific training in the tribunals process are there to help to navigate our most vulnerable citizens through a very daunting and complex process.

**Mr Stalford:** This is the second example in the course of the day of the potential for devolution to be used in a positive and constructive way to aid those in most need. I welcome the fact that

the Minister has brought the measures forward. I am glad to support them, and I urge all parties to do likewise. It is important, even in probably the last hour and a half of devolution, that we can use the institutions in this way. I am glad that the Minister has outlined the detail that he has to the House.

**Ms Ní Chuilín:** I, too, welcome the regulations. Like Nichola Mallon, particularly in relation to giving independent advice on benefits entitlement, I urge the Minister to follow Belfast City Council's example not just in respect of independent advice services for north Belfast but in respect of similar services across the North. When new regulations come in, it is incumbent on the Department to ensure that, where there are changes in circumstances, particularly to the way in which benefits are brought in, there is help and support. I also urge the Minister and his Department to make sure that there is a greater focus on error rather than just the primary focus on fraud.

I noted that the Minister said that this was in keeping with the regulations on personal independence payments. Yet, PIPs were introduced, as will other benefits, without regulations. It goes back to the comment that he made earlier about my party colleague, Máirtín Ó Muilleoir.

Máirtín was right: those things were brought in without regulations. The Minister — I will not go as far as saying the Attorney General also — is tripping himself up. Maybe he could find 50 grand down the back of his sofa for the advice services. Maybe if they were provided in Orange halls, they would have a better opportunity of getting supported.

I want a better and greater focus on entitlement for people who are entitled to benefits. I want to make sure that he and his Department — I have absolutely no difficulty in saying this — place a greater emphasis on error in the Department, particularly when new transitional arrangements are being made and that claimants living in poverty are not penalised for inefficiencies as the regulations roll out.

I am glad to see the regulations, however, because if they help make it clearer for people how to get access to benefits, all the better. However, I urge the Minister to give additional support, particularly to the advice sector.

**Mr Dickson:** The Alliance Party is content to support the regulations, although with similar caveats to those that we attached in the previous debate on the bedroom tax. It is

bitterly disappointing that two flawed parties in the same Government are presenting these regulations to us today: one, perhaps with the exception of the bedroom tax, that is more keen to back its Tory mates at Westminster; the other that is just dodging its responsibilities on welfare reform by not going to Westminster at all.

I want to concentrate on the situation that many advice services and charities will find themselves in over the next few months. Not only will they be incredibly burdened by the need to support some of the most vulnerable claimants through the torturous process of claim, appeal and tribunals but they themselves, as charities and organisations that support the vulnerable, will wonder where the next penny is coming from for them when it comes to the Budget for Northern Ireland and the failure of the two Government parties to provide a Budget.

That, in turn, will have the most severe of knock-on effects on those organisations that depend on our Budget and the arm's-length bodies and others that hand out resources to them. I think of organisations like Citizens Advice, Disability Action and many other voluntary and community organisations across the Province, which will be struggling and wondering where their resources are going to come from to deal with some of their most vulnerable clients when the regulations come into force. We support the regulations.

**Mr Deputy Speaker (Mr Kennedy):** This is Clare Bailey's first opportunity to speak as a private Member, so I remind the House that it is convention that a maiden speech be made without interruption. However, Ms Bailey, if you choose to express views that could provoke an interruption, you are likely to forfeit that protection.

**Ms Bailey:** Thank you, Mr Deputy Speaker. When I picked this date to deliver my maiden speech, I could not have predicted the circumstances under which it is being made and the political fiasco that is happening.

I was elected by the people of South Belfast to represent them. South Belfast should be held up as a model for the rest of Northern Ireland, because it is the most diverse community that we have. That is represented in the six seats being held by five parties. Maybe the next election will bring a total balance of five from five. Who knows?

I am a long-time resident of south Belfast. When Lagan College, Northern Ireland's first

integrated school, opened its doors in south Belfast, I am pleased to say that my sister and I were two of the first 28 pupils to attend the school. My children have been through that school. It is one of the most oversubscribed schools in Northern Ireland, yet it is still a bit disappointing to see that integrated schooling is not the norm or an opportunity that is available for the majority of children in Northern Ireland.

On the doorsteps during the last election campaign, I invited people to start to vote for something rather than against something. There is a long history of voters in Northern Ireland voting tactically. They tend to vote for something in order to keep something else out, and they then end up with something that they did not want in the first place. I was really honoured that, by going out with a message and giving something else as an alternative, I was returned in the fourth seat.

#### 4.45 pm

I pledged to the people of South Belfast that I would work hard on equality issues and for human rights compliant legislation, particularly for women. Women in Northern Ireland suffer from a lack of legislative protections in many areas. We know fine well that we have a lack of women in public life in Northern Ireland and that the numbers have been seen to decrease since the institutions and the peace process began. In my previous job, I worked for an organisation that helps those who have been sexually abused or raped. Its figures show that a quarter of women and children in Northern Ireland should expect to be sexually abused at some stage in their lives. I have worked long and hard with Women's Aid in Northern Ireland. Its statistics show that a quarter of our population will suffer some form of domestic abuse at some stage in their life — usually in their own home, a place of safety for many.

When you put the statistics together, it starts to tell a story. Here in Northern Ireland, a woman is more likely to face a pregnancy as a result of rape than to ever face her abuser in a court of law. Through this House, we continue to afford her no reproductive rights or choice when she faces that situation. On the small legal application of reproductive rights and the right to choose a termination, we have Marie Stopes and the Family Planning Association, both situated in south Belfast. People trying to access those services constantly have to negotiate through protestors who continue a concerted campaign of hate and harassment, yet our laws seem unable to do much to stop it.

Despite all the other jurisdictions across the UK — Scotland, England and Wales — and of course Ireland making moves and introducing equal marriage, so many in this House still refuse to acknowledge that LGBT people here in Northern Ireland are still not seen as equals in the eyes of our laws. I was pleased to be given a place on the Justice Committee. I am very glad to see the Minister, the Department and the Committee making strident moves to try to tackle some of this inequality. We were working on stalking legislation. We were working on Northern Ireland's first ever laws to address domestic violence. I was also working on a private Member's Bill to try to bring the campaign of intimidation outside reproductive health centres to an end. These are all wasted opportunities now, but I will stay and continue to keep my promises to the people of Northern Ireland to do all that I can for a community that I am very proud to represent.

South Belfast has an image of being a very affluent and leafy suburb, but we need to remember that south Belfast also has some of the most socially and economically deprived wards in Northern Ireland. It has a high percentage of people who are in receipt of state benefits due to unemployment, disability, caring responsibilities or simply our low-wage economy. We see from figures published recently that south Belfast claimants already suffer disproportionately from benefit sanctions. In response to this motion, I would like to say that, before the Executive give themselves powers to roll out these new welfare reforms and remove supports from our most vulnerable, they should perhaps take a look at themselves, put their own house in order and address some of their own financial fiascos.

**Mr E McCann:** It says here that no one here will be impacted by the benefit cap. This is not true. Fewer people will be impacted than otherwise would have been the case. Nevertheless, we should not make absolute statements when the facts do not justify them. One of the key facts about all this is that, as child benefit and child tax credit regulations are lifted from across the water, it will mean that people who have more than two children will be penalised. This is what 'The Guardian' has called the two-child policy. It will operate here. Remember, Northern Ireland is the area on these islands that has the highest proportion of families with three or more children. That particular cut and that particular provision will impact more on Northern Ireland than anywhere else.

Paragraph 7 or article 7 — whatever it is — of this document, under "Financial Implications", states:

*"Welfare Supplementary Payments in respect of Benefit Cap are based on providing protection for existing claimants for up to four years so that they do not experience financial disadvantage as a result of the Benefit Cap."*

I draw attention to the phrase "existing claimants". That very clearly makes this mitigation available to existing claimants. The fact that it does not simply say "claimants" leads me to believe that what we are entering here and the logic of the wording of this provision is that we will have a two-tier system that depends on whether you are claiming now before it comes in or whether you start claiming afterwards. That is socially divisive and illogical, and it should be removed. If we have time to do that in this mandate, we would set out to do it.

I want to underline a point that was made by Nichola Mallon and others to do with representation at tribunals and appeals. I do not know how many Members — probably lots of them — have been involved in this type of representation, whether it is industrial tribunals in relation to problems at work or appeals against assessments by private companies like Atos of whether you are fit to go to work. If you are alive at all and can breathe, Atos will sometimes tell you that you are fit to go to work as a coal miner or something else. There are a lot of appeals there and a lot of appeals in relation to matters that are more directly relevant to the issue that we are discussing at the moment. Anybody who has been involved in that sort of representation or who has talked to people seeking representation, whether through the trade union movement or elsewhere — I have done loads of representations, more through the trade union movement than through my capacity as an MLA — will know that proper representation makes an absolutely enormous difference to people. In case after case after case, it makes the difference between winning an appeal and getting some sort of justice and not winning it at all and having to live with the outcome. Do you want to come in, Mark?

**Mr Durkan:** I thank the Member very much for giving way. The Member has eloquently and accurately pointed out that these mitigations, as welcome as they are, will not render everyone, every household and every family here in Northern Ireland immune to welfare cuts. Will the Member agree with me that this was made

inevitable by the legislative consent motion that was passed in the Assembly and handed welfare powers to the Tories?

**Mr E McCann:** Anybody passing control of this area of public policy to the Tories was very naive if they did not regard it as inevitable coming from the Tories. Of course that is the case. This did not happen by accident. It did not happen without the cooperation or connivance of parties in the House. It does disadvantage new claimants here, and we should stop saying that these mitigations apply and that nobody will be impacted by the benefit cap. Not true. That has not been achieved, and the reason why it has not been achieved is that the issue did not have a sufficiently high political priority in the Assembly. It is a bit redundant now to say that this should be revisited and so forth, but I will say that the levels of social injustice indicated in this two-tier system of mitigation reflect the reality of our society over a whole range of policies and a whole range of ways of winning a living in our society.

The collapse of the Assembly because of RHI reflects something more fundamental. People keep talking about the dysfunctional nature of the Sinn Féin-DUP Government. It is more than that and deeper: it is the dysfunctional nature of a system that is based entirely on trying to reconcile orange and green politics. It is necessary under our political system that people identify themselves as either orange or green to have any real impact. We, the Green Party and the Alliance Party do not count in crucial votes; people registered as "other" are just dismissed. We literally do not count — we are not taken into account — when dealing with this issue and a whole range of others. If we want to make a real difference — if we think that there is any possibility of another Assembly mandate becoming a reality — people who define themselves as "other" should be given the same privileges as the orange and green sides. In other words, let us imagine that the Alliance Party, the Green Party and People Before Profit returned with 50% of the seats. How would the Assembly operate? How would petitions of concern operate? *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to return to the motion.

**Mr E McCann:** I do not think that I have strayed as far from the subject as some. Some did not touch on the subject at all. At least I mentioned it before going on to extrapolate from it. *[Laughter.]* Where was I? What is wrong with our politics on this matter and others is this: the

agreement and the whole structure of the Assembly and Executive require people to think in terms of orange and green. The whole nature of the agreement and the arrangements are designed to compartmentalise all of Northern Ireland society into green and orange camps and to privilege that. The whole basis of our politics is to try to get those two tribes and their representatives to work together. What we need is an increase in the non-tribal MLA element in the Assembly and elsewhere. That requires prioritising different issues and different matters. That is what People Before Profit will be doing. We base our politics on what is happening below — on the street, in factories, offices, schools and colleges. We will still prioritise that. We will be active, Assembly or no Assembly, in preaching the divine gospel of discontent in Northern Ireland. We believe that we will make advances and achieve more through the mobilisation of ordinary people to pursue their own interests, whether there is an Assembly at the end of the week or not.

**Mr Deputy Speaker (Mr Kennedy):** Thank you. That is the end of the first party election broadcast. *[Laughter.]*

**Mr Givan:** I will deal with some of the issues that have been raised. Just to pick up on where we left off, I do not think that anybody in the unionist community believes for one moment that People Before Profit is anything but green through and through. He can preach all he likes about orange and green. The history of People Before Profit is very clear: its politics are green to the core.

**Mr E McCann:** Will the Minister give way?

**Mr Givan:** I will.

**Mr E McCann:** I want to ask the Minister whether he is familiar with the song by Harry Chapin junior? It is about a little boy who goes to the art class in school. The teacher says to him:

*"Flowers are red young man  
Green leaves are green  
There's no need to see flowers any other way  
Than the way they always have been seen.*

*But the little boy said ...  
There are so many colours in the rainbow  
So many colours in the morning sun  
So many colours in the flower and I see every one."*

What the Minister needs to do is to develop some sort of perspective, maybe through a form of 3D glasses or an adaptation of them, to see the world and Northern Ireland in terms other than orange and green.

**4.00 pm**

**Mr Deputy Speaker (Mr Kennedy):** Order. I have been reasonably tolerant in allowing Members to stray somewhat in their contributions, given the day that is in it, from the matters before us. I encourage all Members, including, now, the Minister, to address the regulations.

**Mr Givan:** That was a lovely song from Bernadette Devlin's former election agent.

The regulations enable the Department to implement accurate and timely mitigation payments to assessed claimants impacted on by welfare reform. The measures mean that claimants will be given time to adjust to the impact of welfare reform by providing financial support for up to four years. The measures are unique to Northern Ireland and demonstrate our determination to protect the most vulnerable, putting us ahead of the rest of the United Kingdom in our efforts to do so.

Members raised a range of issues, and I will do my best to address some of them. Nichola Mallon raised a point about her correspondence with me about Belfast Citywide. I have tasked my officials with exploring that issue. Some £2 million was made available for independent advice on welfare reform. An issue has arisen around Belfast Citywide, and I have asked my officials to see whether that can be looked into.

I move on to other issues that Members raised. Clare Bailey made her maiden speech eight months into the job. She outlined what some realise is on the ballot paper. I want to be very clear in dealing specifically with the points that Clare Bailey raised. When we talk about abortion, I will always protect life and act to defend life. When we talk about marriage, I am very clear that I will always stand with the definition of marriage as being between one man and one woman. That does not make me anti-anybody; it puts me squarely behind where I believe our values, as a society, should be. I will not change my position. Sinn Féin talks about LGBT rights as one of the reasons for what it is doing. There will be no compromise on my part when it comes to dealing with abortion and marriage. I will always protect life.

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

**Mr Givan:** No, I will not give way.

The Member also raised a point to do with those who are sexually abused. I agree that that is an appalling thing to happen to people. Only last week, I had a meeting with Survivors and Victims of Institutional Abuse (SAVIA) about the report that is due to be released. The pain that came through in their voices because of what is happening, with Sinn Féin walking away from the Executive, was palpable. Sinn Féin needs to be held to account for that, too. It has put party over people. That is what is happening.

Carál Ní Chuilín's attack on me was just a continuation of the attempt to assassinate my character that has been led by Gerry Adams and taken on by Máirtín Ó Muilleoir, who made some outrageous comments on the radio about me as an individual. I will stand with my record for the public to decide on. I will not be pigeonholed by those sitting opposite me as to how I conduct myself on behalf of the people whom I represent. Let us remember that Carál Ní Chuilín stripped money from the musical instrument scheme — she stopped it. Did we collapse the institutions? No, we did not. Carál Ní Chuilín jumped on officials in her Department when it came to safety concerns at Casement Park. Officials came forward because they wanted to ensure that there was no repetition at Casement of the Hillsborough disaster. What was Sinn Féin's response through Carál Ní Chuilín? It was to jump on those officials. I will not take lectures from Sinn Féin on these issues, particularly on sectarianism. What did Carál Ní Chuilín do when Sandy Row and other clubs came forward to speak about sectarianism and bigotry in the Irish boxing association? She denied it. This is a party that now has the temerity to accuse others on issues of respect, equality and sectarianism. I do not think so.

I refer Members to what happened to Mordecai and the plot that Haman went about to build the gallows to get Mordecai. We know the republican plot; you are building the gallows. History shows what happened in that story. We are prepared; we will go to the country.

**Mr Deputy Speaker (Mr Kennedy):** Order. I have to say I did not expect Mordecai to feature.

*Question put and agreed to.*

*Resolved:*

*That the draft Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017 be approved.*

## Assembly Business

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Kennedy):** I will take a point of order from you shortly, Mr Nesbitt, but I want to deal with notification to extend the business hours of the plenary first.

### Extension of Sitting

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

*Resolved:*

*That, in accordance with Standing Order 10(3A), the sitting on Monday 16 January 2017 be extended to no later than 1.00 am on Tuesday 17 January 2017. — [Mr Dickson.]*

**Mr Deputy Speaker (Mr Kennedy):** Mr Nesbitt, you have a point of order.

**Mr Nesbitt:** Thank you. Through you, I ask the Minister for the Economy to reflect whether today is the right and appropriate day to take to a vote the regulations that he is about to introduce. My reasons are as follows: as I understand it, the Examiner of Statutory Rules has yet to take a definitive position on them; the Committee for the Economy, which the Minister briefed this morning, is yet to take a definitive position; and as yet there is no business case. The regulations will not take effect for 74 days, until the start of the next financial year, and I believe a delay of seven days would allow the Minister to address those weaknesses and uncertainties. I have no doubt that, if the Secretary of State is made aware that the Minister wishes to bring the regulations to the Chamber next Monday, dissolution will follow that and not precede it.

