



Northern Ireland
Assembly

Official Report (Hansard)

Monday 16 March 2020
Volume 127, No 3

Contents

Assembly Business	1
COVID-19	1
Audit Committee: Deputy Chairperson	2
Question Time	2
Committee Membership	2
Standing Orders 10(2) to 10(4): Suspension.....	2
Assembly Commission Budget 2020-21	2
Executive Committee Business	
Renewable Heat Incentive Inquiry Report.....	8
Oral Answers to Questions	
Health	24
Infrastructure.....	32
Questions for Urgent Oral Answer	
Education.....	41
Economy.....	47
Finance	51
Executive Committee Business	
Renewable Heat Incentive Inquiry Report (<i>Continued</i>).....	57
Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020	60
Private Members' Business	
Functioning of Government (Miscellaneous Provisions) Bill: Second Stage	71

Assembly Members

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Ms Martina (Foyle)
Archibald, Dr Caoimhe (East Londonderry)
Armstrong, Ms Kellie (Strangford)
Bailey, Ms Clare (South Belfast)
Barton, Mrs Rosemary (Fermanagh and South Tyrone)
Beattie, Doug (Upper Bann)
Beggs, Roy (East Antrim)
Blair, John (South Antrim)
Boylan, Cathal (Newry and Armagh)
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)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)
Cameron, Mrs Pam (South Antrim)
Carroll, Gerry (West Belfast)
Catney, Pat (Lagan Valley)
Chambers, Alan (North Down)
Clarke, Trevor (South Antrim)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dillon, Ms Linda (Mid Ulster)
Dodds, Mrs Diane (Upper Bann)
Dolan, Ms Jemma (Fermanagh and South Tyrone)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Ennis, Ms Sinéad (South Down)
Flynn, Ms Órlaithí (West Belfast)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gildernew, Colm (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley)
Hargey, Ms Deirdre (South Belfast)
Harvey, Harry (Strangford)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Irwin, William (Newry and Armagh)
Kearney, Declan (South Antrim)
Kelly, Ms Catherine (West Tyrone)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kimmins, Ms Liz (Newry and Armagh)
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, Fra (West Belfast)
McCrossan, Daniel (West Tyrone)
McGlone, Patsy (Mid Ulster)
McGrath, Colin (South Down)
McGuigan, Philip (North Antrim)
McHugh, Maolíosa (West Tyrone)
McIlveen, Miss Michelle (Strangford)
McLaughlin, Ms Sinead (Foyle)
McNulty, Justin (Newry and Armagh)
Mallon, Ms Nichola (North Belfast)
Maskey, Alex (Speaker)
Middleton, Gary (Foyle)
Muir, Andrew (North Down)
Mullan, Ms Karen (Foyle)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
O'Toole, Matthew (South Belfast)
Poots, Edwin (Lagan Valley)
Robinson, George (East Londonderry)
Rogan, Ms Emma (South Down)
Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
Stalford, Christopher (South Belfast)
Stewart, John (East Antrim)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (Strangford)
Wells, Jim (South Down)
Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Monday 16 March 2020

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

Members observed two minutes' silence.

Assembly Business

Mr Buckley: On a point of order, Mr Speaker. I would appreciate it if you could consider the disgraceful comments from the Member for Upper Bann Mr O'Dowd on social media at the weekend, where he referred not only to the British Government but, indeed, to Chief Medical Officers in the United Kingdom as a shower of bs. I ask that you rule on whether those comments are in keeping with the code of conduct for Members and whether they should be referred to the Standards and Privileges Committee. In the midst of a global crisis, people look to Stormont for leadership, not political grandstanding.

Some Members: Hear, hear.

Mr Speaker: The Member will be aware that the matter that he raised is not a matter of procedure in the House, and it is therefore not in my gift to make a ruling on it. I will say this: the Member has put his point on the record. I have repeatedly urged Members to be very mindful of how they gain public confidence and respect by the use of their language, in whatever form of public discourse they wish to engage, and I repeat that call this afternoon. I urge Members to be respectful at all times in any of their public utterances.

Mr Storey: Further to that point of order, Mr Speaker, given that the Member in question is the Chief Whip of a political party in the House, will you take the matter to the group responsible for meetings of the Assembly, which you chair on and on which the Chief Whips sit? He is more than a Member of the House. He is someone who gives leadership through the structures of the House. Therefore, it is imperative that his conduct and his words be taken into account.

Mr Speaker: I thank the Member for his point of order. As I said earlier, it is not, strictly speaking, a genuine, valid point of order. The Member has put his remarks on the record. I reassert what I said about respect and the

conduct that I expect from Members. I again say that it is outside the jurisdiction of the Speaker, as the Member will be well aware, but the point has been put well on the record.

COVID-19

Mr Speaker: Before we start today's business, I acknowledge that a number of Members have made contact with my office and the officials in relation to the current public-health situation. I know that it very much reflects the concerns being raised with Members in their constituencies. First, in relation to business in the time ahead, I know that there is a need to have opportunities to discuss the COVID-19 virus. In addition to Health questions today, I have selected a number of questions for urgent oral answer. Members can expect that to be a regular item of business. The Health Minister has indicated to me that he recognises the importance of regular statements to the Assembly each week during this period.

Secondly, in relation to arrangements in this Building and for our business, Members will be aware that a COVID-19 response group of officials has been established and is considering various scenarios that may arise as a result of the coronavirus. That group is meeting very frequently — almost daily — to look at a range of issues to provide all Building users with practical advice in line with official advice and to plan for potential options as the situation develops.

The Assembly Commission will meet on the issue this evening for an update on the work so far and in the time ahead. It is important for me to emphasise that it will be for the Assembly Commission to take decisions relating to the use of this Building and arrangements in the Building. I will also have discussions with the Business Committee this evening, and any decisions around how we manage plenary business in the coming days and weeks will be for the Business Committee to take.

I anticipate that further discussions will be required with both bodies in the time ahead. As

Chair of the Commission and the Business Committee, I assure Members that officials and I are mindful of the importance of these issues, and that they and I will engage regularly on our response. There is a need for us in this Building to ensure that the Assembly can continue to take whatever decisions are required on legislation and other matters, and, indeed, to scrutinise and reflect the views of the community on how these matters are dealt with. However, I also know that the advice being given to the community is that it is not going to be business as usual, and the Assembly will have to reflect that as well.

Audit Committee: Deputy Chairperson

Mr Speaker: I have received notification of the resignation of Mr Andrew Muir as Deputy Chairperson of the Audit Committee, with effect from 10 March 2020.

Question Time

Mr Speaker: I have received a request from the Minister of Health to switch his Question Time with that of the Minister for Infrastructure today. In light of the current circumstances, I have agreed to the change to allow him to attend an urgent COBRA meeting. The Business Office has advised parties and Members of the change. Questions for the Minister of Health will now be at 2.00 pm, with questions for the Minister for Infrastructure at 2.45 pm.

Committee Membership

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

Resolved:

That Mr Pat Sheehan replace Ms Jemma Dolan as a member of the Committee for Health; and that Ms Jemma Dolan replace Mr Pat Sheehan as a member of the Committee for Justice. — [Ms Ennis.]

Standing Orders 10(2) to 10(4): Suspension

Mr K Buchanan: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 16 March 2020.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 16 March 2020.

Mr Speaker: I am satisfied that cross-community support has been demonstrated.

Assembly Commission Budget 2020-21

Mr K Buchanan: I beg to move

That this Assembly notes the report of the Audit Committee [NIA 10/17-22] on the scrutiny of the Assembly Commission's budget for 2020-21, as laid before the Assembly on 6 March 2020; and agrees the Assembly Commission's budget for 2020-21.

Mr Speaker: The Business Committee has agreed to allocate one hour to this debate, with 10 minutes to move, 10 minutes to wind up and five minutes for all other Members who wish to speak. Please open the debate on the motion.

Mr K Buchanan: Thank you, Mr Speaker. In proposing this motion, I would like to record the fact that this debate follows on from the scrutiny of the Commission's budget that was carried out by the Audit Committee. The Committee's report on the Commission's budget was laid in the Business Office on 6 March. The Commission is indebted to the Committee for carrying out that important role.

With regard to the budget figure for next year, the total amount presented for resource departmental expenditure limit, or resource DEL, is £44.847 million. That figure is split between non-ring-fenced resource DEL of £41.147 million and £3.7 million for ring-fenced

resource DEL. There is also a budget proposal of £1.093 million for capital expenditure.

The first category in the Commission's budget is income. Next year, the Commission will receive anticipated income of £739,000, with just over £580,000 relating to the recovery of ministerial salaries from Executive Departments. The remaining income relates to the recoupment of salaries for a small number of staff who are seconded to other public-sector roles and minor income from events held in the Building and other sundry income.

The second category covers salaries and expenses paid to Members. This category of expenditure is made up of Members' salaries; constituency office running costs, including staffing costs; Members' travel costs; and other costs associated with Members. The level of salary that will be paid to Members, Ministers, Committee Chairs and members of the Assembly Commission is set for the year and is forecast to cost £6.676 million. This forecast includes an increase in the basic salary paid to Members from 1 April 2020, as the current determination prescribes that the increase should happen. I know that some Members chose to donate the increase made to their salaries when the Assembly got back up and running on 11 January to a charity of their choice or to make a payment to the Consolidated Fund.

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

As well as salary payments for Members, there is also the amount that Members can recover to meet the cost of running a constituency office. This includes the cost of Members' support staff, office rent and rates, office utilities and other office running costs. This subcategory is expected to total £6.018 million and covers payments to Members in respect of the travel allowances set out in the 2016 determination, which are forecast to be £293,000 in 2020-21.

The final element covers what are referred to as other costs. These costs include winding-up expenses where a Member leaves the Assembly and an estimate of costs for any ill-health retirements that might occur. These costs are estimated at £118,000.

The third major category in the Commission's budget is the largest, and it covers the salary payments for secretariat staff — the administrative costs that are incurred to deliver the full range of services needed by the Assembly. The first of these, secretariat staff salary costs, is forecast to be £21.88 million for next year. This is the largest single item in the

budget, so I will try to set out what the Commission expects to be delivered with that salary budget.

When the Assembly got back up and running, we had almost 50 vacancies. We have already filled 30 of those on a temporary basis, so there are still a further 20 posts to be filled. We will continue to fill vacancies on a temporary basis, but we will need to permanently fill them by open recruitment.

Next year, additional staffing support is needed to deliver on the political arrangements set out in 'New Decade, New Approach'. For example, 13 additional posts are needed to provide support for the new Assembly Committees, namely a scrutiny Committee on the Executive Sub-Committee on Brexit, an Ad Hoc Committee to consider the creation of a bill of rights, and a Committee to monitor progress against the Programme for Government. This support will include the normal Committee teams, as well as research and legal support.

The Commission also requires five new posts in the Bill Office to increase the support for Members seeking to take forward private Member's Bills through the establishment of a non-Executive Bill team. An additional eight ICT posts will be needed in 2020-21 across a range of services including cybersecurity, increased capacity for software development and enhancing our service and help desk provision. Members will also be interested to note that the Commission has been developing plans to make progress on the formation of a youth assembly, and additional staff resources are included to take that forward. Delivery of Member development, including support for the Assembly Women's Caucus and training for Members' support staff, has been an important focus for the Commission over the last number of years. Given the significant number of relatively new Members, this work is more important than ever, and dedicated staffing resource is envisaged to do this.

Permanently filling the existing 50 vacancies, along with the new posts that have been outlined, will require an extensive and sustained programme of open recruitment. Five additional new posts will be required to support this, but they are time-limited and will not last beyond the end of the recruitment programme. In all, we expect that approximately 35 posts will be needed over and above what was previously in place.

12.15 pm

I should point out to Members that the staffing resources envisaged for next year, and their associated budget, take no account of any changes in working practices within the Assembly that might come about as a result of any aspect of the RHI inquiry report. This category also includes the Commission's administrative costs, and these are forecast to be £6.131 million next year. Administrative costs cover a wide range of expenditure items, including: Committee travel and expenses; building rates, utility costs, including electricity and gas; repairs and maintenance costs; third-party support for the business-critical IT systems that we use; and the costs for recurrent contracts for things like broadcasting, catering and research subscriptions. Included in this is the cost of drafting Bills, and naturally that includes a number of anticipated private Member's Bills that Members will seek support for. Another area where the Commission wants to invest next year is in Member development. This direct investment is in addition to the staffing support that I have already mentioned.

The next category is payments to parties under the Financial Assistance for Political Parties Act (Northern Ireland) 2016, or FAPP, as it is universally known. These costs are forecast to be £725,000 next year. The category is slightly more technical as it covers depreciation, impairment charges and the cost of notional charges to the Commission. For next year, depreciation charges are forecast to be £3.7 million. This is mostly made up of the depreciation charge on the value of Parliament Buildings. We also have depreciation charges for things like PCs and printers, but they are very small compared to the depreciation charge for Parliament Buildings. That makes up the total resource expenditure for next year.

The Commission anticipates that it will incur capital expenditure of £1.093 million in the next financial year. There is planned investment to replace the antiquated analogue telephone system, and also the ancient TV screens, in use across the Building. The capital plan also includes a number of necessary back-office or unseen improvements, ranging from Building security systems to investment in basic things like furniture. Where appropriate, the Commission has considered and agreed the business cases for these as part of its normal corporate governance arrangements.

Members, there is one final important point that I would like to bring to the Assembly's attention, and it relates to the reference in 'New Decade, New Approach' to a simultaneous translation service for the Assembly. As the Assembly has not yet considered the level of the simultaneous

translation provision that might be required, no estimates of costs have been included in the budget for next year. The Commission can only assess the likely costs of providing this service once the Assembly has decided on an agreed approach.

Before I close, I want to put on record my thanks to the staff of the Assembly secretariat for their dedication and commitment to the Assembly over the past three years, and for their tremendous work in getting us back up and running again so quickly and efficiently in spite of the large number of staff vacancies. Every plenary session has been facilitated and every Committee meeting has taken place. That has involved a lot of effort behind the scenes that Members might not see, but the Commission certainly appreciates the professionalism and expertise that our staff have shown again. Members, I commend the Commission's budget proposals for 2020-21 to the House.

Mr Chambers: I speak today on behalf of the Chairperson of the Audit Committee, Daniel McCrossan, who could not be present today. At the outset, I should explain that in scrutinising the draft budget of the Assembly Commission, the Committee has followed the approach of the previous Audit Committee. In order to reflect the constitutional independence of the Assembly from the Executive, a methodology, or protocol, was introduced in 2016 setting out an approach similar to that adopted by the Audit Committee for agreeing the annual estimates for the Northern Ireland Audit Office and the Northern Ireland Public Services Ombudsman. There will also be a need to codify formally this additional Committee function.

At its meeting on 4 March 2020, the Committee took evidence from the Assembly Commission officials on the draft budget 2020-21. As the evidence was appended to the published Committee report, I will highlight just a few of the key areas today. First, I should reiterate that the Commission has a legal requirement to meet all costs associated with Members by way of salaries, allowances, expenses, Members' staffing costs and pension contributions etc.

These elements of the Commission's budget are determination-driven and not under the control of the Commission.

The Committee noted that the Commission's budget includes additional provision resulting from the New Decade, New Approach agreement, including increased staffing as a result of the establishment of new Committees. However, we acknowledge that some financial

outworkings of the agreement have yet to be quantified, including the provision of simultaneous translation services, which may result in the Commission requesting additional funding in the future. Similarly, the Committee noted that the budget makes provision for the development of private Member's Bills, Assembly staff recruitment, a youth assembly and increased ICT staff.