**Mr Deputy Speaker (Mr Kennedy):** Order. I thank the Member for his point of order. It is not possible for the Chair to respond to it, but I therefore ask that the Minister address the issue when we come to the debate on the motion.

**Mr Allister:** On a point of order, Mr Deputy Speaker. Since the Chair has the duty and responsibility to protect the processes of the House, will you explain how the provisions of Standing Order 43 have been complied with in the tabling of the business we intend to embark on?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. Let me reflect on it.

**Dr Farry:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Kennedy):** I would prefer to deal with this point of order, Dr Farry.

I will deal with Mr Allister's point of order first. I have great sympathy with the view expressed, because this is a legislative Assembly. The scrutiny and passage of legislation — primary and secondary — is one of the most important aspects of our role.

You asked about Standing Order 43. Standing Order 43 provides, among other things:

*"(1) Every statutory rule or draft statutory rule which -*

*(a) is laid before the Assembly; and*

*(b) is subject to Assembly proceedings,*

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

The Committees may delegate technical scrutiny to the Examiner of Statutory Rules, who is, of course, an officer of the Assembly. The Standing Order also provides that the appropriate Committee and/or the Examiner of Statutory Rules:

*"shall where practicable report on an instrument before any resolution or motion relating to that instrument is moved in the Assembly."*

The key phrase here, Mr Allister and Members, is "where practicable". In this instance, such scrutiny and reporting by the Committees and the Examiner has not been practicable, and I agree with the Member that that is far from ideal.

As debates on legislation, including subordinate legislation, are not timed, any Member wishing to speak will have an opportunity to do so without a time limit. Members may, of course,



reflect their opinion on the time allowed by the Minister for the Assembly and its Committees to scrutinise this legislation in deciding whether or not to affirm it. I encourage Members to take the opportunity that this debate presents to put all their concerns on the record and to seek explanations and, where appropriate, assurances from the Minister in relation to these regulations. However unsatisfactory the circumstances may be, today is the only opportunity for scrutiny, and I encourage Members to make the most of it.

**Mr Allister:** On a further point of order, Mr Deputy Speaker. In the circumstances that we are in today, are the exhortation and expectations of Standing Order 43 not all the more acute? In paragraph 6, it specifically anticipates report to the House by the Committee where the statutory rule:

*"purports to have retrospective effect where the parent legislation confers no express authority so to provide".*

There could not be a more acute instance of why Standing Order 43 exists and why its defiance, which is what is happening here today, is so inappropriate.

**Mr Deputy Speaker (Mr Kennedy):** I indeed confirm, Mr Allister, that that indeed is a role carried out by the Examiner. I have said that we are in less-than-ideal circumstances, and I have also said that there is an opportunity for Members to pose these questions to the Minister for explanation and answer. Ultimately, at the conclusion of the debate, there will be an opportunity for a vote to be taken.

**Dr Farry:** On a point of order, Mr Deputy Speaker. Arising from your recent clarification to Mr Allister's point and, indeed, the content of Mr Allister's point of order itself, it is clear that debate on the Floor of the Assembly is not a substitute for the more detailed scrutiny that can lie in the Committee, in particular on receipt of any report from the Examiner of Statutory Rules. We are in this situation today because of the assumption that, in effect, we are right up against the clock with any potential passing of these regulations by the Assembly. However, it does seem likely, indeed probable, that there will be further sittings of the Assembly, whether this week or at the beginning of next week.

I want to ask clarification on two points from you, Mr Deputy Speaker. First, will you clarify that there will indeed be a meeting of the Business Committee tomorrow and that there is

the potential for this business to be rescheduled for another point either this week or, indeed, next week if the Minister were to seek to take that opportunity? Secondly, will you provide clarification on, in the event that the Minister moves ahead to formally move the statutory rule in a few minutes' time and, upon reflection, hears the views from different corners of the House and decides that it would be better that the issue be deferred to another time, what mechanism exists for that to be done? Alternatively, is it the situation that, once the SR is formally moved, we are on track to having a vote on it this evening, which is a most unsatisfactory situation?

**4.15 pm**

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for the number of points of order that he has raised. The meeting of the Business Committee is, I think, still scheduled to take place tomorrow. The Member raised the issue of the speculation about a statement that may or may not be made later today by the Secretary of State for Northern Ireland on when the Assembly will be dissolved, if it fails to elect a First Minister and a deputy First Minister. The expiry of that is 5.00 pm, as the Member is aware. Clearly, Members will have to wait until after that time elapses to see what, if anything, the Secretary of State says on the matter. Another point that the Member raised was in part dealt with when Mr Nesbitt raised his point of order, while the points that he made to the Minister can be addressed only by the Minister when he is in a position to do so.

## Executive Committee Business

### Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017

**Mr Hamilton (The Minister for the Economy):**  
I beg to move

*That the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 be approved.*

This statutory rule is being made under powers contained in the Energy Act 2011, which prescribes that these regulations be laid in draft form for approval by affirmative resolution of the Assembly. I am introducing the draft regulations as the first stage of a comprehensive plan to address the

fundamental flaws in the design of the non-domestic renewable heat incentive (RHI) scheme and to eliminate the abuse of the scheme, which has done so much financial and reputational damage.

I will start by thanking the Chairperson and members of the Business Committee for sitting at short notice at 5.30 pm on Friday to consider my request to have the draft regulations considered today. I also express my regret that the urgency of the situation did not permit me to provide the draft regulations to the Economy Committee for the normal scrutiny process. I am grateful to the Committee for accommodating a briefing session this morning.

This is perhaps an opportune moment to seek to address as best I can the points raised by Mr Nesbitt. He is asking for a delay for seven days. As I stand here, there is no certainty that the Assembly will be here in seven days. He suggested that, if I asked for it, the Secretary of State might do it. Oh, that I had such power. There therefore may not be the opportunity to bring in the much-needed cost controls that are inherent in the legislation. Even a delay runs the risk of not having in place the relevant administrative changes that are required and, indeed, the very important state-aid approval that will need to be in place for the commencement of this at the start of the next financial year.

I am not going to spend too long on the very regrettable history of the scheme, which is still being examined by the Public Accounts Committee and which should be examined fully by an independent inquiry.

**Mrs Long:** Will the Minister give way?

**Mr Hamilton:** No I will not give way.

Let me continue. As the Assembly knows, the renewable heat incentive scheme was introduced in November 2012 with the aim of increasing the uptake of renewable heat to 10% by 2020. The renewable energy directive 2009 sets out the following:

*"It will be incumbent upon Member States to make significant improvements in energy efficiency ... to achieve their targets for energy from renewable sources".*

The scheme sought to compensate investors for the additional cost of renewable heat compared with traditional fossil fuel. Following extensive consultation and consideration of expert advice, a set of tariffs was introduced

with the aim of providing a subsidy to scheme participants that would appropriately compensate them for the additional costs of renewable heat compared with traditional fossil fuels.

However, as Members now know, the tariff that was set for what would become the most commonly used boilers — small to medium biomass boilers — was at a level higher than the market price of the relevant fuel, which is mainly wood pellets. There was also an absence of a tiered tariff that would have restricted the number of hours for which the higher tariff could be paid.

These serious mistakes combined to create a perverse incentive to overuse the scheme and left it far too open to abuse. This led to a significant budgetary pressure, and, then, when steps were taken to amend tariffs, a major spike in applications occurred, which left us with no option but to suspend the scheme completely, as approved by the Assembly in February of last year. As a result, even participants who were using the scheme legitimately found themselves being compensated for renewable energy usage to a level far beyond the original intentions of the scheme. Furthermore, it did not provide incentives for the beneficiaries to promote the efficient generation of heat, and much of that has been played out in the media recently, with much understandable public concern.

Although uptake for the scheme was initially low, application numbers increased rapidly from the start of 2015. This increase led to budgetary pressures and led to the introduction of tiered tariffs and a cap, in November 2015, through amending regulations. These tariffs apply to installations accredited after 18 November 2015, but, unfortunately, an upsurge in applications in the three months immediately preceding the introduction of the regulations meant that the annually managed expenditure budget for the scheme would be exceeded and the cost of future payments would become a burden on the Executive's departmental expenditure limit (DEL) budget. As a result, a second amendment to the regulations was made in February 2016. This, in effect, closed both the non-domestic and domestic schemes to new applicants.

In his report on my Department's resource accounts in June 2016, the Comptroller and Auditor General estimated the total 20-year costs of the scheme, if nothing is done, to be £1.15 billion. This is far in excess of the £660 million that should be available as the expected

3% Barnett share of the allocation for the GB scheme.

The proposals today are the first steps towards reducing the burden on the Northern Ireland Budget of an estimated £490 million. I am determined to take steps that will effectively reduce the overspend in future years to zero. This is not the occasion or place to rehearse or come to a conclusion on the whys and wherefores of what went wrong. That will be the work of the Public Accounts Committee (PAC) and an independent inquiry.

My immediate priority is to bear down on the costs of the scheme for the 2017-18 financial year. The costs for that year are projected to be around £50 million. Against these costs, an annually managed expenditure budget of around £22 million is projected to be available. If no action is taken, that will give rise to a shortfall of £28 million in 2017-18, which will have a significant impact on the affordability of other priorities. That would be simply unacceptable.

Under my direction, Department for the Economy officials have been working for some considerable time on a range of cost control options. Last week a business case was submitted to the Department of Finance, and I would like to thank the Minister, Máirtín Ó Muilleoir, for asking his officials to give priority to the scrutiny of that business case and for approaching the work with their usual professionalism and objectivity.

The draft regulations before the Assembly today are designed to give effect to the option which has been demonstrated, through that business-case process, to offer the best way ahead at this time. This will bring payments for small and medium biomass boilers accredited before 18 November 2015 into line with those accredited on or after that date. Future payments to the owners of small and medium biomass boilers accredited before 18 November 2015 will be based on the tiered tariffs set out in the draft regulations.

The tariff will be 6.5p per kilowatt-hour (kWh) for the first 1,314 hours each year, after which the tariff will drop to 1.5p. There will also be an annual cap on the number of hours eligible for payment of 400,000 kWh, which was adopted in the November 2015 regulations as the appropriate ceiling for any of the main business models supported by the scheme. This annual cap is also consistent with the November 2015 regulations for installations accredited since that date. As well as placing a limit on the high tariff, which was the main perverse incentive in

the scheme, these changes will promote behavioural changes, as the tiering will encourage greater attention to the efficient use of heat. The business case makes a prudent projection of some cost savings from that effect.

While these changes will virtually eliminate the shortfall in the 2017-18 budget, they will not eliminate it totally. Our modelling shows that there will still be a comparatively small deficit of around £2 million. We anticipate that stronger enforcement will further reduce the cost of the RHI scheme to the Northern Ireland Budget. The new tariffs and cap will ensure that owners of small and medium biomass boilers will receive a rate of return on their original investment within the range agreed by the European Commission when the scheme secured state aid approval. That would move the scheme back towards its original policy intentions, as expressed publicly at the outset of the scheme.

The proposal today will tackle the perverse incentive to continue to produce heat beyond the amount truly needed simply in order to increase payments. From the outset, the original regulations made it ineligible to generate heat for the sake of securing payments. We can and will improve enforcement to address that abuse, but this measure will cut off immediately the most blatant, perverse incentive to use heat for financial gain.

I hope that Members will know that one of my first acts in office as Minister for the Economy was to commission an investigation of accusations of fraud and abuse in the scheme. That investigation and the continuing audit process carried out by Ofgem has already seen the suspension of payments to 33 installations from the scheme. The PwC report on this work was shared with the PAC in November.

PwC undertook a targeted programme of unannounced site inspections to address the allegations of abuse of the scheme received in January 2016. Sites to be inspected were selected using some key potential risk factors. These included the value of the projected support payments, the date of application, the presence of multiple small boilers and high utilisation. There were clearly more concerns about the applications submitted before the introduction of tiered tariffs in November 2015 than those subject to the tiered tariff. PwC also looked for cases where there was evidence of significant increases in heat output generation or usage over and beyond what was expected.

In phase 2 of the work, the sample targeted the top 20 sites by projected payments, non-poultry farms with projected payments of over £1 million, and three sites chosen based on particular observations drawn from a review of application data. Given this targeted selection of sites for inspection, it is not valid to extrapolate the findings to the total range of installations under RHI. Fully eligible small and efficient installations will be under-represented.

It is important that we do not rush to a judgement or tar all RHI installations with the same brush. Many are valid and wholly legitimate and are delivering the original intention behind the policy. However, the PwC report confirmed the very serious weaknesses in the scheme and identified the weaknesses in the design, implementation and oversight of the scheme. It is of great concern that most of the anonymous allegations were confirmed as true.

Since receipt of the report, the Department for the Economy and Ofgem have been working to ensure improved monitoring and enforcement, reflecting the very significant insight and analysis presented in the PwC report.

The change in tariffs under these regulations will be accompanied by new action on inspection, audit and enforcement. It is absolutely imperative that we continue to crack down on any abuse of the scheme. Work by my officials is advancing on going to tender for 100% site inspections. This major project will take a little time to procure as it will have a value above the threshold where EU-wide tendering is required. However, once in place, we will have a new and much stronger process that will challenge abuse and take enforcement action against any fraud that is identified, including clawback of any payments that can be proven to have been illegitimate.

I am also well aware of concerns about potential fraud and abuse in respect of other aspects of renewable energy in Northern Ireland. While initial investigations have not revealed any problems, I know that people inside and outside the Assembly will want to have confidence that the problems that occurred with the RHI scheme are not present in other renewable energy schemes. To that end, I have tasked Department for the Economy officials to produce a risk assessment and audit plan to ensure that all potential vulnerabilities are identified and that proportionate action is planned and executed urgently to ensure that public confidence in the system can be restored. In the meantime, the Department for the Economy is working with Ofgem to ensure that the existing arrangements for inspection,

fraud prevention and enforcement are applied as rigorously as possible.

I also wish to signal my intention to begin work immediately on establishing a new strategic energy team in the Department for the Economy. This will bring together experts from across the public and private sectors to seriously strengthen the quality of the strategic energy advice that the Minister receives, as well as assisting to progress the overall departmental energy agenda.

The changes in the draft regulations before the House today are subject to notification to the European Commission under the state aid regulations. Subject to the approval of the Assembly, I will initiate the process of notification as soon as possible, and my officials will work with the Commission to help progress the necessary approval process. The commencement clause in the draft regulations acknowledges that that process is a necessary step.

#### 4.30 pm

I referred earlier to the introduction of the draft regulations being the first step of a process to restore the original policy objectives of the scheme and bring costs under control. Members will note that the draft regulations contain a sunset clause and that they will cease to have effect on 31 March 2018. That is to enable further detailed consideration to be given to future options for the operation of the scheme to ensure that the best available permanent way forward is secured. It is intended that such options will be subject to the normal legislative process, with public consultation and scrutiny by the Committee for the Economy. Precise process will depend on the policy approach adopted when fuller analysis has been completed. At a minimum, businesses benefiting from the RHI and other affected parties will be consulted, but, clearly, the more significant the change, the greater the case for fuller consultation. A significant advantage of taking the first step is to limit the flow of funds so that we secure time for that fuller consideration of the issues and to develop a longer-term solution. It will be necessary to complete the process in time for further revised regulations to be adopted well before 1 April 2018.

Before I conclude, I want to address some obvious questions that Members will have about the legalities of the approach that I am introducing today. Legislation has the power to give rights to individuals or, where it is reasonable, to restrict those rights. It is our

responsibility as legislators to behave reasonably and respect the rights and legitimate expectations of the beneficiaries of the scheme. We recognise that the regulations may be subject to challenge on two main possible grounds. First, it could be argued that the scheme gave recipients a legitimate expectation that the original tariff would be kept in place. However, the proposed approach gives beneficiaries of the scheme payments for the next financial year that align with the levels that they were led to expect at the outset of the scheme. I do not see how it can be reasonably argued that anyone has a legitimate expectation of rates of return that are far in excess of the returns announced in 2012. As we are making a change with effect for only one year, we can and will make any necessary reasonable corrections when a long-term solution is developed for implementation from 1 April 2018. We will consult and listen to the views of boiler owners and other affected parties as we do so.

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

**Mr Hamilton:** I will not.

Secondly, there could be a challenge based on the right to property. The European Convention on Human Rights protects the right to property as set out in article 1 of protocol 1 to the convention. The protocol makes it clear that the right must be balanced against the public interest. It is manifestly clear that action to reduce the loss of funds whilst still providing the expected level of return to beneficiaries is a much better balance between public and private interests than allowing the excess flow of funds to continue unchecked. The issue here also concerns future income, not established property. I am advised that the courts will show less concern for the possible right to future income. In short, having taken and considered the very clear legal advice available to me, I believe that there is a very robust defence against anyone who wants to assert that the very generous original tariff and the accompanying risks of abuse and overspend should be continued.

While the original policy intentions of the scheme may have been laudable, it has been blighted by significant failings in its design, oversight and control. There have been many allegations of potential abuse, which casts a shadow over legitimate users of renewable heat installations. I recognise that some legitimate users will see a substantial reduction in their payments, but that reflects the fact that the scheme was much more generous than it was originally intended to be. I can assure the

Assembly that allegations of abuse will be thoroughly and vigorously investigated. Where abuse is proven, payments will be stopped and steps will be taken to claw back payments already made. These are, however, steps that will continue to be taken forward alongside the immediate priority of bringing costs for 2017-18 under control. I commend the regulations to the House.