The Committee, as a result of its scrutiny, received a number of important assurances from the Commission, including on elements of its capital plan and on the Assembly's business continuity plans in light of COVID-19. Given the budgetary pressures across the public sector, the Committee emphasised the importance of maximising all appropriate opportunities to generate income and recover costs.

Before concluding, I should also flag up issues raised during the Committee's deliberations on pay disparity for Members' staff and necessary security measures in constituency offices, particularly for lone workers. More generally, the Committee encourages the Commission to expedite the consultation process with MLAs and parties on the options for future arrangements for the provision of financial support to Members.

The Committee pointed out that the time constraints of the Executive Budget process meant that, on this occasion, it had only one opportunity to take oral evidence from the Commission. The Committee will follow up on a number of issues, including as part of its subsequent scrutiny of the Estimates, but it is keen to see a multi-year process put in place, which will provide for a more strategic approach.

As set out in the report, the Committee agreed that, arising from the scrutiny of the Assembly Commission's budget plan for 2020-21, and having due regard to the evidence provided by the Department of Finance, the Executive's draft Budget document should make provision for the Assembly Commission to have a resource budget of £44.8 million and a capital budget of £1.093 million for 2020-21. This resource budget amount is the total resource departmental expenditure limit (DEL) and includes both ring-fenced and non-ring-fenced departmental expenditure.

I will now speak in my capacity as the Ulster Unionist Party member of the Audit Committee. I place on record our appreciation of the work of Mrs Lesley Hogg, the chief executive, and her staff in producing a budget. It cannot have been an easy task, given the recent publication of the

'New Decade, New Approach' document, with all the uncertainties around aspects of it. Indeed, paragraph 7 of the briefing paper to the Committee stated:

"The Corporate Strategy and Corporate Plan do not yet reflect recent political developments particularly those arising from NDNA."

Paragraph 18 of that paper set out that the 2020-21 budget:

"sets out the expenditure plans for the next financial year including the estimated financial implications of NDNA other than translation services which, as noted above, will be dependent on the outcome of the Committee on Procedures' deliberations."

We are concerned about what those figures will be and want to see them as soon as possible

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

Mr Chambers: The Ulster Unionist Party will support the budget.

Mr Blair: As the Alliance member of the Commission, I support the budget as presented and the statement made by the Member who moved the motion.

I support the budget, for a number of reasons. However, before giving some of those reasons, I place on record my thanks and that of my party colleagues to the Assembly secretariat for the work undertaken by them in speedily getting the Assembly up and running and servicing our needs, as best they could, in the early days of the recent restoration.

I fully accept that the budget reflects the need for a full complement of staff in the restored Assembly. It also looks, quite properly, at considerations that will have to be made for additional measures in relation to legislation and commitments made in the New Decade, New Approach agreement.

I particularly want to take this opportunity to welcome the provision made to progress the establishment of a youth assembly. I, for one, like other Members, I am sure, appreciate that that engagement with youth across Northern Ireland is a vital component of progress for the Assembly to make.

I am satisfied that there is provision and scope within the budget to make further

considerations, if required, that might entail additional provision in relation to the staffing of constituency offices, the advancement of the IFRP review, and that we may be given an opportunity to consider lone working arrangements for our staff and any outstanding pay disparity issues.

I look forward to playing a full part, with Commission colleagues, in considering those issues. Apart from those issues, I am happy to support the budget on behalf of the party.

Ms Armstrong: I rise as a concerned Member of the legislature. While I accept that the budget is there, is well considered and has been brought forward by our excellent team, there are certain things that I would love the Commission to consider, namely the savings that can be made. Certain issues within the budget are not being considered. The amount of paper that is used in this place is one example. We have an antiquated system: we should be using Account NI as opposed to any other process. Our financial system relies on copious amounts of paper and what is called "wet signatures". That is not in keeping with such a modern establishment as we should be bringing forward.

I hope that the recommendations of the RHI report are brought forward when we are considering Member development. Certain issues within those recommendations are new and have not been spoken about, probably because the Commission has not had a chance to meet.

There are also issues to do with the safety of our staff. I have CCTV and protection at the doorway to stop people barging into my constituency office. That is something that is not taken seriously by the Assembly, and has not been thus far. We had the opportunity to bring that forward during the hiatus, when we were not here, but it needs to be considered. I do not wish to have a female or male member of staff sitting in my constituency office, when I am here, worried for their safety. Staff in this Building get such protection — you all know about the amount of security here — but it is not considered for our constituency staff. They are the people who, by themselves, are faced with vulnerable people coming into the office — people with mental health issues, who are angry at the current situation, and perhaps left with doubts about benefits — especially in these days when coronavirus is rampant.

There are opportunities to make real savings, and for those savings to be invested in the items that are missing from the IFRP. I look

forward to the Commission publishing the report on that review later this year.

Mr Carroll: Many people are faced with a situation in which they will have to self-isolate to stop the spread of the dangerous coronavirus. They are doing so to ensure that the virus does not affect or immunocompromise friends and family and that our elderly loved ones are not impacted or killed by this virus, as has been the case in other countries.

Over the weekend, many workers contacted me. They are unsure of how they are going to fare with being isolated for weeks, or longer. They are asking me to clarify whether they will be able to pay their mortgage and have a job at the end of all this. Yet here, today, we are being asked to agree a £1,000 pay increase for MLAs — a pay bump that People Before Profit rejected from the outset, and that every other party eventually agreed should not be accepted, when the media came knocking with public outrage. Imagine that: no emergency fund for workers on zero-hours contracts or small business owners, but approval to give MLAs an extra £1,000.

Ms S Bradley: Will the Member give way?

Mr Carroll: I will not, because there is plenty of time.

People will, rightly, be furious, especially when, not two months ago, half of the Chamber was tweeting that they would be donating their surplus to charity. What they may not have realised is that many will take the extra pay increase year after year.

As I said before, the MLA salary is double the average wage for workers here. People Before Profit believes that elected representatives should be on the average workers' wage and that approving this pay rise increases the financial cushion that MLAs have over the rest of the public. For that reason, I will not be supporting this budget, and I call on those who have said they would reject the pay bump to do the same.

12.30 pm

Mr Deputy Speaker (Mr Beggs): I call Mrs Dolores Kelly to conclude and make a winding-up speech on the motion.

Mrs D Kelly: I thank Members who contributed to the debate. This is the first time that the Assembly has considered the Commission's budget at a plenary sitting. That is important,

because the resources that are made available to the Commission will be used to provide services to the Assembly and its Members. When the Commission met to consider its budget proposals, it was mindful of the need to ensure that any expenditure that we incur achieves value for money. We were also mindful of the need to provide the Assembly and every elected Member with all the services that are required to carry out the Assembly's legislative, scrutiny and representative functions.

The Commission does not view the budget as excessive. Similarly, the Commission does not consider it to be cautious to the extent of not being sufficient to provide Members with the required services in Parliament Buildings. It represents a balanced budget for the fourth year of the mandate and the anticipated heavy legislative workload. The budget should enable the Commission to manage those pressures while, at the same time, to seek improvements to and innovation in the services that it provides to Members.

I will now try to cover some of the points raised by other Members. I turn first to those made by Mr Alan Chambers. There were recurring themes in all contributions, some of which were around security and lone working. In my office, we have had to put in place particular measures to protect lone workers. There is also the issue of pay disparity between constituency office staff and staff in the rest of the Assembly and the Northern Ireland Civil Service (NICS). As you may be aware, a working group has been established to look at that disparity over the next few weeks. We want to see better equality and better security for our staff who are on the front line.

There were also issues around the import of the RHI inquiry report and its recommendations. The Assembly Commission is meeting later today, and, as the Speaker addressed in his opening remarks, a number of things will be added to the agenda, including, no doubt, the response to COVID-19, as other Members raised. I look forward to hearing what our Executive colleagues instruct us to do later today.

On modern working practices, the Speaker and others want to look at how we can do our business more efficiently and reduce our carbon footprint. We are very mindful of that, and I hope that, over the next few weeks and months, you will hear more about that. Ms Armstrong raised that particular point for the benefit of the Commission.

Mr Carroll raised the issue of Members' salaries. The rise in salary applies from 1 April 2020. An increase of £500 will be paid, totalling approximately £60,000. That increase is mandated, as he well knows, under the 2016 determination issued by the Independent Financial Review Panel and was outwith the control of Assembly Members, although the Commission and individual Assembly Members are making their own decisions about donating the increase to charity.

Ms S Bradley: Will the Member give way?

Mrs D Kelly: Yes, I will give way.

Ms S Bradley: To follow on from Mr Carroll's comment, does the Member agree with me that a lot of Members in the House followed their conscience and not the media on the issue?

Mrs D Kelly: Yes. These are very personal matters, but some Members have indicated that they will return the money to the central pot. Other Members have particular charities that they want to support and therefore want to direct the money to those themselves. It is very much an individual choice for Members.

Mr Allister: Will the Member give way?

Mrs D Kelly: Yes, I will give way.

Mr Allister: On the issue of how many Members chose to do privately what they said publicly they would do and allocate money through the Assembly scheme to a charity, does she not think that it is unfortunate for building public confidence that the Assembly Commission has refused in answer to Assembly questions not to identify but to state the number of Members who are availing themselves of the scheme? After the publicity, all and sundry said that they would do it, but the public have been left not knowing how many, in fact, did so.

Mrs D Kelly: I have confidence in the integrity of many of my fellow Assembly Members to make the decision for themselves. It is an evolving issue. It took some time to put in place the mechanisms to enable Members to do that. I think that it is very much an issue of individual choice and circumstances.

I think that I have replied to the majority of points that were raised. On behalf of the SDLP, and like other contributors, I want to place on record our thanks to Lesley Hogg and her team, who put the budget together. Others have

raised particular issues, and, indeed, my colleague Keith Buchanan set out in his opening remarks issues about 'New Decade, New Approach' and its financial implications. We are unable to account for that yet because no decision has been made by the Executive. No doubt, that is a work stream that will require our attention later as decisions are made.

The Commission has considered its requirements for 2020-21 in a realistic and measured manner. The amount has been affirmed by the Audit Committee as reasonable. I commend the amounts of £44.847 million for resource DEL and £1.093 for capital expenditure to the House.

Question put and agreed to.

Resolved:

That this Assembly notes the report of the Audit Committee [NIA 10/17-22] on the scrutiny of the Assembly Commission's budget for 2020-21, as laid before the Assembly on 6 March 2020; and agrees the Assembly Commission's budget for 2020-21.

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

(Mr Speaker in the Chair)

Executive Committee Business

Renewable Heat Incentive Inquiry Report

Mr Murphy (The Minister of Finance): I beg to move

That this Assembly takes note of the publication of the renewable heat incentive inquiry report.

Mr Speaker: The Business Committee has agreed to allocate three hours to the debate. The proposer will have 10 minutes to move the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes. I call the Minister of Finance to open the debate on the motion.

Mr Murphy: On Friday 13 March 2020, the renewable heat incentive inquiry, which was commissioned by my predecessor Máirtín Ó Muilleoir, published its report. I want to thank the Members of the panel: Sir Patrick Coghlin, the chairperson, and Dame Una O'Brien and Dr Keith MacLean, the technical assessor to the panel. I also thank David Scoffield QC, Joseph Aiken and Donal Lunny, counsel to the inquiry; Patrick Butler, solicitor to the inquiry; Andrew Browne and Paula Dawson, successive secretaries to the inquiry; and the whole inquiry team for the very comprehensive report that they produced.

This morning, the Executive agreed to accept the findings and move immediately to consider how the recommendations can best be taken forward. That is essential if a similar scandal is never to happen again. All Ministers will have a contribution to the overall response. As sponsor of the inquiry, I will lead that response.

Before we discuss solutions, it is important to diagnose the problems that were identified by the inquiry. The report found that the vast majority of what went wrong was due to an accumulation and compounding of errors and omissions over time. Those errors were due to both individual shortcomings and systemic failures in governance, management and communication. Without change, that could happen again. That shows the scale of the task that we face and the importance of real change.

The report's recommendations require sustained, system-wide change and will take

time to implement. We have already made a start. I had intended to issue a written statement to Members this morning on my behalf and that of the First Minister and deputy First Minister, under urgent procedure following the Executive meeting, setting out a strengthened ministerial code of conduct, new guidance for Ministers, a new Assembly protocol for private secretaries, and new enforcement arrangements. That was not possible within the appropriate timescales, due to the length of the Executive meeting. I apologise to the House. My officials will ensure that the statement is issued as soon as practically possible. However, with your permission, Mr Speaker, I will set it out for Members now.

The revised versions of the ministerial code of conduct and guidance for Ministers are to be read in conjunction with each other. Together, they set out the high standards that are expected of Ministers and detail the way in which those standards will be met. For instance, they set out the accountability of Ministers to the Assembly and the need for Assembly Committees to be provided with the information that they require to discharge their role. They strengthen the requirements for the declaration of interests by Ministers and require the avoidance of conflict of interest. They set out that Ministers are responsible for the management, conduct and discipline of their special advisers. They make clear the need to record ministerial meetings and decisions, and they require the regular publication of declarations of relevant interests, details of meetings with external organisations, and gifts and hospitality received.

In order to ensure that the ministerial code of conduct and the guidance for Ministers are effective in guiding ministerial behaviour, a new mechanism for the enforcement of ministerial standards is to be introduced. Alleged breaches of the ministerial code, the guidance for Ministers or the conduct of Executive business will be referred to a panel for ministerial standards, one of whose members will be the Assembly Commissioner for Standards. The panel members will investigate and publish findings in respect of alleged breaches. They will complete their investigations quickly, within a recommended 15 working days of the receipt of a complaint. Their findings will include whether or not a Minister has breached the terms of the ministerial standards documents, and they may make a judgement as to the relative seriousness of that breach. The panel will publish its findings and report to the Assembly and the Executive, and that report will provide the grounds on which sanctions can

be imposed by the Assembly or the Minister's party.

These new arrangements go well beyond what is required of Ministers in other jurisdictions. In particular, we have agreed that the independent investigation of allegations against a Minister shall be a matter for the panel for ministerial standards itself, and not at the discretion of the First Minister or deputy First Minister. We will start the appointment process within days.

The revised ministerial code of conduct builds on the strengthened special adviser code that was published in January. Special advisers are a critical part of the team that supports a Minister. They should be subject to, and should adhere to, the high standards that are expected of those who are in public life. Given the public's legitimate concerns in that regard, I moved quickly in January to produce and agree strengthened rules. Together, these codes set out the high standards that are expected of those in public office and reaffirm the Executive's commitment to rebuilding public confidence in the institutions.

As Minister Dodds set out on Friday in relation to the Department for the Economy, the Department has strengthened its system of internal control and assurance. It has significantly improved its process around business planning and performance measurement and reporting, resource and people management, risk management, whistle-blowing disclosures, casework reviewing and oversight.

Encouraged by the chair of the inquiry, who made clear that improvements should not wait for his report, the Civil Service, led by the Department of Finance, has also been reviewing many of its systems and processes that are relevant to the inquiry. That has included major reviews of the expenditure approval and business-case process, project management requirements and other areas such as managing risk, record-keeping, expertise in the Civil Service, responding to those who raise concerns and how people are placed in different roles. All of those areas will now be reviewed again in light of the inquiry report and, in turn, will provide the blueprint for Civil Service reform. I will lead that programme of work and will soon bring proposals to my Executive colleagues.