**Mr Aiken:** I rise to respond to the Minister for the Economy's proposed statutory rule. First, I would like to state that today, with me acting as Chairman, the Committee for the Economy looked at the regulations but decided to note them because of the lack of information that had been presented to it. However, I welcome the attendance of the Minister and the permanent secretary at the meeting this morning.

The legislation is aimed at reducing the considerable burden created by the ex-First Minister and the Minister's Department on the Northern Ireland taxpayer. Just to reiterate, that burden has cost £85,000 a day today and every day since its institution. It is also noteworthy that, despite the ex-First Minister being made aware of the failings of the scheme in 2014 and the Departments that she had held responsibility for having singularly failed to taper, cap or in any way amend this potential £0.6 billion maladministration, only now, in this last available afternoon — "Stand fast" any opportunity to examine this into next week — has any serious attempt been made to extricate us all from this debacle, a debacle for which responsibility lies wholly with her and her party.

The question of proper accountability and responsibility lies wholly with the properly constituted, time-bounded public inquiry under the Inquiries Act. That is not today's subject. Rather, we are discussing the fast-track — I hate to use the word, but it is appropriate — sticking plaster SR that the Minister has brought to the Assembly this afternoon.

Regardless of the views that might be expressed today, it is clear that an attempt must be made to resolve the financial and reputational implications of the RHI scheme, but only — I mean "only" — if the scheme proposed has any chance of success. The Minister has set forth his proposals, but, as we are all, unfortunately, aware, he, his Department and the ex-First Minister have demonstrated time and time again that the Departments are not fit for purpose when it comes to the overspends on the social investment fund (SIF) or RHI, never mind the detail or the jot and tittle. The ability of Ministers and SpAds to budget or even

to read a balance sheet would be of considerable use.

At this point, I ask the Minister to make a categorical apology to the previous Chair of the Enterprise, Trade and Investment Committee, Patsy McGlone, and to the members of that Committee who have been very unfairly maligned by him, the ex-First Minister and members of his party who implied that the previous Committee did not effectively scrutinise the original Bill. Some Members and Ministers may consider that a party political point, but I categorically assure him that it is not. It is about the effective scrutiny of legislation, a scrutiny that we cannot carry out if we have insufficient information. The Minister talks of lessons learned, but, in reality, we should talk about lessons identified because, clearly, nothing has been learned.

Returning to the specifics, I say, as Acting Chair of the Economy Committee, that, after the Sinn Féin representatives disgracefully absented themselves from the proper holding of Ministers to account, we are in a position today in which we need to be able to discuss the significant issues. No matter how belatedly, I was able to discuss some of the RHI issues with the Minister on Saturday, for which I thank him. Along with the permanent secretary, I was also able to talk to Mr Michael Doran, who represents RHANI. As we have heard from the Minister, it would be useful for Members to listen to some of the opposing views, as represented by Mr Doran.

RHANI strongly opposes the proposed legislation and believes that an effective audit followed by rigorous implementation of the rules would be a better approach. It clearly believes, on the basis of precedent and senior legal counsel's opinion, that it has a strong case in law and, on implementation of the regulations, will seek an urgent judicial review. RHANI is grateful to the Minister and the Department that, after it threatened an injunction against the Department, the Department decided on Friday not to publish the names of the recipients. Looking forward, RHANI believes that preventing the construction of two planned 800-megawatt CHP plants, which look to somewhere over £160 million in potential payments, would make a considerable difference to the overall bill.

RHANI also believes that the economic impact on small and medium businesses, especially those in the agribusiness sector, will be that they face bankruptcy, having, in many cases, taken out loans averaging around £0.5 million without adequate compensation, especially as

those companies sought the loans from banks at the behest of Departments, which emphasised time and again Arlene Foster's commitment to the scheme in letters that she had written to the banks. Today, as Acting Chair, I also informed the Economy Committee that, if we had had sufficient time, I would have liked to call Michael Doran to the Committee so that we could have some more information.

In Committee today, it was clear that the Minister had no clearly agreed business plan. I was going to call for the Finance Minister to outline today his views on the business plan going forward, and maybe he will give us some of his perspectives later in the debate. I do not believe that we have an agreed business plan, and that is a considerable concern.

Unfortunately, and again without any detail from the Minister for the Economy, we have no baseline information. I know he made considerable reference to facts and figures recently that obviously may have come from the draft PwC report. We have not been able to see the draft PwC report, so we cannot see any effective baseline or make any judgement on some of the decisions he is going to make today.

In normal circumstances, some leeway would be given to an effective Minister and Department. However, I think we all agree that, clearly, neither the Department nor the Minister have proved to be fit for purpose, and the laggardly way in which they have acted throughout this mandate, with freedom of information requests unanswered, 120-odd days to answer questions and the almost dearth of any papers, information or discussion with the Department or Minister, means that, through the Minister's action, there is only a very limited amount of goodwill or confidence in his statements.

That said, in the midst of the crisis, the Minister and the permanent secretary appeared before the Committee today. For that, despite all that has gone before, we are grateful. It was interesting that, when pressed, the Minister made clear, as did the permanent secretary, that he was confident of having a business plan approved and they were both confident in their legal advice.

I then asked, and I will now ask again, bearing in mind the considerable public anger at their collective failure, whether they would take full responsibility for this SR and whether, if it was successfully legally challenged and the impact would lead to even more loss to the public purse and our reputation, they would both,

forthwith, stand down from public office. The response in the Committee is widely available on social media and in Hansard, but again I say to the Minister that, having given the Assembly and the people of Northern Ireland his assurance that the scheme is fiscally and legally sound, in the event of a successful legal challenge, he should tender his resignation from public office immediately. I think any further obfuscation will tell all the people of Northern Ireland just how much confidence the Minister has in his own decision-making process.

Other notes of interest during the Committee meeting today were the several points that are worthy of wider dissemination before the facts around the RHI scheme are submerged under the combined DUP disinformation campaign and further exacerbated by the propaganda of Sinn Féin. We welcome an assurance from the Minister that an independent audit of the Northern Ireland renewable schemes will be carried out, and we think, quite rightly, that this is supposed to be clean energy scheme — a scheme that is clean not only in the sense of renewable energy but clean from corruption, malfeasance and incompetence. We look forward to an early statement and an early independent audit of the state of the Northern Ireland renewables industry because I think all of us will require some confidence going forward that this is, in fact, fit for purpose.

The Minister also stated — I thank you for restating it today — that the scheme was badly flawed from the beginning. Whilst during the Committee meeting he was at pains to defend the ex-First Minister, it is clear that the intent of the scheme was to provide an incentive of around 12% for biomass boilers. Instead, the scheme claimants made returns of 20%, 30%, 50% or even more. That was allowed to go on despite whistle-blowers and so-called supervision from his Department. I note he has made comments about the reduction in the level of subsidy we are going to see going forward. It would be useful to see what percentage figure his Department is looking at and whether it is, in fact, 12% or more.

The Minister also indicated clearly —

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

**Mr Aiken:** Certainly.

**Mr Allister:** Just on that point, the Minister today sought to make the excuse that the scheme was more generous than originally intended. Would the Member agree that that is

an unsustainable argument, since the tariff that was set was the top-line tariff with no secondary tariff and, therefore, was obviously intended to reap whatever benefits the top tariff reaped? Is it not, therefore, disingenuous to suggest that it did not actually operate as intended? It patently did, and that was why the tiering was taken out.

**Mr Aiken:** Thank you very much indeed. Yes, indeed. That is one of the most fundamental questions we need to ask. Why was a scheme that had been set up in Great Britain, the renewable heat initiative scheme, when it was brought here doctored in such a way? That was indeed the case.

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

**Mr Aiken:** Why did we set the conditions —. Sorry. I will give way.

**4.45 pm**

**Mr Swann:** Will the Member refer to example 2 in the Comptroller and Auditor General's report? It is based on a 99-kilowatt biomass boiler running 24 hours a day, seven days a week, and achieving a 93% efficiency. The Northern Ireland system allows an 82% annual rate of return, whereas the GB system, on the same scale, allows 7.4%.

**Mr Aiken:** I thank the honourable Member for that. The figures are startling: 82% and 7.4%. One would have to ask very clearly, "What was going on?"

I will move on. The Minister also clearly indicated that there is evidence of possible fraud. He said it in Committee today, despite what he has just said in the House. Under questioning, however, he admitted that those cases had not yet been referred to the PSNI. Members should be rightly concerned about that information. I, like all properly minded people, hope to see an early report from the PSNI on the matter.

Linked to that, we also had the information from the permanent secretary who stated that the mistake in the original scheme was a policy mistake. Bearing in mind that the policy very much sits in the purview of Ministers and of the Minister of the time, and that the Minister was advised by her special adviser (SpAd) to deliberately move the GB cost controls for the non-domestic RHI scheme in Northern Ireland, and that with the Minister being clear that there is potential fraud, there is no doubt that the accountability and responsibility for this issue points clearly in one direction. While the

Minister and the DUP may argue against the causality, the Northern Ireland public and the media will not.

The scheme itself is obviously not a no-cost option. However, in the figures presented today, we should, subject to no immediate legal challenge, see by 1 April a potential reduction in cost from the disgraceful £30 million this year. I emphasise that none of us has seen the business case and, obviously, the Finance Minister is not in agreement with it, but we could possibly see opportunities for that figure to be reduced dramatically. That is to be welcomed, if it is achievable.

We are also uncertain of the examination of the statutory rule, as has been pointed out today, and the Committee agreed today only to note the statutory rule. We are uncertain of the legality of the process. Again, we are reliant wholly on the Minister and the permanent secretary's assertion. Members will draw their own inference from the Minister refusing to contemplate resignation if there is a successful legal challenge. What we need for our health service, universities, schools and for the reputation of our country is to stem the wholly avoidable haemorrhage of £85,000 a day, every day.

As a party, we will listen carefully to the remaining arguments expressed today before we make a decision. Be in no doubt of this: since July of last year, as a party, we have been tirelessly holding, or attempting to hold, our Government to account. If at any stage our Fresh Start SF/DUP "shamocracy" had concentrated on good governance rather than on spin, we would not be in the position we are in now. Again, be in no doubt: this crisis has been mishandled from the beginning. It has destroyed the reputation of an entire system of government, and from a financial corruption issue, the actions of ex-First Minister Arlene Foster and her DUP Government have created an existential threat to the very fabric of Northern Ireland. The RHI scheme has become, in more ways than one, a veritable bonfire of DUP vanities.

**Mr T Buchanan:** I support the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017. I have no doubt that, throughout the debate and before it draws to a close, there will be much finger pointing around the Chamber. I have no doubt about that. The debate has only started, and we have already seen the finger pointing. I commend the Minister and his Department for the work that they have done since the Minister

took up his position, especially over the Christmas period.

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

**Mr T Buchanan:** No. You will have your opportunity. I commend them for the work that they have done in bringing forward measures to mitigate the costs associated with this scheme.

As the Minister outlined today, all the measures before the House are the first step to reducing the projected overspend. Of course, the Minister had a meeting with the Committee this morning, and, while we all agree that that is not the way in which we wish to see information coming to the Committee, given the fashion in which it was rushed through, the situation was not of our doing. The Committee, as the Deputy Chair said, would have liked much more time to look at the regulations, but that opportunity was not there for us. As I said, that was not a situation of our making. It happened because Sinn Féin walked away from the institutions. It is not prepared to face up to the difficulties, to debate them and to see a resolution found to the difficulties that lie there.

No one denies the controversy caused throughout Northern Ireland by the RHI scheme and the concern and anger that there is amongst the people. However, the anger from the people is directed not at the scheme but at those who are abusing the scheme by not using it as it was intended to be used. Therefore, it is important that those people be tracked down and that enforcement action be taken against them. The difficulty, and the problem, lies with the ones who are abusing the scheme and not using it in the appropriate way.

**Mrs Long:** Will the Member give way?

**Mr T Buchanan:** No.

The people do not want an election.

**Mrs Long:** Sorry for interrupting your reading.

**Mr T Buchanan:** They do not want that party to walk away. What they want is the matter to be dealt with. They want us to sit down, discuss it and find a resolution to it. I spoke to many people over the Christmas period, and right up to now, and their message is quite simple: let the politicians do what they are elected to do, which is work through the difficult situations and not walk away from them. That is the message from the people out there. Lo and behold, we have a party that is not able to do that. It looks like we have quite a number of Members



around the Chamber who are not able to do that but who are seeking to walk away from the situation. Of course, this has all been hyped up by the media to their own advantage. As a result of that, we have seen deplorable, downright disgraceful and outrageous attacks on the First Minister, our party leader. We have to condemn those. I would like to hear Members speaking in this debate today condemn the attacks launched on our party leader, the First Minister. Irrespective of what people think about how the scheme was drawn up or whatever, no one —

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

**Mr T Buchanan:** — should have that level of abuse hurled at them.

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

**Mr T Buchanan:** Now we have the regulations before the House today —

**Mr Deputy Speaker (Mr Kennedy):** Order. It is clear that the Member does not wish to give way.

**Mr T Buchanan:** There will be plenty of time for everyone in the Chamber to stand up and say whatever they have to say.

**Mrs Long:** It is meant to be a debate.

**Mr Lyons:** That was nasty, Naomi.

**Mr T Buchanan:** Now we have the regulations before the House today —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask all Members to allow proper respect to the Member for him to be heard.

**Mr T Buchanan:** Thank you, Mr Deputy Speaker. The regulations before the House today, as laid out by the Minister, will mitigate the costs and return the scheme to its original policy intention by introducing a two-tier tariff, an annual payment cap and other mitigating measures. Despite the other party walking away and bringing down the institutions, I ask Members, at this late hour, to do the right thing. Let us support the SR before the House today and ensure that mitigating measures are put in place to stop the overspend on the scheme.

**Mr Ó Muilleoir:** I speak as an MLA rather than as the Finance Minister. I am precluded from speaking as the Finance Minister, but I beg your indulgence, Mr Deputy Speaker, to thank

the staff at the Finance Department who worked over the weekend and who continue to give advice and work hard to try to assess the proposals that have been brought forward by the Minister for the Economy. Anyone who deals with constituency issues rises on this issue with more sadness than anger, because the reality is that we all deal with people every day for whom £85,000 would absolutely transform the projects in which they are involved.

Earlier today, sadly, we saw that, in trying to defend the indefensible, the DUP went low. As the woman said, when they go low, we go high. I want to go high today by referring to the disrespect which was shown to the public, the lack of respect for the public purse, the dereliction of duty and the shameful way in which this entire debacle has been handled.

I want first to make some quick points. First, the names of the beneficiaries should be published and published now. It is way past the time for excuses or foot-dragging. There are major questions hanging over this scheme in relation to malfeasance and corruption and in relation to people milking and scamming the system. If we want to build confidence in a solution, we should, without prejudice, agree to publish the names of the beneficiaries.

It is also with sadness that I have to note that we do not have a full and comprehensive plan today which would stop the bleeding and staunch the haemorrhaging from the public purse. We could have had that plan if the warnings and the red flags and the advice that had been given since December 2014 and February 2015 from a whole range of bodies, including the Ulster Farmers' Union, had been heeded. In particular, when I met the officials in the Department of Finance when I came into post, they outlined all the efforts that they had made to seek urgent remedy to this debacle. Unfortunately, because actions were not taken when they could have been taken, we are now coming forward with a partial stopgap solution rather than the full and comprehensive plan that people deserve.

There have been a number of missteps here. Arlene Foster should not have come out and said that this would be a solution to the RHI situation. She should not have said that this would be a zero-cost solution. That compounds the disrespect. I do not speak as a member of Sinn Féin, because that is the business that we are in; we are in the business of trading political blows. I speak for the public and for those who are losing money because of the RHI scandal. We added to and compounded the disrespect

by claiming that there would be a magic solution. In fact, what we have today is a partial, interim, stopgap plan which kicks the can down the road for one more year, after which we face into 18 years of potential losses in the hope and expectation that there may be a way through. It is not a full and comprehensive plan, and it is not a zero-cost plan.

The lack of honesty in dealing with the public has also been disrespectful and shameful. The public should know that, every day from now until 1 April, the RHI debacle will continue to cost us £85,000 a day.

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

**Mr Ó Muilleoir:** I am going to take the same approach that Naomi Long took earlier. I am not going to take any points of information, nor will I give way. Later on, perhaps, people will have an opportunity to have their say.

Between now and 1 April, this interim solution will cost the public purse £6 million. After that, the cost to the public purse will be, we estimate, £5 million — £2 million-plus for a new inspection regime which is absolutely essential to drive out those who have been abusing the scheme. It will also have a cost overrun, even under the plan that is being proposed. Why does that dismay us? We know that, when we go out into our constituencies, people feel that they have been duped and treated in a way which undermines their confidence in the Assembly and in any honest ability to deal with the problems.

Last Friday, I sat in Carryduff GAC in south Belfast with the chief executive and the heads of Lisburn and Castlereagh City Council, and the Carryduff GAC representatives were talking about a dramatic plan to build a community and sports campus in outer south Belfast. Eighty-five thousand pounds would absolutely transform the potential to draw up that master plan. Ten days of that would build the 3G pitch that they desire; it would certainly be a contribution towards it.

I spoke last week to the Somme Association. In a quirk of departmental responsibilities, the Department of Finance is responsible for the Ulster Tower at Thiepval, at the Somme. Their entire budget for the year is usually £85,000 — £50,000 for caretakers and £25,000 for expenses, around that sort of money. They could institute an entire programme of cross-community peace-building with one day's money from RHI. I visited the Nerve Centre, in Derry. Again, one day's money would enable

the Nerve Centre to carry out a cross-community programme with young people to build confidence and creativity and to exploit the potential that our young people have. I visited the Markets Sure Start nursery school that opened earlier this year. I sat down afterwards with those who run the Sure Start initiative right across working-class areas of Belfast. Again, £85,000 would employ two teachers for a year in Sure Start.

**5.00 pm**

The people were let down. They were disrespected and treated in a shameful manner. The reality is that that came from one quarter and one quarter only. Arlene Foster concedes that she was the architect of the RHI scheme. She was the Minister in charge when the tariffs were stripped out. She was the Minister in charge when she refused to heed warnings that this would be an excessive spend, a waste, a blot on our budgets and a hole in our financial projections. That was ignored. It was ignored because the public were disrespected and the public purse was disrespected, and it was done in a shameful fashion.

When the opportunity came to close down the scheme, again a DUP Minister — at that time, Mr Bell — did not act in the swift and expeditious fashion that he should have. He has alleged that that was because of political interference. The reality is that, because of the disrespectful way the public purse was treated and because of the arrogance in dealing with protecting the public purse, a spike was allowed to occur. The Comptroller and Auditor General says that there were as many applications in seven weeks as there were in the preceding 34 months from the opening of the scheme. The cost of the spike is £24 million a year for 20 years. Shameful, shameful treatment of the public purse and the public.

The election will be a referendum on RHI and how it was handled. I hope that, when the people give their verdict, they remember those who insisted that we should treat the public purse and the public with respect, those who came to the defence of the public purse, those who insisted that this be remedied, those who said that they would not accept any type of cover-up and those who insisted that we treat the public with respect. There has been talk in here today of treating each other with respect, but, when you do not treat the public with respect, then indeed you are certainly doomed.

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

**Mr Ó Muilleoir:** Gabh mo leithscéal, Patsy, níl mé ag glacadh le hionchuir.

The key issue, of course, where the disrespect reached stratospheric levels, was the refusal then of the DUP to have an investigation, while acknowledging, as the outgoing First Minister — the former First Minister — did, that she was the architect of the mess. When the opportunity came to build confidence by having an investigation — a no-hiding-place investigation to get to the truth, to deal with people honestly and to tell them what had happened — she set her face against that. One of the DUP spokespersons was insisting that, really, this was a storm in a teacup and it would all be settled. They took the public for granted. They presumed that people would continue to put up with behaviour that was shameful and disrespectful. That is why we arrive at this juncture with an interim solution. When the Comptroller and Auditor General reported in July and PwC reported in October, we really could have taken the steps then so that at this juncture we had the full and comprehensive solution. That did not happen.

I will read into the record some of the efforts made to get a solution on RHI since I was appointed, but I want to mention one other point. There have been many lows here over recent days and months because of the behaviour of certain people who do not respect the public. Earlier today, the Survivors and Victims of Institutional Abuse (SAVIA) organisation and those who suffered abuse in institutions — mainly but not only Church institutions — when they were in the care of the state and the Churches were contracted to provide that care were used to score political points. I have seen disrespect and shameful discussions in the Chamber, but people need to be careful today about where we drag what is left of the credibility of this institution. I have spent the last three to four years working with the victims of historical institutional abuse, SAVIA, Mags McGuckin and others. I met them around the Lord Mayor's table at City Hall. I was the first Lord Mayor to bring the victims and survivors of institutional abuse into the chamber there. I sat and listened to harrowing accounts of rape, abuse and torture, and I gave a commitment that we would get justice and then compensation for those who were affected by that. I remember in particular one well-known young man — when I say "young", he was young in his time — a great pillar of the SAVIA organisation, recounting that, at the age of eight, when he was in the care of the De La Salle brothers, he wet the bed, and they brought him downstairs naked, put him in an industrial dryer and said, "The next time you

wet the bed, we will turn that on". So, let us not go low. This is not a day for going low; this is a day for going high. Let us leave for another day the abuse, horror and indignity that the victims of institutional abuse suffered. Let us all make the commitment that I made at a public forum here. It is my belief that this Government, if they come back, or whatever government structure follows must fulfil our obligations to the victims of historical institutional abuse.

I want to put this on record because, sadly, as we go low, the SDLP has tried to pretend that Sinn Féin is somehow complicit in the RHI debacle, even though Arlene Foster has acknowledged that she was the architect and it was DUP Finance Ministers and a DUP Economy Minister who have been in control since then. Here is some of the context that should go on record. In June, the Finance Department contacted the Economy Department asking for a solution to RHI. At a stocktaking meeting in July, it again asked for a solution. At that point, the overspend looked like £32 million. In July, there was a key meeting at which a demand was made for a business case to close this down. With the Comptroller and Auditor General's report being out, it was thought then that moves would be made. That was July 2016. At the Budget meeting between the two Departments on 23 August, RHI was again discussed and pledges were made about resolution, but there was no action. On 4 October, another memo was sent from Finance to Economy asking for action on RHI. On 17 October, there was another meeting asking for action on RHI. That was the point at which my officials reported to me that PwC's report was out, the Department had taken a new response to this and we would get action. The record speaks for itself.

You have been very indulgent, Mr Deputy Speaker, and I appreciate that. I say this with respect because we are moving into a turbulent period for our community over the next five to six weeks. It is my hope that, when and if we come back — I have said that we cannot come back to the status quo — respect for the public purse and respect for ordinary people will be paramount.

I will finish with this: the proposal in front of us slows the runaway train that is RHI, but it does not stop the RHI debacle.

**Ms Hanna:** At the core of this issue and of the governance omnishambles — that is the word that is best applied — is the loss to the public purse, and, of course, we are very keen to hear a coherent plan for how that flow will be stemmed. We all still have a job here in that we

have to scrutinise the proposals and assess all the potential outworkings to make sure that this is a plan that will save money and not just a plan to save face, which many people will feel that it is, on the basis of the detail that we have had.

It must be pointed out how disingenuous people find the urgency being projected by the party across the Chamber in coming up with a solution to this problem now and, indeed, the outrage being projected by the party to my right, given that it is very clear that it has known about the problem for a very long time. It appears now to be working primarily to cover its tracks and to come up with lines that will answer the queries on the doorsteps, and there will be queries.

I appreciate that the Finance Minister has made some efforts. People come to us with problems, including, for example, a broken street lamp. If we said, "I emailed and they never came back to me" or, "I phoned them last month and they did not come back to me", people would rightly tell us that we were not doing our job. That is over a broken street lamp; this is over hundreds of millions of pounds of public money, and "I asked a few questions" is not good enough.

**Ms Mallon:** I thank the Member for giving way. Unfortunately, the Member who spoke previously did not. I noted that Mr Ó Muilleoir, in his contribution, said that he was speaking on behalf of the public, and he kindly provided all of us with multiple examples of what the £85,000 that is being squandered every single day could be spent on. I am sure that each and every one of us could provide a litany of projects. I certainly could in my constituency of North Belfast. Does the Member agree that the truth is that, under this Executive, the scandal has cost the public over £20 million? Mr Ó Muilleoir highlighted memos that he had sent and meetings, as you referred to, but the key question that he has yet to answer is this: why does his party continue to be the only party that does not support a public inquiry that could get to the truth and get to the bottom of the fallacy and the duping of the public that he so eloquently and passionately said he was vociferously opposed to and horrified by?

**Ms Hanna:** I thank the Member for her points. People are taking a position on this issue a little bit too late, unfortunately. For the record, I want to nail one of the lines that is being pushed out. The post-truth parties are spinning that the Opposition parties voting to keep the scheme open in February was the problem. They do not say whether that makes us entirely

culpable or whether some of that blame was shared. For the record, we did vote for the amended scheme. We voted for the scheme that we should have had in the first place, which was about environmental protection. That point is clearly lost on or completely irrelevant to the party opposite, which rigged the scheme in the way that it did here. That damage was being covered up at the time. In fact, the scheme was being sold as just too successful and a victim of its own success. For those who —

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

**Ms Hanna:** I am happy to give way.

**Mr Beggs:** Will the Member agree with me that the Minister of Enterprise, Trade and Investment, the Finance Minister and, no doubt, the First Minister and deputy First Minister will have known of the scale of this problem for over a year? It is very disappointing that it is only today, in what we expect to be the very final hours of this Assembly, that a proposal comes forth. Why has it taken so long to come up with an alternative proposal?

**Ms Hanna:** That is a very fundamental point, and, as I said, in the online information wars of people trying to cover up and spread the blame, it is very clear. Anybody who has been told that the issue was the Opposition voting for that scheme should read the Hansard report of Monday 15 February. Read the transcript of that debate, and it will become very clear who knew what and when, and it will be very clear why parties are writhing and twisting over a full inquiry into this. They fear the question: what did you know and when? This side of the House does not fear that question.

#### 5.15 pm

Despite the problem being in their domain for so long, these very limited proposals have come forward. Understandably, there is a pressure of time, but there is no scrutiny being applied. We are given to understand, by the evidence given in the Economy Committee today, that, in the form it is in now, 99% of this plan was circulated on Monday last week. Why is it that it was sent to the Examiner of Statutory Rules only after 5.00 pm on Friday, when that person, who is the anchor of good legislation, would then necessarily not have access to the legal opinion and costing support required? Why is that the case? We are having to park all sorts of scrutiny here, but that fundamental point will lead some to believe that people do not want this to be scrutinised.

**Mr McGlone:** I thank the Member for giving way. At this point, to summarise, what is being presented before us today is legislation that has not got the approval of the Executive, has not, as the Minister Máirtín Ó Muilleoir, who has gone, outlined, got the sign-off from the Department of Finance, has not passed through the clear scrutiny of the Committee and has not been approved by the Examiner of Statutory Rules. Is there anything it does have by way of proper procedural legislative scrutiny by this Assembly?

**Ms Hanna:** I think that is a fundamental problem. We are trying to fix a dreadful governance problem with even worse governance here. I think it is exactly the lack of good governance —

**Mrs Palmer:** I thank the Member for giving way. Do you agree that, because this is partly funded by Europe, the European Union will have a veto on, or a say in, the regulations before us today?

**Ms Hanna:** That is one of very many questions I and other Members will have, even if sticking plasters are put over some of the problems we are storing up for further down the line. I think the issue is characteristic of the lack of good governance and transparency in this Executive. The exclusion of other voices led to this being a two-party Executive because other people were not in the loop. While I have no doubt it is the party across the Chamber that designed the scheme and probably had most of the information, it is fair to say that it was not effectively held to account by its government partners, as would appear to be the case with NAMA, the social investment fund and the suppression of information on Brexit.

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

**Ms Hanna:** Yes, I will.

**Mr O'Dowd:** The Member listed a group of people who she claims should have been holding the DUP Minister to account. Does she include the Chair of the then ETI Committee on that list?

**Ms Hanna:** If I am including the Chair, do I include your three party colleagues who were also on the Committee and who did not do that? I think the fundamental point is that very little information came out of the Executive at the time. Clearly, the evidence trail will show — this is why we are not scared of a public inquiry — that the information was within the Executive, or the two main parties of the

Executive, from February and that now it is all about throwing shapes.

Eight weeks ago today, the Fresh Start anniversary puff piece was published in the daily newspapers. It reads:

*"We made promises to voters that we will keep — taking on the heavy responsibilities that come with elected office, governing in their best interests, tackling head-on the tough decisions."*

There is a lot more to read in that, but I will leave that to Members if they need some light relief later. Either those parties were spinning the public a line eight weeks ago when they wrote that or they are doing it now, because both cannot be true. The party that designed this disastrous scheme has, we are led to believe, designed a good mitigation, but it looks like it is on the back of the envelope to everybody else. It leaves us with the choice between an £85,000 per day bleed indefinitely, if this place falls and we do not have another opportunity to fix it, and the potential cost of legal challenges, as well as all the cost of the very belated investigations.

In this scenario, I think you will understand that people are a bit reluctant to trust those who designed the flawed scheme to design the fix. People may put faith in the views of Dr David Capper, for example, in the School of Law at Queen's, who specialises in contract law and who expressed scepticism — that is putting it very mildly — at the view that the proposals can be implemented in a way that is zero cost. He also, you may be aware, expressed the opinion on Radio Ulster at the weekend, after studying the regulations, that regulation 33(p), which provides that subsidies should not be used to:

*"generate heat for the predominant purpose of increasing ... periodic support payments"*

may be a route for tackling abuse of the scheme. I hope the Minister will comment on both aspects of Dr Capper's contribution in his winding-up speech.

I have a few more questions. Will the Minister clarify what impact, if any, the proposals have on the Treasury spend? When the scheme was being designed, it seemed to be, "Sure it's London's money; fill your boots". Is this just recouping block grant money, or does the Treasury expect to get any money back as well? It is all public money that somebody has earned and paid as tax. Will he further clarify if and when the names of those benefiting from

the scheme will be published, and, if not, if and when he will publish the legal advice that he has received on that?

Members, we have a very difficult choice. It is more regrettable because it is being hothoused; we are being asked to make the choice very quickly without, as my colleague outlined, any of the normal transparency and scrutiny. It is up to Members to convince the public that this is more than a ploy to restore, in some way, any reputation that the DUP ever had for competence — that is a lost cause, but, hopefully, we can at least recoup some public money.

**Dr Farry:** The situation that the Assembly finds itself in today is completely unacceptable. We have the much wider context of the collapse of the Executive and a question mark over whether we will see another Executive in the future. To be much more specific, the process that we are dealing with in relation to this statutory rule today is completely unacceptable. It is the culmination of a flawed process over the past number of months, building on what has been a complete fiasco in terms of the overall non-domestic renewable heat initiative.

We are being asked to make an extremely important decision today, potentially right up against the clock in terms of the dissolution of the Assembly. On reflection, we may have a little bit more time, so it may be wise for us to reflect on how that time could be most appropriately used. As has been stated, this statutory rule has not been subject to anything close to proper scrutiny. While I welcome the fact that a meeting of the Committee was organised for this morning — I thank those involved for doing that — which the Minister and the permanent secretary attended — again, I pass on my thanks to them — we should be under no illusion: that does not pass muster in any scrutiny process or tick any box whatsoever. The Assembly is being asked to fly blind today by potentially approving this, with so many questions still outstanding and not being properly answered. That would be an extremely bad state of affairs even over something fairly non-controversial, but this is perhaps the most controversial and toxic item to face our political institutions for many years, which makes the situation even more concerning.

**Mrs Long:** I thank the Member for giving way. Clearly, there is an issue with the RHI scheme, how it was constructed, and the cost to the public purse. Does the Member agree that the manner in which it has been handled has been

more detrimental to public confidence than the original mistake?

**Dr Farry:** Indeed. The politics played around this over the past number of weeks has been extremely concerning. There has even been spin in relation to this intervention in terms of the statutory rule and the potential scope for mitigation. We have had announcements made, briefings and interviews in the press about what was to be taken forward before MLAs, or even the Examiner of Statutory Rules, were given access to what was being contemplated. In particular, we had the claim that we can reduce the cost to zero. That is not the case. I will come to that in a bit more detail.

This comes in the context of an Assembly where, since June, we have seen standards of openness, accountability, transparency and accessibility reach new lows. If this was an aberration and we had had the highest standards of good governance from the Executive — if people had said, "Look, we're in a situation of grave difficulty. The timescales are against us. You know we have striven to uphold the highest standards, so can you give us a bit of a bye-ball in this regard because this is very much in the public interest?" — I think that the Minister would have been given a fair hearing. However, this comes in the context of the opposite being the case across a whole range of issues, and that has led to accusations of cronyism and, indeed, corruption of the process and some of the outcomes by the Executive.

The performance of the Minister and the Department, alongside the low standards across the board, have been particularly worrying. Examples include the responses to freedom of information (FOI) requests, the turnaround time in getting answers to questions, cooperation with the Committee through the timely release of information, the absolute absence of any financial information being provided to the Committee and the absence of any process of engagement with the Committee over the past seven months to try to frame a way in which to mitigate the effects of the renewable heat incentive scheme alongside the PAC's inquiry into what happened prior to that point.

It is important that we bear in mind that the Northern Ireland Act puts Committees here on a different level to those in Westminster. They are here to help and advise Ministers and Departments on policy. That opportunity has not been taken in this instance.

I put on record my disappointment that the Minister did not take interventions. In the

context that we find ourselves in today, I thought that he would be falling over himself to give as many answers and as much clarity to Members as possible. It may be his intention to ram this through today, hope for the best and move on, but there is merit in the Minister reflecting on what he has heard to date and on what may be said in due course and considering whether more time can be given to this over the course of what is likely to be a week.

If we shortly hear confirmation from the Secretary of State of the growing speculation that the election date will be 2 March, that implies that we will continue as an Assembly for at least another week. That would give ample time for another meeting, or another two meetings, of the Committee to be held. It would also allow us to scrutinise and hear contrary points of view from the sector and other important stakeholders so that we can take a balanced view on the risks in what we are being asked to vote on today. It would also provide time for the Assembly to return and have a proper debate on the issues before us. I therefore encourage the Minister, if he is genuine about having proper accountability and buy-in from the House for his measures, to consider that approach.