We must take the inquiry's findings and turn them into real, positive change and reform so that our devolved institutions provide effective and efficient government for everyone. The 'New Decade, New Approach' document

includes a commitment to establish a subcommittee of the Executive to consider the findings of the RHI inquiry and to propose further reforms in addition to those in the 'NDNA' document to deliver the changes that are necessary to rebuild public confidence. The Executive have now established that group. I shall chair the subcommittee, and all Executive parties will be represented. The subcommittee will publish an action plan for implementing the recommendations. The action plan will be considered by the Executive and the Assembly.

The inquiry examined the role of the civil servants who were involved in the RHI scheme and whether or not their actions and/or advice met professional standards. The report identified instances of unacceptable behaviour. Following those findings, there will now be a disciplinary process for civil servants. Given the exceptional nature and circumstances of the inquiry, any potential disciplinary matters relating to civil servants will be managed through an independent external process. In the first instance, the content of the report will be considered by an external independent panel, which will establish whether there have been any breaches of standards of conduct and/or disciplinary policy. It is aiming to do that within weeks. The panel will then prepare a report outlining any disciplinary charges that should be considered in line with the standards of conduct set out in the Civil Service handbook, which incorporates the code of ethics.

12.45 pm

Mr Allister: Will the Member give way?

Mr Murphy: If the Member does not mind, he will have an opportunity to respond to the debate. I will pick up whatever questions he has at the end.

For staff below permanent secretary level, the report will be provided to an internal panel of three permanent secretaries who do not have a conflict of interest in the RHI scheme. The report for staff members at permanent secretary level and above will be provided to the Cabinet Secretary to consider. On the basis of the advice from the external independent panel, the permanent secretaries and Cabinet Secretary will decide whether there should be any further action, hold disciplinary hearings and take decisions on disciplinary outcomes.

The inquiry team has completed its programme of work. The onus is now on us to turn the recommendations into real action and reform. We need effective governance. We need public

money to be managed in the public interest. We need to ensure that this does not happen again. I look forward to hearing Members' contributions.

Mrs Foster: Mr Speaker, thank you for calling me so early in the debate. Unfortunately, given the pressures outside the Chamber, I will not be able to stay for most of the contributions. I have already explained to you the reasons for that, Mr Speaker, and I trust that the Minister and other Members will appreciate the circumstances.

First, I thank the inquiry team, who worked so forensically to examine this very complex issue. We should all agree that the inquiry was carried out in a professional manner under the chairmanship and leadership of Sir Patrick Coghlin. A lot has been written about the RHI scheme, but this is a definitive account based on the facts rather than the headlines, and I welcome the publication of the report. However, as the Minister pointed out, the report does not mark the end; rather, it is a critical staging post. We must now look carefully at the problems identified in the report, learn from what has happened and use the report as a road map to fix the broken systems.

I came into politics not for position or personal gain but to try to advance the values that are important to me and to help make people's lives better in Northern Ireland. I want Northern Ireland to thrive. I want to heal the divisions. I want better opportunities for the next generation. That is what motivates me. That is why I have such deep and personal regret about the mistakes that were made in the scheme, particularly the opportunities that I had or could have taken to address some of the issues that subsequently emerged. Having the right motivation does not prevent mistakes, oversights or omissions, and I must learn from what has been pointed out by the inquiry. However, when I look back, it is the allegations of corruption that were of the utmost concern. To allege that someone is corrupt is amongst the most damaging accusations that can be levelled against anyone. I therefore welcome Sir Patrick's clear and categorical finding that corruption played no role in the failure of the scheme. Those who made such claims should now publicly accept that finding as a lesson for everyone on these Benches and on the Benches opposite for the future: before questioning anyone's integrity, wait for the facts; look at the subject not as a political rival but as a father, mother, son or daughter who, at least, deserves a fair hearing. None of us is perfect — we will make mistakes — and I apologise for the errors. I will learn the lessons for my role as

First Minister, and all those who have been criticised must act and do better.

The report identifies a catalogue of errors and opportunities missed by many people at many different times. No Minister will be an expert on every policy area in their Department; they depend on accurate, diligent and comprehensive advice. Sir Patrick Coghlin concluded that that was not received on many occasions in the Department. I want to ensure that this can never happen again. We need better systems and people with the right expertise to be involved in the policy design of complex issues. Scrutiny functions must be improved, and professional project management must be implemented. We must rebuild trust across all levels.

As we now see in the report, there was no good reason to bring the institutions down and keep them down for so many years. However, the report demands action, particularly to tackle and address the structural and systematic failings. I welcome the fact that some of that action has already taken place, particularly in relation to the new special adviser code. Yet, there is much more that could be done, and we should be open to that.

Colleagues, this is not a day for recrimination; it is a day for learning. I acknowledge my role in damaging public trust, but I am determined to play a full part in rebuilding that trust and doing all that I can to ensure a better way of working as we move forward.

Finally, I acknowledge what carried me through some very dark moments over the last couple of years. First, I acknowledge my faith in almighty God and acknowledge that his grace is sufficient in all things; the love and support of my friends and colleagues inside and outside this great party; and my precious family, who had to listen to so many people speak of their wife, daughter, sister and mother in such a disparaging way but who never stopped believing in me as a person of integrity. Thank you to those who, with my family, never stopped believing in me as a person of integrity. I will reward their faith by learning the lessons, by fixing the problems and by making Northern Ireland a place that the next generation can be proud of.

Ms Dolan: I welcome the opportunity to speak on the RHI scheme. I also welcome the publication of the long-awaited public inquiry report. We are here to deliver for all the people of the North. Our constituents want good public services, quality jobs and stability. Any wasting of public money, such as the RHI scheme

resulted in, puts all of that under pressure. Public confidence has to be earned and trust rebuilt, if the institutions are to have any credibility.

As a party, Sinn Féin is committed to these political institutions, but they must operate with a new kind of politics that is representative of all of society and is progressive and respectful. Scandals like RHI, on which Sir Patrick Coghlin reported, should never have been adopted in the first place and must never be allowed to happen again. However, we cannot tar all RHI claimants with the same brush. I know businesses in my constituency — hoteliers, in particular — that installed boilers for genuine reasons and are being punished because others abused the system.

The RHI scandal was formed in a DUP Ministry, and the DUP's actions have caused significant damage to the renewables industry. It will have a lasting and detrimental impact on the uptake of future schemes. The public have lost confidence in government-run schemes, and it is vital that the recommendations are implemented and fundamental lessons are learned from these failings.

On taking up office, the Finance Minister immediately brought in a code of conduct for special advisers. It is swift action like that that will help us to get things right for the people we represent and for future generations. The onus is now on us to work together to turn the rest of the recommendations into action.

Mr O'Toole: As with Members who spoke before, I am pleased to speak in this debate on the Coghlin report. We debate this at a time of extraordinary circumstances, with people outside rightly concerned about the public health emergency that we face. Nevertheless, that does not diminish the importance of the Coghlin report. It does, however, mean that my remarks will be relatively brief, and I submit that we should come back to the report in order to discuss and debate it in more detail.

Sir Patrick Coghlin delivered his report to the Assembly on Friday afternoon that was not just before St Patrick's weekend but while we were digesting the full scale of the coronavirus crisis that we face. He lays out in detail what are, frankly, a huge number of systemic failings around government in this place. It is important that we consider this enormous report in enormous detail. I have it in front of me, and, including annexes, it runs to nearly 1,000 pages. It is entirely unrealistic that, over the past weekend, when we were all dealing with constituency issues and questions about the

public health crisis, we would have had any realistic opportunity to digest the report in any significant detail.

Nevertheless, what does he say? He says that there was no evidence of real corruption. I accept that. However, the report indicates systemic failings at official and political level. We need to address those robustly. I welcome the fact that the First Minister has committed to addressing them, and I welcome the fact that the Finance Minister has indicated that, in addition to the revised spad code, there will be a serious approach to the Executive subcommittee. Nevertheless, there are serious issues isolated in the report. It highlights severe problems with Civil Service capability. The first finding that Sir Patrick notes is that RHI was, he says, a project too far for the Civil Service. In a sense, that was the original sin of the renewable heat incentive scheme, certainly the non-domestic variety. The Civil Service was not capable of delivering the project, and it certainly was not capable of delivering such a novel and complex project without the support of the UK Government. That error was compounded by several other errors, including the failure to put in even the most rudimentary cost controls and then the failure to spot those problems as they became ever more apparent. There was a failure in briefing the Minister, a failure of proper engagement with the Treasury and a failure in engaging with Ofgem, the arm's-length body charged with overseeing and regulating the scheme from London.

We had a range of systemic failings. We know that we need to do things better and have a long, hard look at how we in the Assembly scrutinise what the Executive do. In reality, we will not be able to do that today, because this debate is for a few hours the day before a bank holiday when everyone is preoccupied by a public health crisis. Therefore, while it is important that we debate that, we should come back to the Coghlin report at a later date for a slightly more considered deliberation.

Mr Beattie: I am mindful of the tone that we should take today, when we are all dealing with other things. The RHI is a complex issue, and I have tried to distil that into just one thing to help us to move along. Albert Einstein reportedly said that, if he had only one hour to save the world, he would spend 55 minutes defining the problem and only five minutes finding the solution. We could use that with COVID-19, I have to say. However, with RHI, if we had spent more time defining the problem, we would not have spent so much time picking up the pieces of where we got it wrong.

Sir Patrick Coghlin said that the renewable heat incentive scheme should not have been adopted. He went on to say that junior civil servants responsible for the scheme were under-resourced and not adequately supported; in fact, the person who was responsible for the scheme had absolutely no experience of setting up a scheme similar to this and had only 1.5 staff to deliver it. That is a failure in leadership. For me, no matter which way you distil the whole thing, it distils down to a failure in leadership. Of course, we will try to pass the buck as far down the ladder as we can so that the people at the bottom will get all the disciplinary issues and those at the top of the ladder will get away with saying, "I'm sorry. I made a mistake".

As the Enterprise, Trade and Investment Minister, Arlene Foster was responsible for the leadership of her Department, so it was Arlene Foster's failure. It was not just her failure — there were many other failures — but it was her failure. The inquiry considered that the Minister, in presenting the regulations to the Assembly and asking for its approval, should have read them herself, not least because, in the inquiry's view, to do so was a core part of the Minister's job. It was in her competency, and, within her competency, it was failure.

Leadership was the issue here. We are all leaders of some shape or form and are responsible people in some shape or form. Therefore, we must take responsibility for when it goes wrong, not just step to the side and pass it to somebody else. Maybe we need to look at John Adair's action-centred leadership model, which includes task needs; setting objectives and planning tasks; allocating responsibilities and setting performance standards; the group needs of communication, motivation and discipline or the individual needs of coaching, counselling, developing and motivating. Those are all key elements.

I can look to the DUP, and I am not trying to score points but making a genuine point. I can look to Sinn Féin and say exactly the same because they failed also. Michelle O'Neill, as Agriculture and Rural Development Minister, promoted the scheme and not once did she scrutinise it. It is not enough to say, "It's not my Department": we have to scrutinise what we put forward to the people, regardless of which Department it is.

We have already said that we should work cross-departmentally. We are working cross-departmentally on COVID-19; we should have done so with RHI.

1.00 pm

The issue with Máirtín Ó Muilleoir is, I have to say, truly scandalous. He did not just go out and give a running commentary to somebody who is unaccountable and unelected but asked him for permission to act. That is what he did: he asked for permission to act. That was shameless. It is shameless to do that when you are in a position of authority.

The issue with spads is well known and affects us all. We need to work on that. Mr Allister will bring forward something later, and we need to get behind it, because we need to fix the issue with spads. There are also issues in our Civil Service, but I do not think that it is right or fair that, whatever comes out of the report, we at the very top of the ladder fire it down to the people at the bottom and say, "We will take disciplinary action against you". That is grossly unfair. The standard that you walk past is the standard that you accept, and we walked past it. The DUP walked past it, and Sinn Féin walked past it. Do I accept the First Minister's genuine apology? Yes, I do. It was gracious, and it was humbling. Do I trust that this will not happen again?

Mr Speaker: Will the Member draw his remarks to a close?

Mr Beattie: No, I do not. Therefore, the leadership of our Executive and the Assembly remains in question.

Mr Muir: I thank the Minister for his statement, but, as Matthew O'Toole outlined, in the context of the public health emergency that is COVID-19, giving the RHI inquiry report due and proper consideration requires the business to be addressed at a later date. The business had already been tabled, however, so I will address it alongside the clear message that was delivered by you, Mr Speaker, that it is not "business as usual" at the Assembly.

The revelations that emerged in 2016 relating to the non-domestic renewable heat incentive scheme and the actions of certain Ministers, special advisers and some civil servants damaged public trust in these institutions, with legitimate public outrage and anger at reported comments such as "Fill our boots". Action was demanded. Sir Patrick Coghlin, Dame Una O'Brien and Dr Keith MacLean undertook a comprehensive inquiry, the results of which were announced last Friday. I thank the inquiry team for the report. I am hopeful that it will act as a watershed moment for those mentioned in it, who should not walk away thinking that they

have been somehow vindicated for past misconduct and that what they did was somehow acceptable.

Nobody mentioned in the report has emerged smelling of roses; instead, there is a long and extensive report cataloguing a series of failures and incompetence, and the failure to follow rules and procedures is reported, with those rules and procedures often being viewed as optional and discretionary. None of those issues is, however, new. Whether it was by the whistle-blowers and investigative journalists who brought many of the matters to light, the inquiry's public hearings, the extensive inquiry documentation published online or Sam McBride's book 'Burned', the public have been made fully aware of the RHI scandal. I am particularly grateful to the whistle-blowers and journalists who brought the issues to light. Much more should be done to ensure that whistle-blowers' allegations are properly considered and investigated, whilst journalists should never have to face a barrage of criticism and attempts to exclude them just because they were reporting awkward allegations. Investigative journalism —

Mr Chambers: Will the Member give way?

Mr Muir: Yes.

Mr Chambers: Does the Member agree that the actions taken against the whistle-blower would certainly not encourage whistle-blowers to come forward in future?

Mr Muir: That is why we need to have a complete —

Mr Speaker: The Member has an extra minute.

Mr Muir: — culture change in the Assembly and in these institutions to embrace whistle-blowers.

Investigative journalism has an important role to play in modern democracy and should be embraced.

In considering the report, it is important to note that the vast majority of civil servants whom we are lucky to have working for us are dedicated, capable individuals, providing us with great service. We should be thankful to them, whilst acknowledging the investigation that has been outlined by the Minister and the need for improvement to ensure a fit-for-purpose Civil Service that is capable of dealing with specialist, complex matters.

Now that the inquiry is over and the report has been published, we must ensure that the report and its recommendations are not allowed to gather dust. It is incumbent on the Executive, the Assembly and the Civil Service to ensure that all of the recommendations are implemented as part of a complete culture change towards a new culture that ends silo departmental working; upholds openness, transparency and the highest ethics; and understands the importance that effective scrutiny can bring. Scrutiny should not be feared; it should be embraced and encouraged. Those are issues that the Alliance Party has long been campaigning on, and we are glad to see the report providing yet another evidence base for change.

Costing, potentially, up to £14 million, the RHI report will be an expensive waste of money if the recommendations are not implemented. We, therefore, owe it to everyone, including, most importantly, the taxpayer, to make sure that the publication of the report ensures that the mistakes that were made, which resulted in a scandalous misuse of public funds, are never repeated.