Bearing in mind that there is a degree of scepticism and cynicism that today's action is very much about kicking the can down the road to the far side of an election and buying time rather than being a genuine solution to the problem, it is important that we are able to scrutinise the regulations properly and have confidence that this is a genuine patch-and-mend approach that buys time for a more sustainable solution as opposed to being a political patch-and-mend that allows people to escape as much embarrassment as may be coming their way over the next number of weeks.

Obviously, there will be discussions and points made on the wider issue of how we have got into this situation, and I appreciate that today is not the occasion on which to go into that in much detail. I want to put on record our party's support for a full, judge-led public inquiry based on the Inquiries Act 2005. Nothing less than that is going to provide the public with full confidence in the processes and procedures of the Assembly and the Department. The failure in getting that to happen to date is causing concern. If we see a situation in which we have something less than that, there will always be the suspicion that something has been held back, and people will not be fully satisfied that there has been proper accountability.

Alongside that, we need to have full publication of the list of recipients of support from the scheme. I add that we need to see the Secretary of State taking action to ensure that we have full transparency on political donations. The arguments that have been used against that in recent years around security have always been exaggerated, but today it is more clear-cut, because full transparency is very much where the public interest lies. Of course, people will naturally want to read those two lists in conjunction and see where that exploration takes them.

### 5.30 pm

I also want to make a couple of comments around the process, and I do so from the perspective of a former Minister. The account that we have heard to date of the political interventions around the scheme and the excuses or explanations for inaction gives the impression of people who are extremely passive in their role as a Minister. I am not sure whether that is the genuine approach that was adopted or whether it is intended to throw the scent off other potential issues to do with how things have been taken forward. It is important that we recognise that the role of a Minister is not simply to receive advice from civil servants and sign it off. If that were the approach, it would raise the question of why we needed devolved government at all and why we did not just continue direct rule and let the Civil Service take decisions. Civil servants are extremely important and professional individuals who provide proper advice, but it is the first role of the Minister to scrutinise what has been brought before them and to bring their perspective to that situation.

Secondly, when situations come to light from whistle-blowers and there is information about the potential flaws in the implementation of schemes, it is not sufficient to hide behind the maxim that Ministers decide the policy and civil servants are there to do the implementation. The divide between policy and implementation is never an absolute one, but, in any event, everything that happens in the Department is subject to the authority of the Minister, and Ministers are ultimately accountable to the Assembly and the wider public. If that were not the case, there would not be the questions etc on operational matters that are asked on an ongoing and regular basis. Those are some of the issues that I hope will be aired in a much greater sense in the inquiries in due course.

On the statutory rule that we have before us today, from my party's perspective there are essentially three benchmarks that we want to

use to assess the validity of the way forward. The first is "Is what is proposed legal?". The second is "Does it address the financial overspend, and does it create a financially sustainable way forward?". The third is "Does it allow for continued investment in renewables, and, if that is not feasible, does it at the very least allow us to continue to invest in the green economy and means to address climate change?".

I will look first at the issue of legality. Clearly, there is a major risk of a judicial review, and it has been highlighted by a number of individuals that they may well take that line. Obviously, there is a risk that this will be challenged, but it may well be that the advice that the Department and the Minister have received is correct and that any judicial review will be successfully defended. Obviously, we wish that well. However, the Minister has not sufficiently to date assured us that that will indeed be the case. I appreciate that he has taken advice from eminent individuals and organisations such as the Departmental Solicitor's Office and the Attorney General, but, eminent as the Attorney General is, he does not always get it right, as we have noted from a number of recent court rulings. There are some particular issues in that regard that need to be somewhat more fleshed out. One includes the basis on which this can be taken forward in the absence of a decision by the Executive. Clearly, under the ministerial code, something that is significant or controversial outside the context of the Programme for Government needs to be referred to the Executive for a decision. I appreciate that the Minister does not currently have an Executive, but we had one for most of the previous seven months.

*(Mr Speaker in the Chair)*

There is also the issue of potential discrimination in the scheme, where we have what is in effect a very blunt instrument in defining the cap in relation to 400,000 kWh of usage. That may take into account some situations where people are indeed overspending, but it may prevent people who are using this for a legitimate purpose from continuing their legitimate acts. Equally, there may well be people who continue to abuse the system or get excessive profits who maybe operate on a smaller basis but fall below that threshold. No distinction is made between those categories. That then lends itself to the issue of the definition of what is useful heat and what is not. The approach of a blunt instrument such as the cap is not making that clear distinction. I note that, in addition to clearing the test of a potential judicial review, the

permanent secretary confirmed this morning that the SR before us has to get clearance from the European Commission. It may well be that, given that this is a one-year patch, that bar may be lower, but we are far from guaranteed that we are not going to see a turnaround in a matter of weeks with the European Commission saying that this may not be a viable way forward. Again, we have been down that road with the Department over the past number of months on another item. There are issues of legality, and, in essence, we are being asked to take a risk and to take a bit of a punt, potentially to see a situation where, not only with a successful JR or at a cost to the public sector, we end up not closing off the seepage of resource of £85,000 per day out of our block grant because we have not actually put forward a viable system.

The second issue overlaps to an extent with the first point around legalities in terms of the reason why the cap of 400,000 kilowatt hours has been adopted and the point about the definition of useful heat and why that has not been addressed. Again, I echo the point that we are not going to see a situation where we have complete and utter removal of any potential overspend on the scheme; in particular, we have no certainties on what the situation will be beyond March 2018. We may see a dip based on this patch for one financial year, but those costs could rise in the future.

The third thing that we need to be mindful of is the implications for ongoing investment in renewables. We have heard comments from the sector about the potential additional risks to future investment from government, in essence changing the nature of the debate and the terms of the support that can be provided to the renewable sector. In that context, it is something that the Committee would, ideally, like to further explore. Are we actually disincentivising people in the future from investing, whether in this type of approach or, indeed, others, through the fact that we have had a flawed scheme designed by government that has had to be amended mid-course and has created such bad faith around the investment narrative not just for renewables but elsewhere in Northern Ireland? That is an important issue.

The final point I want to make is to stress that what we are being asked to do today is, in some respects, the simplest of the potential options open to the Department. There may well have been more complex approaches. We have heard options around potential windfall taxes and we have had potential recalibration of what is useful heat and what is not, but, in



essence, we have had a retrospective application of what was done in November 2015. Given that that is the case, it raises the question of why this was not done sooner in the current financial year. It seems that we have missed the boat over recent months for having this type of approach put forward, properly scrutinised and implemented. I am concerned about why that has been the case.

Finally, I am just learning from my colleagues that it has been confirmed that dissolution will not take place until 25 January, so, clearly, we will meet next week as an Assembly. In that context, the point that I made about the Minister not pressing this to a vote today and the matter returning to the Committee to provide for further scrutiny and coming back to the Assembly next week would be a much more viable approach — indeed, a more genuine approach — that would allow for the public to have a stronger degree of confidence that what we are being asked to do is very much in the public interest. Given the very rushed manner in which this has been done today, while it may eventually go through, I dare say that there will be a question mark hanging over not just the motivation behind this but how effective it will be in practice.

**Mr Nesbitt:** On a point of order, Mr Speaker. As Mr Farry said, the Secretary of State has called the election for 2 March, with dissolution not occurring until Thursday 26 January — that is, next week. On that basis, under Standing Order 16, I move that we adjourn the debate on this motion until next Monday, 23 January, and ask the Minister to come back with certainty about the opinion of the Examiner of Statutory Rules. The Committee for the Economy will have time to move off its position of simply noting the regulations, and we can not only see a robust business case but get confirmation that the European compliance unit is happy with the regulations.

**Mr Speaker:** Members, a motion has been proposed by Mr Mike Nesbitt that the Assembly adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 for seven days.

**Mr O'Dowd:** On a point of order, Mr Speaker.

**Mr Speaker:** Let me finish. I am content that the motion is in order, and I propose to allow up to 30 minutes for a debate. Members will have a maximum of three minutes in which to make their comments and should indicate their desire to speak by informing the Table. The mover of

the motion will have three minutes to propose and three minutes to make a winding-up speech. If the House divides, it will be by simple majority.

Mr O'Dowd had a point of order.

**Mr O'Dowd:** Sorry, Mr Speaker, you have just given your ruling. My point of order was to ask for further details.

**Mr Speaker:** OK. I propose to suspend the sitting for 10 minutes to allow Members to make arrangements for speaking in the debate. The Assembly is, by leave, suspended.

*The sitting was suspended at 5.42 pm and resumed at 5.58 pm.*

## **Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017: Motion to Delay**

**Mr Speaker:** The sitting is resumed. The next item of business is a motion to delay the debate on the draft renewable heat incentive regulations.

**Mr Nesbitt:** I beg to move

*That this Assembly, in accordance with Standing Order 16, adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 until Monday 23 January 2017.*

It hardly needs to be said that this is an incredibly serious issue, given what it has done to us collectively over the last number of weeks and what came to pass almost exactly one hour ago. Let me emphasise that this is not party political; this is about the integrity — Members may snigger, but this is about the integrity — of these institutions.

It is about starting the process — it would be only a very small step on a long journey — of restoring public confidence in devolution.

### **6.00 pm**

I will use language that I have thought through carefully. The renewable heat incentive scheme is a debacle. That is not my word but the First Minister's. What the public probably think of these institutions, and of us collectively because of RHI, is probably not fit for parliamentary language. Why delay? Very simple: it is at no cost to the public purse. The

£85,000 a day that we are burning off because of the overspend continues, even if these regulations are agreed today or next week, until at least 1 April. That is over £6 million. However, there will be no cost to the public purse if we wait for one week. In waiting for one week, the Minister has opportunities. Specifically, there is an opportunity for the Examiner of Statutory Rules to give a definitive view on what is being proposed. We do not have a definitive view from the Examiner. Reference was made to Standing Order 43. The proper way to do business — the good way and the best-practice way — is to get the view of the Examiner.

The Committee for the Economy would also have the opportunity to consider and scrutinise the legislation. The Minister and permanent secretary were before that Committee this morning. All that the Committee could do was to note the legislation, not approve it. There is no business case for it, and the Minister made clear that he has been working on it for a long time. Another seven days gives him the opportunity to complete it.

Finally, the European unit can give a view on whether it is compliant with European legislation. Let us remember that the regulations make clear that they will take effect from 1 April or when the European Union says that it is happy that they do not contravene state-aid rules.

There are four very solid reasons for why we should delay for a week at no cost to the taxpayer. Given that this is about good governance, the argument is made. Let us adjourn until Monday 23 January.

**Mr Lyons:** The whole House will be aware of the public concern over, interest in and anger about the renewable heat initiative. I certainly support the Minister bringing the regulations before the House, because, along with an independent inquiry, one of the things that the public want to see is cost controls. They want to see the cost of this brought under control. The regulations brought by the Minister will help to do that.

We met as a Committee this morning, and the timings for all of this have not been ideal. We would like to have had more time for the Examiner of Statutory Rules and the Committee to have a look at the legislation so that we can give it some of the extra scrutiny that it needs. That is not always possible, however. When we began our debate this afternoon, we were not aware of how long we had left in this Assembly. That has now been clarified, and we

now know that the Assembly will not be dissolved this week but that we will have an opportunity to meet next week. Doing nothing on this is not an option. However, to delay for one week is a reasonable request, and I believe that it will give us time for some of that extra scrutiny that the Member who spoke previously mentioned.

Therefore, we are content to support the adjournment. We want to see the regulations go through and believe that it is right that they should. The Secretary of State has afforded us an extra week, so we believe that we have more room in which to do that. It is important that the regulations be brought back to the Chamber next Monday so that Members can have their say and a vote can take place.

I want to bring up something that was said during the debate by the Member for South Belfast Mr Ó Muilleoir. He talked about other parties' dereliction of duty. I look around the Chamber, just as I sat in Committee, and it seems to me that there is only one party that has abdicated its responsibility, and that is Sinn Féin. It has not been prepared to come to Committee and do the work and scrutiny that should be done on this.

I certainly hope that they will change their mind and play a role in the Assembly. The public are not interested in some of the party political back and forth that has been going on. They want to see a solution to this.

**Mr Speaker:** Will the Member conclude his remarks?

**Mr Lyons:** They want to see costs controlled. I believe that we can do that through these regulations, so let us use the next week to scrutinise that further.

**Ms S Bradley:** As the SDLP's economy spokesperson, I welcome the opportunity of the extension. I doubt very much if any Member drove to work today in the hope that we could genuinely plug the hole in what is an £85,000 per day haemorrhage to the public purse. Sadly, even though I arrived here with an open mind and a positive outlook, I watched the day unravel. I listened to the Minister, who presented to us a case. He expressed his regret that there had not been time to get the agreed business case and that we would not be able to follow normal scrutiny process, and he put it to us that the decision would have to be made in the absence of good legal practice. Members of my party, including me, were very uncomfortable with that, weighing up the

balance of the loss to the public purse with the request that was put in front of us to carry out a piece of work that would be highly irregular, face legal challenge, no doubt, and maybe cost the public purse beyond anything we could begin to calculate or anticipate.

Things have moved quickly here today, as you will appreciate. I listened then to the Finance Minister give a very moving speech, although I am rather cynical that it was on the sniff of an election, about how he has great concerns about the public purse, as do I. He has great concerns, and he used the opportunity to list things that were of precious importance to him — things that did not appear in the draft Programme for Government. He made clear to the House that he believed the right and proper thing to have done would have been to stop the loss of that money to the public purse. Herein, we are agreed. We all agree that the further haemorrhaging of this money from public finances should be stopped in any way possible. I therefore put it back to the Finance Minister: be true to your word. Show the House that you were genuine in your words. Along with the Economy Minister, show your constituents and the people of Northern Ireland that you are genuinely minded to save the public purse the money that is being lost. Anybody who was genuine in their position would use this week wisely. They would put public interest before any party political interests that are already evident in the House.

**Dr Farry:** I will be relatively brief, as I made a number of points in relation to this potential direction of travel in my remarks in the main debate. We are operating in the dark, essentially, in relation to the viability of this approach being the best way forward. A delay of a week provides the opportunity — I stress that it is no more than an opportunity — to cast at least a little light on a range of important issues. I welcome the fact that DUP Members are willing to go along with a week's delay. In the context of deep public concern and lack of confidence, that is at least a very small gesture in the right direction, but welcome nonetheless in that process. It is incumbent, however, that the week is used effectively. I am sure all Members of the Economy Committee will be very keen to make themselves available to engage with the relevant stakeholders and again, once more, with the Department. I certainly hope that the Minister and his senior officials will make themselves available to engage further with the Committee, if we have the opportunity of that further week. The week should be used extremely wisely.

**Mr Aiken:** Speaking as the Deputy Chair of the Economy Committee, in the continued absence of Sinn Féin, I welcome the opportunity for the Economy Committee to provide more detailed scrutiny of this statutory rule. It would give us great opportunity to get the Minister and the permanent secretary back, to take the detail of the business plan, which we have not had a look at yet, and to have the draft PwC report presented to us so that we are able to provide some detailed scrutiny. We may be able to call directly on key stakeholders like RHA NI, the Ulster Farmers' Union and other groups. It will also allow very clearly, as my party leader pointed out, for the Examiner of Statutory Rules to take the opportunity to report to us, having had appropriate time to be able to consider the rule.

I suspect that we will also consider the issues around the economic impact, take views on the understanding of what the European dimension is and what it is likely to be, and apply, even at this short final stage, more effective scrutiny for the Assembly and, more importantly, for the people of Northern Ireland. I support the motion.

**Mr Agnew:** As things stand, the Green Party is unable to support the proposals brought forward by the Minister for the Economy, so we welcome the opportunity of an adjournment so that we can glean more information on them. The Minister has asked us to gamble on his proposal — gamble that it will save us more money in money not lost to the RHI scheme and save us more money than it will cost in potential legal cases, and I think that that potential is great. I have to say that, right now, the Green Party is not minded to gamble on a DUP Minister's assurances at this time.

The Minister appears to be trying to dig the DUP out of a hole of its own making. He has stated clearly that these proposals would have to face the scrutiny of the EU, and I think that he does so knowing that they will not pass muster. I think he does so in the hope that he will be seen to put forward a proposal to deal with this debacle that the DUP has created and that the EU will shoot it down, because he knows that it is unworkable. He has record on this; he previously sought to blame the EU for his failed attempt to woo United Airlines with public money to get it to stay in Northern Ireland. He said that the EU blocked it, but United Airlines came out and said that, in fact, it chose to leave.

The Green Party proposes instead a windfall tax and asks the Minister to take the extended time that he has been given to explore the

option of 100% tax on excessive profits as a result of RHI. Under our proposals, claimants would only receive a maximum of the cost of wood pellets, thereby removing the incentive to heat empty sheds and burn heat needlessly and to ensure that there was no cash for ash. It would be fair, legal and protect public money. I support the motion to adjourn today's debate so that such a proposal can be considered.

**Mr Allister:** There is nothing to be lost and potentially something to be gained by an adjournment. This matter has been bounced upon the Assembly with incredible speed and without any of the routine or attempted scrutiny that would normally be expected by our Standing Orders and by due process. There never was a need to rush it, because the Minister has known since the day he came into office that there was a major issue here, as did his predecessors for months before that. Yet if there had not been the BBC 'Spotlight' programme, and if we were not facing into an election, I suspect that we would not have this proposal at all, because there was a laissez-faire attitude of, "Let's brush it under the carpet" until it became uncontrollable in consequence of the 'Spotlight' programme.

What we were to debate today should have been tackled months ago but now it is rushed at the very last minute. It is right and appropriate that, if there is another week, it is taken so that some semblance of scrutiny can be given to it and we can address it on a more proper footing than hitherto. I support the motion.

**6.15 pm**

**Mr Bell:** Given that this incurs no cost to the public purse and allows us to see whether what is occurring is legal — there are, rightly, many concerns around Northern Ireland — it is only right that we take the time to get this right rather than rush it.

Many people have asked me why, in 20 years of elected politics, I spoke for the first time in the fashion that I did. I would like it read into the record of the House that I spoke for the first time in the fashion that I did because journalists were able to conclusively prove to me that they had contacted the Democratic Unionist Party's press office day after day after day and were being fed back misinformation that Jonathan Bell was unavailable.

I also want a very major concern read into the record of the House that an instruction went out from DUP special advisers John Robinson, currently special adviser to the Economy

Minister, and Andrew Crawford, the current special adviser to Michelle McIlveen, to try not to get Arlene called to the Public Accounts Committee, but:

*"under no circumstances allow Jonathan Bell to be called".*

These matters need to be deeply investigated

**Mr Speaker:** Mr Bell, we are moving outside the scope of the renewable heat incentive.

**Mr Bell:** With an adjournment of a week, I am saying that these matters can be investigated in this week alongside the very first piece of information given to me in a ministerial office by the DUP party officer who was appointed as a special adviser, Timothy Cairns, which was that I would not be allowed to reduce the tariff on the scheme because Timothy Johnston, the special adviser to the then First Minister, and John Robinson, at that time the DUP director of communications and now the special adviser to the Economy Minister, had such extensive interests in the poultry industry that it was not allowed to be on my ministerial agenda. I have the information, Mr Speaker, and I have kept the records in many formats. This party has suspended me for telling the truth while I gave the First Minister, the deputy leader and the chairman of the party all the information —

**Mr Speaker:** Mr Bell, we are way outside the scope of the motion.

**Mr Bell:** — about people who are sitting beside them and behind them and much more serious offences.

**Mr Nesbitt:** Mr Speaker, will you just confirm that Sinn Féin is not speaking on the motion?

**Mr Speaker:** There is no indication from Sinn Féin that it wishes to speak on the motion.

**Mr Nesbitt:** It would have been useful to hear from Sinn Féin. I also note the absence of the Economy Minister. I thank Mr Lyons, Ms Bradley, Mr Farry, Mr Aiken —

**Ms Ní Chuilín:** Will the Member give way? I just want to clarify the situation. We have been very consistent on accountability and transparency and on stopping the flow of public money into this scheme. People have been very patient. You have asked for a tactic in order to look at further scrutiny. That is our position. I thought, even going by some of your

own comments earlier, that we were speaking ad nauseam so, hopefully, that has clarified it again.

**Mr Nesbitt:** Thank you very much.

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

**Mr Nesbitt:** Right. I thank Mr Lyons, Ms Bradley, Mr Farry, Mr Aiken, Mr Agnew, Mr Allister and Mr Bell for their comments, and I thank Sinn Féin for the clarification.

If we had done it today, we would have had 74 days until we could bring in these cost controls. It goes down to 67 days although, again, I stress that that is dependent on the European authorities saying that it is compliant with state aid; that must remain an open question.

Finally, once again, over the next seven days, we can hear from the Examiner of Statutory Rules, and the Committee can look again and, as Mr Aiken says, take on board the PwC report. We can have a business case from Mr Hamilton, and we can hear from the EU unit on its presumably preliminary discussions with the European Commission.

If we were an irresponsible Opposition, we would not have tabled this motion. We would have said, "Let the Executive play fast and loose with the public purse. Who cares about £85,000 a day?" If we had been an irresponsible Opposition, we would have wanted to hear a lot more than the two minutes and 32 seconds that we have just heard from Jonathan Bell MLA — he has whetted my appetite for the debate when it resumes next Monday — but no. On this day, as the Executive parties bring the mandate crashing to its knees four and a half years early, you have a responsible Opposition holding the Executive to account.

*Question put and agreed to.*

*Resolved:*

*That this Assembly, in accordance with Standing Order 16 adjourns the debate on the draft Renewable Heat Incentive Scheme (Amendment) Regulations (Northern Ireland) 2017 until Monday 23 January 2017.*

**Mr Speaker:** I ask Members to take their ease for a moment.

*The House took its ease from 6.21 pm to 6.25 pm.*

## Assembly Business

**Mr Speaker:** Members, owing to the nature of the next item of business, I will not be chairing the debate. I have been advised that the three Deputy Speakers will also be unable to do so. Standing Order 9A(1) provides for these circumstances by requiring the sitting to be chaired by a temporary Speaker. The temporary Speaker is defined as:

*"the member, present at the sitting, who has served the Assembly the longest number of days, and in the case of a tie, the oldest of [these]."*

In accordance with Standing Order 9A(1), I therefore ask Lord Morrow to take the Chair. I invite Members to take their ease while we make a change at the top Table.

*The Temporary Speaker (Lord Morrow) in the Chair.*

## Private Members' Business

### Speaker: Motion of No Confidence

**The Temporary Speaker (Lord Morrow):** The Business Committee has agreed to allow up to two hours for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

I inform Members that I have been advised by officials that a valid petition of concern has been presented today in relation to the motion of no confidence in the Speaker. Under Standing Order 28, the vote cannot take place until at least one day past. The vote will therefore be taken at the beginning of business tomorrow morning, Tuesday 17 January. I remind Members that the vote will be on a cross-community basis. I ask the Clerk to read the motion.

*The following motion stood in the Order Paper:*

*That this Assembly has no confidence in the Speaker of the Assembly; believes that his position is untenable as he has compromised the independence and integrity of the office of*

*Speaker; and calls for his immediate resignation.*

**Mr Beggs:** On a point of order, Mr acting Speaker. Would the acting Speaker confirm that, irrespective of whether or not there is a petition of concern, the Speaker will have the confidence of the Assembly if the Members indicate that they have it or he will not have it if the Members indicate that he does not have it?

**The Temporary Speaker (Lord Morrow):** I ask Mr Beggs to repeat his question. We are not clear what you mean.

**Mr Beggs:** Would the acting Speaker confirm that, whether or not there is a valid petition of concern, that will not determine whether or not the Speaker has the confidence of the Members of the Assembly and no petition of concern will change that outcome? It will be done by the votes of the Members of the Assembly.

**The Temporary Speaker (Lord Morrow):** I remind Mr Beggs and the House that that will be a decision for the Speaker to make and not me. I call Mr Conor Murphy to move the motion.

**6.30 pm**

**Mr Murphy:** Thank you, Mr acting Speaker. I read carefully the letter that the Speaker sent to all MLAs recently explaining his course of action and decision-making in relation to the pre-Christmas sitting. It is quite clear. I accept that the Assembly was recalled on the basis of instruction from the First Minister and the deputy First Minister and that, similarly, he required both Ministers to instruct not to recall the Assembly. I do not think that anyone has an issue with the fact that the Speaker did not have the authority to countermand the order to recall the Assembly. However, it was made very clear to him publicly and privately to the Speaker's Office that the statement that was to be made and the purpose of the recall of the Assembly was not, in fact, then being made on behalf of the Executive Office, because the deputy First Minister had withdrawn his authority for that statement to be made. That meant that the statement that the then First Minister came forward with was clearly a personal statement on her own behalf and not for the purpose for which the House had been recalled. Bear it in mind that other business had been tabled for that day and it was not the sole purpose for which the House had been recalled. Clearly, the original intended purpose was gone. The Speaker should not have allowed the First Minister to make a statement

claiming it to be on behalf of the Executive Office when, clearly, it was not and she did not have the authority of that office to do so. Following that decision, it was clear — the actions on the day reaffirmed it — not only that the Speaker was challenged very vigorously on the Standing Orders on which he was conducting his business — most of us were bemused by some of his explanations — but also that he had, with the exception of his party colleagues, lost the confidence of virtually every MLA in the House. I suggest that he still does not have the confidence, with the exception of his party Members, of virtually every MLA in the House.

We come today to debate confidence in the Speaker, which is a normal motion, given the circumstances that we found ourselves in in that sitting before Christmas and the behaviour that led to the First Minister making a statement on behalf of that office when she clearly did not have the authority to do so, yet we find ourselves hamstrung by a petition of concern. The DUP has deployed petitions of concern over 80 times in the Assembly — 82 of those as a party on its own. The irony is that the petition of concern was built into the Good Friday Agreement to protect the rights of minorities and to protect citizens from larger parties trampling over their rights and entitlements, yet the DUP, as the largest party in the Assembly, has used it 82 times without support from any other MLA. On a number of those occasions, it has used it to protect its Members from censure in the Assembly. It does so again on this occasion. *[Interruption.]* Mr Weir might find that amusing, but the DUP has yet to learn that there is public outcry not just about this scheme and the Speaker's handling of some of the issues but about the DUP's absolute refusal to recognise the damage that it is doing to public confidence in the institutions. It continued to do that to this very moment when it deployed the petition of concern. The use of petitions of concern to protect the interests of its Members is a corruption of what the petition of concern was intended to do.

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

**Mr Murphy:** No, I will finish what I have to say. Thank you very much.

The use of the petition of concern is a corruption of the institutions, and corruption is something that the DUP would do well to look to to see how they deal with it. As a consequence, we are now to have a debate in this institution about an important matter — confidence in the Speaker — with the outcome already decided. The outcome has been

frustrated, regardless of the vote of every other MLA, with the exception of DUP Members, to express their lack of confidence in the Speaker. That outcome will be overturned by the use of a petition of concern, which was put in the Good Friday Agreement to protect minorities but has been used in a corrupt fashion by the DUP to protect their own.

On those grounds, I will not move the motion. I do not believe that there is any purpose in keeping people here for a debate when the outcome is predetermined, and I think that the corruption of this institution in the eyes of the public has to stop. I hope that the DUP reflects on this in the run-up to the election and that we get a different DUP returning here on the other side of the election.

*Motion not moved.*

**The Temporary Speaker (Lord Morrow):** I ask the House to take its ease for a moment because that brings into question whether the amendment can be moved, as the motion has not been moved. We will return to that in a moment or two.

**Dr Farry:** On a point of order —

**The Temporary Speaker (Lord Morrow):** I have asked the House to take its ease. I will come to you in a moment or two.

Order, Members. The substantive motion was not moved. Therefore, the amendment cannot be moved.

**Dr Farry:** On a point of order —

**The Temporary Speaker (Lord Morrow):** I will take your point of order in a second. I want Members to understand that, since we do not have a motion before us, we do not have an amendment.

**Dr Farry:** On a point of order, Mr Acting Speaker, the convention in the House, particularly on motions such as this, is that the proposer of the motion does not necessarily say, "I move". Given that Mr Murphy started speaking and, indeed, was allowed to make his speech, by implication he moved the motion. Therefore, the only grounds on which the business cannot proceed is through a request by leave of the House that the motion be withdrawn. Mr Murphy made a number of points on his view on the issue, and those have been read into the record. He took that opportunity and perhaps abused the procedure of the House in doing so. No other Members

are to be afforded the opportunity to give their perspective or to counter the points made by Mr Murphy. I maintain that, by the fact that Mr Murphy started speaking rather than by saying, "I move" or "I do not move the motion" at the start of his speech, he moved the motion by implication. As such, the debate in the House should continue. It should proceed to the amendment and then other Members should be called.

**The Temporary Speaker (Lord Morrow):** I may have some sympathy with what you are saying, Mr Farry. However, Mr Murphy made it quite clear that he was not moving the motion.

**Some Members:** At the end.

**The Temporary Speaker (Lord Morrow):** Whether at the end or the beginning, he made himself quite clear. I do not have a motion before the House today. That is the position.

**Mr Dickson:** On a point of order, Mr Acting Speaker. Further to my colleague Dr Farry's comments, this, again, goes back to correct wording and the somewhat lax language in the Chamber. When Members or Ministers, as we have seen or heard in the past, withdraw various things for technical reasons, it is done "by leave of the House". No leave was sought from the House; Mr Murphy made those comments well into the middle of his speech, judging by the time I spotted on the clock. I do not believe that he has the authority to withdraw it. We have an absolute right to the debate.

**The Temporary Speaker (Lord Morrow):** Mr Dickson, I am long enough about the House — I suspect that others are also — to know that there was a similar motion here in, I think, 2001, and there was a debate, but the motion was not moved. If it had been done in that way, there would be more validity in what you are saying. Again, I am not unsympathetic to what you are saying, but I have to make a ruling on it as the acting Speaker. That is my ruling.

**Mr Allister:** On a point of order —

**The Temporary Speaker (Lord Morrow):** Members, it is my intention not to take any more points of order on this particular matter — *[Interruption.]* Hold on. Mr Allister, I am asking you to sit down. Thank you.

I am not taking any more points of order on this particular matter. If Members want to come to this issue at another time, that is entirely a matter for them. I ask the House to take its ease.

*(The Temporary Speaker [Lord Morrow] left the Chair at 6.41 pm)*

*The House took its ease.*

*(Mr Deputy Speaker [Mr McGlone] in the Chair at 6.46 pm)*

**Mr Deputy Speaker (Mr McGlone):** I have been in consultation with the Speaker's Office and some of the senior clerks. I am going to suspend the Assembly because of the absolute mess we have arrived at to take some advice on the best way forward. There are a lot of issues and questions to be dealt with in a serious manner without the tomfoolery that has been happening here.

**Mr Allister:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr McGlone):** I cannot take any points of order, Mr Allister. Please bear with me. You will know that I am saying that with the best possible wish; I am not seeking to in any way curtail debate. I have been asked within the last two or three minutes to take this position, and I want to make sure that the advice that is given is appropriate and in the best interests of the Assembly. So, by your leave, I am asking for a suspension of the Assembly until such times as we get back in here and have worked our way around this.

**Some Members:** How long?

**Mr Deputy Speaker (Mr McGlone):** Until 7.30 pm.

**Dr Farry:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr McGlone):** Dr Farry, I have already advised Mr Allister behind you that I am not taking any points of order.

**Dr Farry:** This would be helpful.

**Mr Allister:** So would mine. *[Laughter.]*

**Mr Deputy Speaker (Mr McGlone):** The presumed advice is that we should suspend until 7.30 pm. If you want to have a chat with me afterwards, that is grand.

*The sitting was suspended at 6.48 pm and resumed at 7.45 pm.*

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

**Mr Deputy Speaker (Mr Kennedy):** Order, Members. I have taken the opportunity to consider the recording of Mr Murphy's contribution in the debate, and it is clear that it was only at a very late stage that he indicated that he would not move the motion. Speaker's ruling 4.2g. makes it clear that, by convention, when a Member no longer wishes to put a motion before the Assembly, he should say "not moved", giving a short explanation to the House. It is very regrettable that Mr Murphy did not observe the substance of that convention this evening when he was called to move the motion. However, the temporary Speaker ruled that the motion was not moved. He has made his ruling, and it is not in order to challenge it. Standing Order 1(2) states:

*"The Speaker's ruling shall be final on all questions of procedure and order."*

**Mr Ford:** On a point of order, Mr Deputy Speaker. Whilst accepting the ruling that you have just given, the very fact that you had to give the ruling in the way that you gave it is a clear indication of an inadequacy in the Standing Orders of this House or, indeed, in the observation of conventions, whether or not they are covered by Standing Orders. Will you please agree to raise it with the Speaker in the hope that this matter may be referred to officials, who can give us some better advice should this House be reconvened after 2 March?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. I have listened and noted it carefully. It may well be that a future, or the next, Assembly will consider these procedural matters in some detail. I will also undertake to draw it to the attention of the Speaker, but that is somewhat invidious given that the motion before the House was a motion of confidence about the Speaker.

**Mrs Long:** On a point of order, Mr Deputy Speaker. Thank you for your ruling. I understand the rationale behind it. I believe that the Speaker at the time cited precedent from the first Assembly. However, it is clear that poor precedent should never outweigh what is seen as good practice. So, would it be possible to compare the poor precedent from what I believe was the first Assembly, which met in this Chamber, with the intention of the ruling under 'Erskine May', which is that no one should be able to make a statement to the House without other Members having the opportunity to respond to it?



**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for her point of order. However, the Member well knows that, as I have indicated, Standing Order 1(2) states:

*"The Speaker's ruling shall be final on all questions of procedure and order."*

It is on that restriction that I make the judgement that I make. The Member has put on the record suggestions that may or may not be considered by this Assembly or, indeed, any future Assembly.

**Dr Farry:** On a point of order, Mr Deputy Speaker. Your ruling is very clear, and I thank you for it. However, in essence, what you have set out is that an error was made in the initial ruling. Also at that stage, a number of Members sought to make points of order because of their concern about the potential that that ruling would have for the debate at that time. Can I therefore seek reassurance that, given that a ruling was made by an acting Speaker — so we have a difficult context — in no way will that ruling therefore become a precedent for future business of this House, given, as my colleague said, the wider guidance as provided by 'Erskine May' in such circumstances?