Mr Stalford: This is probably the most important discussion that we have had since the restoration of devolution because this issue was the pretext for collapsing the institutions and keeping the people of Northern Ireland without a devolved Government for three years. It is important, therefore, that we have this discussion.

"Corrupt or malicious activity on the part of officials, Ministers or Special Advisers was not the cause of what went wrong with the NI RHI scheme".

Those are the words of the inquiry chairman, Sir Patrick Coghlin: no evidence of corruption or malice. That discredits the wild and spurious claims that were made by current and former Members in the Assembly as devolution was teetering towards collapse. I reiterate the apology that has been made by the First Minister for mistakes and misjudgments, but they were mistakes and misjudgments, not corruption or maliciousness, as was implied and inferred for the last three years.

The systemic inaccuracies in the Civil Service documents and submissions to the Minister provide grounds for a full and detailed appraisal of how the Civil Service in Northern Ireland functions. This is now a core issue in relation to the governance of this country. Sir Patrick's report sets out a clear road map of recommendations that will need to be

implemented and will require careful planning and sufficient resource to ensure that they are fully implemented. The Assembly will need to have a strong oversight role in ensuring that the recommendations are faithfully and fully implemented, with a clear timetable produced by the Executive for doing so.

The recommendations made by Sir Patrick deal with serious failings on the part of the Northern Ireland Civil Service. Recommendation 3 states:

"Northern Ireland Civil Service teams working on policies ... should be trained and supported so that they have the skills to do the job".

Recommendation 4 states:

"action is needed to raise and sustain the quality of advice to Ministers".

Recommendation 8 states:

"A fundamental shift is needed in the approach used within the Northern Ireland Civil Service with regard to recruitment and selection for government jobs."

Recommendation 9 states:

"Commercial and business awareness amongst policy officials ... must be improved."

Recommendation 10 states:

"The ... Civil Service should consider what changes are needed to its ... practices on the use of external consultants".

Recommendation 17 states:

"The ... Civil Service should take steps to draw on best practice from other jurisdictions".

Recommendation 18 states:

"More generally, we recommend a Northern Ireland government-wide framework for information exchange".

That is vital. It has been and remains a significant challenge for the Executive. Recommendation 19 states:

"The processes within a Department for approving new expenditure and business cases ... should be thoroughly re-designed".

On and on it goes. Perhaps the most significant paragraph, however, is finding 313, which states, in relation to the predecessor Department to the Department for the Economy:

"DETI's internal governance systems failed over four years as a conduit to deliver important information to senior management about the flaws and mounting risks of the NI RHI scheme. The systems were not fit for purpose where RHI was concerned. Responsibility for this must rest with DETI/DfE's successive Permanent Secretaries/Accounting Officers: Mr Sterling and Dr McCormick."

There it is in black and white. I want the independent panel that the Minister has announced to examine the behaviour and conduct of senior civil servants. The significant failings identified and the clear blame attached to those named individuals by the inquiry require swift and immediate action.

Mr Allister: Will the Member give way?

Mr Stalford: I am happy to.

Mr Allister: Is the Member concerned that, by the time the panel tasked with investigating Civil Service failures gets to grips with the issues, some of the key persons might have retired?

Mr Stalford: That is a legitimate concern.

Mr Speaker: The Member has an extra minute.

Mr Stalford: Thank you, Mr Speaker.

That is a perfectly legitimate concern, and that is why it is important that we hear a timetable for ensuring that that is not the case from the Executive and the Minister. It is essential not only that action is taken but that action is seen to be taken in a speedy and expeditious manner in order to restore public confidence.

Finally, the First Minister did the right thing in apologising for the mistakes that were made and saying that we, as a party, will learn from those mistakes to ensure that they do not happen in the future. All parties who were party to the scheme and have responsibilities in that regard should have the courage to do likewise.

Mr McGuigan: It seems a bit surreal to talk about RHI in a context where that financial and governance scandal is piling into insignificance compared with what our community currently and potentially faces with coronavirus. I pay tribute to our healthcare workers for all that they have done, are doing and will be called on to do, and I hope that the decisions taken in the Chamber complement and support them in their work in the time ahead.

The RHI scheme was an unmitigated disaster, and, despite attempts at deflection, as my colleague John O'Dowd said on Friday, it was a scheme and a scandal designed, delivered and, unfortunately, not scrutinised by the DUP. It was a scandal that brought down the Government, and the abundance of evidence throughout the inquiry has vindicated the approach of the late Martin McGuinness. The scheme was fundamentally flawed from its inception and marked by systematic failures at ministerial, political, special adviser and Civil Service levels. It involved the misuse of public funding, and, while I accept that Justice Coghlin said that there was no systematic corruption, it created the opportunity for moral corruption by some who were involved.

Notwithstanding the plethora of faults in the scheme, as Sinn Féin's environment spokesperson, I am ultimately disappointed that a scheme with the worthy aspiration of reducing carbon emissions and dealing with the issue of climate change failed so miserably. Unfortunately, environmentally, this green energy scheme was ineffective in reducing carbon emissions. Before RHI was set up, a report commissioned by DETI showed that such a scheme was less effective in reducing carbon emissions and nearly £200 million more expensive than an alternative scheme. Despite that overwhelming evidence, the DUP Minister responsible, Arlene Foster, went for the less effective and more expensive option of RHI. That error was compounded by removing cost controls and introducing tariffs higher than the cost of the fuel. That meant that the more operators burned, the more profit was made. That flaw led to some operators heating empty sheds with multiple small boilers, abusing a scheme that was supposed to be about reducing carbon emissions and combating global warming.

I note, like my colleagues before me, that lots of the RHI applicants, including lots in my own constituency, are now suffering as a result of this scheme.

1.15 pm

Economically, environmentally and politically it was a disaster. RHI has now become a byword for everything that was wrong in the political system here in the North. The Assembly must now operate differently from what went before with a new kind of politics. Public confidence must be earned and trust rebuilt if the Assembly and Executive are to have any credibility. Never again can we see scandals like RHI happen in this place. As others have said, we need Civil Service reforms and proper checks and balances, and these serious reforms must be looked at. We need open government where decisions, and how they are taken and in whose interest, are laid bare and properly scrutinised, day and daily, with no hiding place for any risk of malpractice or cronyism. That is what Sinn Féin is committed to do.

I support the recommendations contained in the report, and I support the actions of the Minister.

Mr Middleton: Like others, I very much welcome the publication of the report and want to thank the inquiry for its work over its duration. Our party leader has apologised personally and corporately for the mistakes made over the course of the RHI scheme. There are many others, individuals and parties, who also need to take their responsibility. It is clear that there are lessons to be learned. We would all do well by studying the report in detail and learning lessons from its findings.

Mr Speaker, I believe that it is important to reiterate a significant element of the conclusion of the inquiry's report. It states that:

"Corrupt or malicious activity on the part of officials, Ministers or Special Advisers was not the cause of what went wrong with the NI RHI scheme ... Rather, the vast majority of what went wrong was due to an accumulation and compounding of errors and omissions over time and a failure of attention, on the part of all those involved in their differing roles, to identify the existence, significance or implications of those errors and omissions."

The report details the failures and missed opportunities of all involved in the scheme. It is clear that there is no evidence of corruption or malice. Therefore, the shameful claims and accusations made by some other political parties have been exposed for exactly what they are.

The report also details real systemic issues within the Civil Service. There were systemic inaccuracies in Civil Service documents and submissions to the Minister. I believe that this is

one of the core issues that will need to be addressed. Given the seriousness and importance of such documents coming to a Minister, this cannot be repeated. However, the criticisms were not focused solely on documents: there were criticisms about misleading ministerial advice, skills mismatches between roles and staff, weakness in the continuity of staff and a lack of commercial awareness by officials. There is clearly a need for reform, and there is a string of recommendations to deal with the serious failings on the part of the Northern Ireland Civil Service, which cover a wide range of areas such as training, quality of advice, recruitment and selection for Government jobs, and expenditure processes to name a few.