**Mr Deputy Speaker (Mr Kennedy):** I thank the Member for his point of order. I have been very clear in expressing my regret that Mr Murphy did not observe the substance of the conventions of the House this evening, but I am bound by Standing Order 1(2), which states that the Speaker's ruling shall be final. That includes Speaker, Deputy Speaker and temporary Speaker.

**Mr Nesbitt:** On a point of order, Mr Deputy Speaker. You are very clear in quoting Standing Order 1(2) and the impact that it has, in that we cannot challenge the decision. For the avoidance of doubt, can you point to the Standing Order under which the acting Speaker made his decision?

**Mr Deputy Speaker (Mr Kennedy):** I thank you for your point of order, Mr Nesbitt. It is clear to officials and to me that the ruling of a temporary Speaker carries the full weight and authority of the Speaker's Chair.

**Mr Nesbitt:** Further to that point of order, Mr Deputy Speaker, to be clear, while I am not challenging Standing Order 1(2), you are not pointing to any Standing Order under which the acting Speaker made his decision. Is that correct?

**Mr Deputy Speaker (Mr Kennedy):** Thank you for that point of order, Mr Nesbitt. Unhappily, perhaps unlike you, I was not in the Chamber at the time. It is clear, however, that Standing Order 1(2) covers the actions and gives the full weight of authority to the Speaker, Deputy Speakers and temporary Speakers.

**Mr E McCann:** On a point of order, Mr Deputy Speaker. You have said just now that whatever the Speaker's, Deputy Speaker's or acting Speaker's decision is, it is final. Reason cries out against that idea. It cannot be true. It cannot be the situation, because the implication of that is that, no matter what the Speaker, Deputy Speaker or acting Speaker does, we simply must accept it. The reason that, sir, you did not answer the question on the Standing Order under which you are making this determination is simple: there is no such Standing Order. What we have had here is someone simply pulling the plug on the debate. Whether that was because it suited him personally or his party, I do not know, but it was absolutely improper. The situation that we are now in is the result of a petition of concern from the DUP and the fact that there was a walkout by Sinn Féin. Put the two together and what that means is that the minimal powers of scrutiny of the matter that we might have had are taken away from us. This is not just a matter of procedure —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** — but a matter of the credibility of people who have got —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** Hundreds of millions of quid are going up in smoke, and we are saying that —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask Mr McCann to resume his seat.

**Mr E McCann:** — somebody can sit in that Chair and simply say — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Resume your seat.

**Mr E McCann:** I will resume my seat in a minute, but I will tell you what: you are wrong, Maurice was wrong and what we ought to do is get on with the business of discussing the renewable heat initiative.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr E McCann:** Disgraceful. It makes a mockery of the House. What is the point of our being here? *[Interruption.]* What is the point of being here if we cannot discuss a matter —

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat.

**Mr E McCann:** — that is being talked about in every home, pub and street, North and South? *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat. I say to the Member that no amount of drama or hysterics will lend any credence to his argument, because —

**Mr E McCann:** Then answer it.

**Mr Deputy Speaker (Mr Kennedy):** Order. The simple fact is that Standing Orders, I accept, are silent on certain matters, but where they are clear, Mr McCann, is that Standing Order 1(2) states:

*"The Speaker's ruling shall be final on all questions of procedure and order."*

On that basis, the ruling applies to the Speaker, the Principal Deputy Speaker, the Deputy Speakers and any temporary Speaker. You may not like that rule, and there may be opportunities in the future for the House to review that rule, but those are the rules as they are currently constructed.

**Mr Clarke:** On a point of order, Mr Deputy Speaker. Can we clarify whether the implication has been made that the acting Speaker was working in his own guise? Can we get clarification of whether he was working on advice from officials?

**Mr Deputy Speaker (Mr Kennedy):** That is not a matter on which I can comment. I think that the Member well knows that. I am not in a position to comment on that or even to speculate on it. I am not sure that it is terribly helpful that the Member does so.

Mr Weir has been patient.

**Mr Weir:** On a point of order, Mr Deputy Speaker. I appreciate that you cannot speculate on that, but is it in order for a Member to question the integrity of the Chair on the motivation behind a decision, as the Member who spoke before the previous one did?

**Mr Deputy Speaker (Mr Kennedy):** Further to that point of order, I am in the happy position that I did not hear everything that the Member said, and sometimes that is an advantage. It is an advantage as a Minister, it is an advantage as a Member, and it is certainly an advantage when you are Deputy Speaker.

**Mr Weir:** Further to that point of order, that was not actually the issue that I raised. Mr McCann questioned the integrity of the decision made by the Chair — that it might be personally motivated. I seek clarification of whether it is appropriate for a Member to challenge the integrity of the Chair's motivation in making a decision.

**Mr Deputy Speaker (Mr Kennedy):** In my view, it will be a matter for the accused Members to address. It is not a matter that I can give attention to in the heat of the debate at present.

**Mr Lyons:** On a point of order, Mr Deputy Speaker. Standing Order 65 is very clear about order in the Assembly. In the previous debate, which Lord Morrow was chairing, Mr McCann was very clear, and he said, "I am directly challenging your authority." He has also, I believe, acted now in a way that has brought the Assembly into disrepute by the way in which he has conducted himself. He has shown complete disregard for the Chair —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Lyons:** — and I do not think that it is appropriate.

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask the Member to resume his seat. I strongly advise the Member to leave the chairing of proceedings to those who are appointed to do it. I am not sure that your advice is any more helpful or useful than some of the other contributions. You have had the opportunity to put your comments on the record.

**Mr Stalford:** On a point of order, Mr Deputy Speaker. Can you confirm that the reason why the situation has developed is that a Member from Sinn Féin rose to his feet, gave a speech and then indicated at the end that he was not moving the motion and that the direction issued by the acting Chair, Lord Morrow, would have been the same regardless of who occupied the Chair?

**Mr Deputy Speaker (Mr Kennedy):** The Member largely makes a political observation. I

have clearly set out my ruling on the issue, and that is clear to all Members present in the Chamber. We must move on.

**Mr Allister:** On a point of order, Mr Deputy Speaker. If Mr Murphy did not speak in a debate, does he have the privilege of the House?

**Mr Deputy Speaker (Mr Kennedy):** That matter will need further due consideration. I am not sure that I am in a position to answer that this evening. What is abundantly clear and what I have made absolutely clear is that it is regrettable that Mr Murphy did not observe the conventions of the House when he was called to move the motion. Whether or not that affords protection is a more legal matter than I am able to answer at this point.

### Alcohol-related Crime

**Mr Deputy Speaker (Mr Kennedy):** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Easton:** I beg to move

*That this Assembly recognises the proven link between crime and the overconsumption of alcohol; and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a targeted outcome of significantly reducing alcohol-related crime.*

Everybody knows and accepts that there is a proven link between crime and the overconsumption of alcohol. I hope that the House will today maybe put aside any differences — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. I ask Members to leave the Chamber quietly and show some respect to the remaining debate and the speakers.

**Mr Easton:** I hope that the House will today maybe put aside any differences and unite to address what is quite a serious issue that affects our society, our health service, our justice system, our economy and many people's lives. Nobody can say for sure how much money is spent by government, either at Westminster or in Northern Ireland, trying to tackle the health problems and, indeed, the

problems we have in tackling crime due to the overconsumption of alcohol.

However, figures for England and Wales from the Institute of Economic Affairs indicate that alcohol-related crime costs government nearly £1 billion a year, while other such drinking offences adds another £627 million, making the total cost to the police and criminal justice system in England and Wales £1.6 billion. The Institute of Economic Affairs has also calculated that drink-related health problems cost the NHS in England and Wales another £1.9 billion. That includes £984 million in hospital admissions and £530 million in alcohol-related treatments, such as attendance at accident and emergency.

### 8.00 pm

In Northern Ireland, the figures that we have been able to research suggest that the cost of alcohol abuse to the criminal justice system is around £320 million to £340 million, although I would be happy to be corrected, if there are any up-to-date figures on that. Some £150 million is incurred by health treatments and the estimated cost to the Northern Ireland economy is around £900 million.

Startling facts and figures for Northern Ireland include that 44% of all the arrests made by the PSNI in a single year were as a result of the alcohol factor. Sadly, 300 deaths were caused by drink in 2012. Two thirds of violence between strangers involved alcohol, and one third of domestic violence occurred after drinking. Some 13% of threats to kill involved alcohol.

As reported by Graeme Hetherington, research carried out by a professor at Teeside University showed that three quarters of the people in the criminal justice system have a problem with alcohol. Figures are wide and varied on the issue of the link between crime and the overconsumption of alcohol. However, we know that it is a factor, and we need to look at what can be done to help deal with this huge problem in society.

Let us look at what strategies we currently have from the Department of Justice and the Department of Health. Since 2005, the Department of Health has led the development of a cross-sectoral strategy that has sought to reduce the harm related to both alcohol and drug misuse in Northern Ireland. That was launched in 2006 and was entitled the new strategic direction for alcohol and drugs (NSD). It was to be a five-year plan, aimed at changing

culture and behaviour. It was agreed that, rather than undertake a full, new strategy development process, the existing new strategic direction for alcohol and drugs plan would be revised and extended until 2016.

Under the NSD, four advisory groups provide advice and give policy guidance, including on children, young people and families; treatment and support; binge drinking; and law and criminal justice. The function of the groups is to feed back to the NSD. The health service has also established a liaison group, with input from the Public Health Agency, and that meets to monitor overall progress against the NSD's targets and outcomes. We see from the figures from the new strategic direction for alcohol and drugs — phase 2 that there appears to be some limited success in tackling alcohol and drug abuse, but there are also worrying trends that have increased. For example, adult drinking patterns have stayed the same since 2005. Problem drinking has increased slightly since 2005. Lifetime use of illegal drugs has increased from 20% in 2002 to 28%. The number of people in treatment for alcohol misuse has risen from 3,074 in 2005 to 3,891 in 2014. This is really worrying.

On the Justice side, the previous Minister published the 'Building Safer, Shared and Confident Communities' document. We see in it a section on alcohol-related crime and the new strategic direction for alcohol and drugs. We see explained in the document the costs to the Northern Ireland economy and the impact on our society, from the crime in local neighbourhoods to the corruption and effects of organised crime, and the health risks to the individual, families, friends and communities and society as a whole — all are affected. This has led to the outworkings of this, with the aims of support for young people and families dealing with alcohol misuse; increased public confidence and the impact on local communities; supporting offenders with targeted services; and ensuring that effective powers are available.

These are all well and good, with good aims, but are they working in reality? In my opinion, they are, at best, keeping the situation at a similar level but not making huge differences.

In conclusion, while there is cooperation between the Department of Health and the Department of Justice, with reports, strategies and documents and well-meaning sound bites, the fact remains that we are not getting on top of the problems related to alcohol consumption and its effects. The problem is costing Northern Ireland £900 million a year. It is affecting our

health service, our justice system, our economy and the lives of our people. We need to find a better way to reduce these costs and to deal with the health effects. We also need to find a way to reduce the crime caused by alcohol.

That is why I am asking the House to back our motion which asks the House to recognise the link between crime and the overconsumption of alcohol, and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a better targeted outcome of significantly reducing alcohol-related crimes.

We need a new strategy between the two Departments that —

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

**Mr Easton:** No. We need a new strategy between those two Departments that will give annual reports, actual actions and clear results. We owe that to our people to make their lives and society better for all.

**Mr Beattie:** I welcome the motion and support it. It is good to see that the Justice Minister is here to listen to the debate. I saw the Education Minister, but he is probably just about to shoot off. I believe that he also has a part to play in this, although not named in the motion.

The motion states the obvious. I do not mean that in a detrimental way. I mean that we have a societal problem with alcohol, which is well known and well documented. That is why I say that it states the obvious. Tackling it needs a joined-up approach. In general terms, it is pretty obvious what we need to do. Where do we start? Do we start with the availability of alcohol, the low cost of alcohol and what you can buy in your local supermarket incredibly cheaply? That is certainly an issue for society. Do we have a look at the effects on the individual of alcohol abuse that drives them towards crime, such as trying to get hold of alcohol on a day-to-day basis? It is pretty much like what they would do with drugs. Do we look at the cost to the public purse of alcohol-related issues? That cost has already been given, so I will not go through it. Do we look at the statistics on alcohol-related crime? Some 76% of those arrested have taken alcohol, 20% of all crime is alcohol-related, which rises to 47% for crimes of violent offences against the person. They are huge statistics that society should be ashamed of.

If you do not mind, I would like to look at this from a victim's point of view, because there is

an anger out there when we do not look at the victim. Let us look at Enda Dolan: he was 18 years of age; a first-year student at Queen's University; killed by a hit-and-run driver on the Malone Road in October 2014; and left lying at the side of the road like a bag of rubbish. It was a shocking crime and a shocking waste of life. The man who was convicted for his murder was convicted of death by dangerous driving and awarded seven years, with three and a half years on licence. I think that we all know that that was increased by 12 months. Why was that death by dangerous driving? What was it not murder? Why was it not at least manslaughter, because that driver took 13 drinks before he got into that van? He knew what he was doing. When he climbed into that van, he turned it into a weapon, just as much as if he had been carrying a gun or a knife. We have to look at that, because people are angry. If somebody deliberately drinks and drives, there is a chance that there will be a fatality.

Over Christmas, 380 people were arrested for drink-driving: that is 380 potential fatalities. I mention that because we have a problem with alcohol abuse. I know that I have narrowed it down to drink-driving, but we could talk about other aspects. We have alcohol-related crime. I have said that it is a societal issue. It is not just for the Justice Minister and the Health Minister. It is for the Executive, whatever shape or form they will take in the coming months — dare I say it, years — to tackle this problem.

We have to target schools and schoolchildren. We have to target the workplace and communities. Let us tackle how alcohol can grab an individual and destroy their life. Let us tackle the fact that drinking alcohol, alcohol abuse and binge drinking are, for some people, a lifestyle choice. They do it deliberately, and they fund it through crime. It is important that we look at those aspects as well.

**Ms Bradshaw:** I support the motion. I am not exactly sure that it is the right proposal going forward, but I think that the sentiment behind it is to be applauded, so I thank the Members for tabling it.

I represent the South Belfast constituency. I am sure that others in the Chamber will also say this this evening, but I think that my constituency has a particular problem with alcohol-related crime, because it covers part of the city centre and a lot of the points on arterial routes, where there is a concentration of licensed premises and leisure locations. Unfortunately, for us as a constituency, whilst the problem is concentrated there, a lot of the people who are involved in alcohol-related

crime do not necessarily reside there. That has a detrimental effect on the residents whom I represent, the workers and, in some cases, even the healthcare provision in the local hospitals, for example.

The reality of it is that, as drunk individuals and crowds move throughout the South Belfast constituency, they disturb the settled communities. Members will know the geography of South Belfast — it includes the Markets, the lower Ormeau, Sandy Row and Donegall Road. A lot of the people who live in the houses there are frail and elderly or have young children and are particularly susceptible to being frightened when they hear a bottle smashing in their front garden, a wing mirror being knocked off their car or any other damage being done to their property. In short, they are the ones who bear the brunt of the disturbances that drunk individuals and their friends bring to the constituency.

Then we have the extreme cases of alcohol-related crime — I am talking about things like actual bodily harm — when individuals or groups get involved in fights outside bars, and somebody inevitably needs hospital care. What then happens is that an ambulance crew has to come to take the injured individual, whether they are an innocent victim or not, to an emergency department, and the staff who are already under pressure — the doctors, nurses and front-line workers — have to direct their attention to that individual and away from people who may be more in need.

At this point, I would like to put on record a commendation of the PSNI's One Punch campaign. Members will know that it is a video campaign that the PSNI takes to youth clubs, schools and community groups. It is really about getting the message across that just one punch can be fatal.

I also commend the likes of Queen's University and the University of Ulster, which, despite some issues around disturbances in the Holylands, have proven that they care about the pastoral needs of their students. They try to guide them by encouraging more responsible alcohol consumption. I will also mention the likes of Drinkaware, some retailers and the Public Health Agency, which are trying to play their part in what seems like a disjointed process.

As I say, I believe that alcohol-related crimes place a burden on the health service. I think that, further down the line, the Justice Department and its associated agencies also have to deal with the fallout from alcohol-

induced incidents. I am talking about the Youth Justice Agency, the Probation Board and, in more serious cases, the Prison Service. It is highly regrettable that scant resources from our Budget have to be spent on dealing with needless crimes.

I came to the Assembly in May last year, having spent 19 years working in grass-roots projects. I believe that we will see a reduction in alcohol-related crimes only when the strategy is developed and fed up through the grass roots. To that end, I think that, unlike what is proposed here this evening — leaving it to the Department of Justice in collaboration with the Health Department — the policing and community safety partnerships, which are facilitated in the 11 councils, should be the structures through which any such strategy flows. I mean that in the sense that the strategy for Enniskillen would possibly be very different from the one for South Belfast, and I think the people around the table, such as the Prison Service, the Probation Board and social services —

#### 8.15 pm

**Mr Ford:** I appreciate the Member giving way. Does she agree with me that, whilst there is clearly a cost to Health and Justice, there are very significant issues such as those highlighted by Mr Beattie about education, for example, there is clearly a role for the Department for Communities and it is not simply a matter of solely two Departments dealing with it?

**Mr Deputy Speaker (Mr Kennedy):** The Member has an extra minute, thanks to the experience of her former party leader.

**Ms Bradshaw:** I had not noticed the time; thank you. I totally agree, and that is my point. A lot of statutory agencies are already doing this work, and they are to be applauded on and supported in that.

The other reason why I have a wee bit of a reservation about this is that, in the eight months I have been in the Assembly, particularly as my party's health spokesperson, I have heard of so many strategies that are at various stages of development and implementation with little or no funding to deliver on them. Without fear of contradiction, I would say that there are many people out there in the community sector who have very little faith that if another strategy was produced by this Assembly it would necessarily have the desired effects and outcomes.

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

**Ms Bradshaw:** I support the motion; however, I think it needs a wee bit more work.

**Mrs Dobson:** I also welcome the opportunity to speak tonight as the Ulster Unionist Party health spokesperson. I also welcome that this enables us, as elected politicians, to focus on the issues that directly affect society in Northern Ireland and to put the practical before the political, which is, after all, what we are elected to do.

*"Alcohol remains our favourite drug and its continued misuse has a real and lasting negative impact on individuals, on families, on children, on communities, on our health system, on the criminal justice system, on the economy, and on our society as a whole."*

Those are not my words, but those of former Health Minister Edwin Poots when, in 2014, he penned the foreword to 'Every Contact Counts: Improving Access to Treatment for Alcohol Misuse in Northern Ireland'. To significantly reduce alcohol-related crime, as the motion states, we need to know the starting point. This document, albeit that it is from three years ago, contains a number of startling and frightening revelations about the burdens alcohol places on our health service and the justice system.

The PSNI confirmed through the Northern Ireland crime survey 2012 that alcohol played a part in 19% of all recorded crime, and my colleague, Doug Beattie, mentioned that. That is almost a fifth. I understand from the most recent statistics that that has changed little in the years since. The figures also show that 11% of antisocial behaviour in Northern Ireland was alcohol related. Alcohol was also involved in a startling 59% of all domestic violence when an injury occurred. That should be enough to send a shiver down the spine.

I have spoken at length in the House on previous occasions about domestic violence and the devastating impact it has on families, ripping them apart and affecting young people at the very beginning of their lives. In looking at this issue, it would be useful to receive more up-to-date figures from the Justice Minister. However, the point I am making here is that this information has been known for some years. The link between the overconsumption of alcohol and crime does not need to be proven or recognised; it is a clear fact — ask any of our constituents who contact us, often at the end of

their tether, because of problems they and their families are experiencing. Incidents often start as a nuisance, but the problems escalate to more dangerous and potentially life-threatening levels as time passes.

I have been assisting communities through the Housing Executive, which has seen instances of alcohol abuse and related crime increase. I pay particular tribute to the assistance the PSNI has provided in those instances.

A visible presence is extremely important for community confidence and reassurance. However, we need to be conscious that this deflects resources from other areas and uses, all because some individuals choose to abuse alcohol, and it often does not stop there.

Looking at the overall impact of alcohol-related harm on the health service, I have seen estimates that the cost is up to £900 million every year, roughly one tenth of the block grant. The annual cost of alcohol misuse to the health and social care sector alone is estimated to be £250 million, which means that alcohol abuse costs every person in Northern Ireland £500 a year. With extreme healthcare costs, this could continue to rise by approximately 9% a year.

All this is in the document that I referred to, which was forwarded by the then Health Minister in 2014.

Given the facts that we have known for some years, it is for others to answer why this issue has not been tackled head on and why the draft Programme for Government contains only one reference to tackling poverty and disadvantage, and reducing the negative impacts of alcohol and drugs use, with no specific reference to alcohol-related crime.

Looking in on this debate from the outside, I think that the public would be surprised if the Ministers of Health and Justice were not already working together on this issue —

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to conclude her remarks.

**Mrs Dobson:** — or perhaps not.

**Mr Deputy Speaker (Mr Kennedy):** I call the Minister of Justice, Ms Claire Sugden, to respond to the debate. Minister, you will have up to 15 minutes.

**Ms Sugden (The Minister of Justice):** I am sure that the Assembly readily recognises the proven link between crimes and the over-

consumption of alcohol. If it is the last thing we do on this dreadful day for Northern Ireland, it is that we debate an issue that affects people's lives, because goodness knows when we will have an opportunity again to represent the concerns that matter to the people of Northern Ireland.

While I appreciate the sentiments of Mr Easton and Mr Douglas to highlight an issue that none of us in this Chamber — if all were here — could disagree with, it is clear, judging by the events of the day and the emptiness of the Chamber, that practical issues, as Mrs Dobson rightly said, are of no concern to those who wish to play politics.

I welcome the opportunity to demonstrate what my Department is doing to tackle alcohol misuse. It is already working with the Department of Health. I agree with Mr Beattie that that should be extended not just in those two Departments but to Education and across the Executive, which, regrettably, no longer exists. To tackle the complex issues that arise when excessive alcohol is consumed will require support funding, but dissolution of the Assembly will make access to that funding across all Departments more problematic.

I am happy to tell the House that a joint strategy with the Minister of Health is already in place. A strategic direction was established to address many of the concerns raised in the motion on a cross-departmental basis with the Department of Health. However, it feels fruitless standing in an empty Chamber with the prospect of an election around the corner, and we cannot fulfil the aims that we promised when we came into office less than a year ago.

Although the new strategic direction is led by the Department of Health, my Department and others in the criminal justice system, including the PSNI, the Northern Ireland Prison Service, the Probation Board, and the Youth Justice Agency, provide major contributions to the strategy and its implementation.

The latest statistics produced for the annual report include feedback on analysis that showed that 46% of persons arrested and brought to police custody suites declared that they had recently consumed alcohol. The statistics show that between 10.00 pm and 6.00 am on Friday, Saturday, Sunday and Monday that rose to 77%. In over half of arrests for offences where assaults were a factor, alcohol had been consumed.

Ms Bradshaw alluded to the recent PSNI One Punch campaign. This is an issue that affects

people on a very real basis; it ruins lives day to day. That is something that we cannot become complacent about. Mr Beattie mentioned the Dolan family. I want to put on record my sincere sympathies to the Dolan family for what they have been put through. Indeed, had I been able to serve for a longer time in this office, I would have looked at addressing that concern, particularly around sentences and how we look at their unduly lenient nature, and at what we as an Assembly have the power to change. I hate to reiterate the point, but those opportunities are being lost by what has been played out in this Building and these institutions today.

In addition, to help monitor the position and in support of its work with health partners to address the problem, the PSNI has been maintaining a statistical record of certain crimes and offences in which alcohol and drugs intake is seen as a contributory factor. Those figures, although modest, show welcome improvements in such links. In 2014-15, alcohol was a contributing factor in 19% of all crimes recorded and in 43% of offences of violence against the person. In replying to the motion, I am focusing today on the work of the Department of Justice to tackle alcohol-related crime. However, tackling alcohol misuse generally is an issue for the Northern Ireland Executive, not just my Department, and that is why the new strategic direction is led by the Department of Health. It has many initiatives under way, including looking at pricing and promotions, as I mentioned earlier, access and availability, education work and understanding the hidden harms caused by alcohol misuse.

Members may be aware that the fourth annual report of the progress towards achieving the aims of the strategy was published in August of last year. As part of the new strategic direction strategy, key links have been made between phase 2 of the new strategic direction, the community safety strategy, the strategic framework for reducing offending and alcohol licensing. At a local level, through the strategy, we continue to promote joined-up work between drug and alcohol coordination teams, policing and community safety partnerships and local councils. Officials in my Department and the partner bodies that I listed have been looking closely at the range of concerns linked to the abuse and misuse of alcohol, and indeed drugs, with the intention of reducing the public health and societal impacts that behaviours such as overconsumption of alcohol can lead to.

Members may find it helpful to be reminded that the new strategic direction looks not only to reduce crime in which alcohol or drugs play a

part but to prevent and intervene early in matters relating to alcohol, as well as both prescription drugs misuse and the use of illegal substances. In addition, the strategy looks to enable alcohol and drug users to have access to appropriate and effective treatment and support services, backed up by measures designed to reduce harm and supported by research and monitoring of trends and developments. The work in that area, led by the Department of Health, is producing results. I am pleased to acknowledge the part that my Department plays in supporting the work to address the range of problems.

The approach that I have encouraged since taking up post last year is built on problem-solving justice, which is a person-centred approach to tackling offending. If only my Executive colleagues would take the same attitude. For me, problem-solving justice is at the heart of our new draft Programme for Government, if it ever sees the light of day. It is an approach that would drive our reforms over the next five years. It is so unfortunate that we are to be distracted from this imaginative attempt at addressing the problems being discussed today, because there was a real opportunity to start changing people's lives. I think, too, that the effort that I expended on the draft Programme for Government, which includes plans to have a safe community, in which we respect the law and each other, will be seen by those suffering from the effects of alcohol-related crime as a wasted opportunity to tackle some of the issues that affect people from day to day.

My vision for the justice system in Northern Ireland was one of transformative change, because I believe that it is much more effective to address the underlying causes of offending when they arise, whether those are alcohol-related or due to misuse or abuse of other substances, than to seek to treat the problems later. I am so disappointed not to be able to develop the transformative changes throughout the current mandate. By diverting individuals, where appropriate, to the relevant community support and services in a timely manner so that they can receive targeted support and therapeutic intervention, we would deliver positive incomes for vulnerable individuals, for communities and for the criminal justice system as a whole, as well as reduce the number of victims. I hope that that kind of thinking can be sustained to ensure that the right help is made available to the right people.

The Programme for Government creates the platform for such a change, and problem-solving justice provides the delivery



mechanism. As part of the problem-solving approach to justice, we were developing a portfolio of initiatives, some of which might have impacted directly on alcohol-related crime, including multi-agency support hubs to support individuals and their families and the development of a substance misuse court and a family, drugs and alcohol court.

### 8.30 pm

With regard to the link between alcohol and crime, I think that we all accept that the relationship between consumption, particularly overconsumption, of alcohol and drugs and some criminal activity is well established. In the latest new strategic direction update report, research appears to suggest that the consumption of alcohol and drugs is a contributing factor in a large proportion of all crime. I know that the Police Service of Northern Ireland is also acutely aware of these problems.

Within my Department, local community safety partnerships have identified where the misuse of alcohol has been reported as playing a part in behaviour and criminal activities in their areas. In trying to address this, they, too, expend money, time and effort to draw attention to the local concerns and work with their communities to identify, create and implement community programmes designed to help engender more responsible behaviour. Many of the local programmes are targeted at providing advice to students and young people through engagement programmes in schools, awareness seminars and targeted interventions to challenge, for example, on-street drinking. PCSPs work alongside local partners to coordinate, support and lead the delivery of localised responses that are designed to effectively support tackling alcohol- and drugs-related offending, and I fear that much of this good work may also be affected by the dissolution of the Assembly next week and the continuing absence of a Budget which would give greater clarity and assurances to those trying to work in this area.

I have another few pages to talk about, but I feel that my standing in front of the Assembly is, to an extent, fruitless. The work that we have looked at over the past eight months will be lost in what we need to do to take Northern Ireland forward. I appreciate the opportunity to speak on this motion on an issue that affects people's day-to-day lives and I think that, on this really sad day for Northern Ireland, it is important that we put that message out there, because that perhaps demonstrates a little bit of hope for our

country. I appreciate all the contributions to the debate.

**Mr Frew:** I rise to support my colleague Alex Easton for bringing forward this motion tonight. It is a motion of real substance and real politics for real people. I stand here tonight heartbroken, and I am prepared to say that I back the Justice Minister 100% in everything that she said. Having worked with the Justice Minister over these past few months, I know that she was doing a good job and making real progress in that Department that would have benefited some of our most vulnerable people.

I know that we do not always get filled Chambers for debates of this nature, but I can look round the Chamber tonight and see genuine people who are here to do the best for their people — the people of Northern Ireland. Every single person in the Chamber feels the way I do and feels that they want to make a difference to their society. They have been deprived and robbed of the chance to make our people's lives better. This is just one of the issues that we should have been debating today.

Whilst we all know that this is a bear pit of a Chamber. I like the rough and tumble, I must admit. I like the debates that we have had here over the last number of months. We were able to debate and be harsh if we needed to be and say our truths if we had to, but we were able to get something done or at least speak about what needs to be done. Now we have been deprived of even that by the actions of one party. Whilst most parties disagreed with my party on this issue and on these issues, they were prepared to say their piece, put down their authority where it was, tell it as they believed it was and see it out, yet one party has now walked away and failed the people of Northern Ireland. We are elected to this House to represent people, not to walk away and resign.

Alcohol-related crime is a massive issue in our society. We can talk about drugs, the harshness of drugs and why we should not take drugs and most people will get that, but alcohol is mainstream and so we have to treat it differently and do something else. That is the reason it costs so much: it is mainstream. We can all look back over our life, and — you have to really concentrate — see how alcohol has affected us growing up through the things that we have seen. We have all been in a place where we have seen somebody a wee bit the worse for wear. That is how we say it. We try our best to get that person home and to make sure that they are safe. There will be a few jokes or gibes and one thing and another. We

find that acceptable at times. Hopefully the person will sleep it off and be right as rain the next day. However, that brings risks.

I remember, when I was growing up, running about with young friends from a neighbour's house. I just knew by the way things were talked about in the household and in the neighbour's household that there were issues there at night. You heard it through the walls. It was drink induced. It is not only the person who takes the drink that we should be looking at; it is the family circle. It is the young people who see that on a nightly basis. It is scary. I have been in houses when I was young, maybe staying over, and one of the parents came home drunk. It is quite intimidating. You have never really seen them in that light before. You wonder if everything is going to be OK. So, drink, whilst it is mainstream, is a massive issue for us as a society. Figures have been banded about, and, of course, we can all recognise them.

I understand that it is a societal problem, so the whole Executive should tackle it. However, where does the burden really hit? It hits Justice and Health more than anywhere. Those Ministers should lead any strategy going forward, and I would support that. We look at the work that we are trying to do. Look at the work that the Justice Minister has been doing on domestic violence, a lot of which is drink induced. Now this Justice Minister will not be able to move forward with her plans and her legislation on this very issue. Is that not a shame? It is a shame for the people of Northern Ireland who need our help — for the people who have a drink problem, the people who have a problem with drink, which is different, and the family members and people in society out there who suffer because of drink.

Think of the assaults on police officers, firefighters and ambulance workers because of drink. Think of people out doing a duty — a day or a night's work — and the way that they are treated because people take too much to drink and do not make the right decisions. I have a private Member's Bill sitting ready to go. I launched the consultation today on bringing accident and emergency workers into line with those services to make sentencing for assaulting them tougher. The amount of abuse that our accident and emergency staff take and the number of assaults in our accident and emergency rooms because people have too much to drink is woeful. It is a disgrace to our society. It is a tarnish to our name. We need to do something about that, and now we cannot. It is an absolute shame that here tonight we are talking and we do not really have any power —

none of us. We can say what we like, but we cannot have any effect. We cannot cause something to become better. Our chances are gone.

To sum up: Doug Beattie raised a lot of issues. He rightly focused on the spectre of drink-driving — it is something that I have not mentioned yet — and how people think that it is acceptable to jump into a car intoxicated and drive somewhere, when they are not able to make an informed decision in that regard. That is completely unbelievable. He is right. Every time that happens there is a risk of one death or more. That is something that we should be looking at seriously. I do press release after press release about speed on our roads, a bad bend, driver behaviour and how roads are dangerous. Roads are not really dangerous; it is the people on the roads and how they drive. That is something that we need to get through. We need to get education and awareness into the very hearts and souls of our people and tell them that, whilst this is mainstream, this is how much it is costing.

It is not just pounds and pence; it is lives.

I was struck by something in Doug Beattie's contribution. He was a soldier in a former life. He, like me, will know the practices in our armed forces with regard to drink: all the lads go out when they can get R & R and everything else. It is an issue not only in the army but across society. We have to tackle that. We have to educate people, and we have to be responsible about it.

**Ms Lockhart:** I thank the Member for giving way. Will he join me in commending the PSNI for its excellent campaign at Christmas? One night, I was stopped and breathalysed on two occasions. Thankfully, the breathalyser returned readings of zero. I do not know who would have been more shocked had it demonstrated anything different. That highlights that that type of enforcement works. The PSNI needs to be commended for its hard work and expertise this Christmas.

**Mr Frew:** I thank the Member for making that contribution. I hope that it was not anything to do with her driving as opposed to the campaign. It was a very good campaign; she is absolutely right to raise that. It made a difference — people were talking about it. Although I did not get breathalysed, I was stopped at a checkpoint. You are absolutely right.

Paula Bradshaw mentioned the One Punch campaign. I have a friend who has had health

issues for the last 20 years because he was the victim of a one-punch attack. The violent conduct on that night was drink-induced.

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

**Mr Frew:** I echo everything that the Minister and Alex Easton, who moved the motion, said. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the proven link between crime and the overconsumption of alcohol; and calls on the Minister of Justice to work on a joint strategy with the Minister of Health that will aim to deliver a targeted outcome of significantly reducing alcohol-related crime.*

*Adjourned at 8.42 pm.*

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