There are many areas where reform is needed, which leads us to the belief that the conclusions of the inquiry report points to a strong case for a full appraisal of the functions of the Northern Ireland Civil Service. We must learn the lessons and reform must happen. The 44 recommendations in the report should be implemented to ensure that we have a robust process and procedure in place. That will require, of course, a total attitude and cultural change.

Mr Speaker, RHI has shone a spotlight on transparency and accountability. One area specifically is about special adviser appointments, their influence and discipline. We recognise that the breaches, in spirit, of previous codes by several parties, not just one, were not acceptable and were down to complacency and convenience rather than corruption. We welcome the revisions made to the code in January by the Finance Minister and approved by the Executive, which pre-empted many of the report's recommendations, but further work can, and should, be done in light of the panel's recommendations. The Executive, and in particular the Department of Finance, should take a lead in this work.

I believe that the report makes a positive statement about the need for greater collective responsibility between Departments and Ministers in the future to avoid making similar mistakes to RHI. On the issue of collective responsibility, lessons must be learned. Finding 122 is an example of that:

"The Inquiry considers that the remarks of DARD Minister O'Neill ... that it was not for her to scrutinise the work of another Minister, do not seem to deal with the need for basic departmental cooperation".

The wash-our-hands attitude of Sinn Féin towards this period of government is decisively criticised by the inquiry. That party should reflect, as much as anyone else, and that attitude must change.

I will stick with the area of interventions, and it is clear that, as other Members stated, some individuals sought consent from their bosses in Dublin. That, too, is very much not acceptable. Sinn Féin Ministers must get away from the practice of seeking permission from the wider republican movement.

The inquiry decisively demonstrated that corruption or malice, whether for personal gain or that of others, was not the cause of the failure of RHI. We will work to regain public trust, and we accept the findings in full.

Dr Archibald: I, too, welcome the opportunity to contribute to the debate. I welcome the long-awaited publication of the report.

I want to cover a couple of things in my contribution: first, the role of Committees in scrutinising departmental policy and the actions of Ministers; and, secondly, the effectiveness of RHI in achieving its intended aims.

The role of Statutory Committees is laid out in the Good Friday Agreement:

"The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation."

They have the power to:

"call for persons and papers ... consider and advise on matters brought to the Committee by its Minister".

The RHI inquiry report states that the ETI Committee:

"whose role ... included independent scrutiny of DETI, did not operate as an effective check against departmental error in the case of the RHI scheme. Aside from limitations inherent in its role, reasons for this included its own limited resources and its dependence on the Department for information and analysis to analyse to allow it to perform its challenge function robustly".

While the inquiry found that the ETI Committee was not provided with sufficient or adequate information — in fact, it was provided with

incomplete and inaccurate information — to permit it to discharge its scrutiny function, it also found that the Committee accepted the assurances of the Department on concerns that it raised, and it did not follow up or check that DETI was delivering what had been promised. This is a clear warning signal to all of us, given our scrutiny function in Committees and our duty to act on behalf of those we represent. We are supposed to ask the difficult questions, demand the information and ask again until we are clear and satisfied that the policy is good, that public funds are being properly spent and that outcomes to better citizens' lives will be delivered.

Mr Frew: I thank the Member for giving way. She hit a note today that no one else did. Has she concerns that, even on this day, lessons have not been learnt in the Departments?

Mr Speaker: The Member has an extra minute.

Dr Archibald: I thank the Member for his intervention. I will continue with what I was going to say, which is that we need to learn the lessons. The report recommends that the:

"Assembly should consider what steps are needed to strengthen its scrutiny role, particularly as conducted by Assembly Committees, in the light of lessons from the RHI. While it will be for the Assembly itself to decide, the Inquiry recommends that such a consideration might include significantly increasing the resources available to statutory committees and, generally, identifying what steps are needed to improve the effective scrutiny of Departments and their initiatives".

It is incumbent on us to heed this advice, and a subcommittee, which the Finance Minister will chair, is being set up to consider the report. I am sure that it will consider all the recommendations, but it is important that Committees can perform their role.

RHI was designed to increase the proportion of heat generated from renewable sources. Moving to renewable technology and away from fossil fuels should ensure a reduction in carbon dioxide emissions. However, evidence now shows that RHI for biomass technology may be not only ineffective in lowering carbon emissions but counterproductive. The carbon-neutral credentials of the wood pellets subsidised by RHI are now strongly contested in the scientific community. When wood is burned, it releases carbon into the atmosphere. The precise level of carbon dioxide emissions

depends on a number of factors, including the efficiency of the boiler. According to one estimate, burning wood releases four times more carbon than natural gas and one and a half times more than coal. Despite that, wood is classified and accounted for by many official bodies as carbon-neutral. That is on the basis that the carbon released when wood is burned is equivalent to the carbon absorbed by the tree as it grew. Therefore, it is claimed, the two cancel each other out. It is also assumed that the trees that are cut down are to be replaced.

If we are going to spend public money on long-term programmes and schemes, we must ensure that they can be reviewed and adapted as evidence informs us. That is another important lesson from this whole affair. It is vital that we learn the lessons from the disastrous RHI scheme. We must implement the recommendations. As the Minister said, real positive change and reform is needed to rebuild public trust and confidence in these institutions.

Mr Frew: I welcome the statement from the First Minister, my party leader, in the House. We should consider these issues and how people were treated over the past number of years with a human face. I take this opportunity to thank the Right Honourable Sir Patrick Coghlin for his comprehensive inquiry and report into his findings.

When the report was published, the people who were most disappointed were the media, because there was no evidence of corruption and malice. I am glad that there was no such evidence. There is certainly evidence of wrongdoing and systemic failures across the board, but none of corruption or malice.

Throughout the reporting of the inquiry, there was much sensationalism. That led to recipients of the RHI scheme being treated as villains, criminals and fraudsters. A lot of those recipients are still suffering. That scheme needs to be fixed; those people need relief. One of the things that must come out of the inquiry is that we fix the RHI scheme for the duration that it has still to run so that people's welfare does not suffer and businesses do not crash.

Ms Sugden: Will the Member give way?

Mr Frew: Yes, I will.

Ms Sugden: Will the Member acknowledge that the RHI scheme was always intended to make money for farmers to help them to float their business, given that agriculture is one of the biggest industries in Northern Ireland, and that

the consequences of farmers potentially losing their livelihood could have wider consequences for all of the Northern Ireland economy? Simply to remove the RHI scheme without putting in any replacement scheme could have devastating consequences for not only farmers but the whole economy.

Mr Speaker: The Member has an extra minute.

Mr Frew: I thank Claire Sugden for her intervention. She is absolutely right; she is spot on. That is something that the House must put its mind to in order to resolve this issue.

It is clear that there have been systemic failures across every aspect of government here. Along with fixing the RHI scheme, as we have talked about, a full appraisal and root-and-branch reform of the Northern Ireland Civil Service is now required, along with a clear determination of a healthier relationship between the Executive, the Civil Service, the scrutiny Committees and the Assembly itself. We are the people; we speak for the people.

The Chairperson of the Economy Committee has raised the issue of the scrutiny Committees. Finding 84 of the inquiry report states:

"In relation to briefings linked to the NI RHI SL1, the ETI Committee was provided by DETI Energy Division officials with incomplete and inaccurate information about the RHI scheme; among other omissions, information was not included about risks that DETI had been made aware of by Ofgem."

Finding 86 states:

"The Inquiry finds that the ETI Committee was not provided with sufficient/adequate information to permit the ETI Committee to effectively discharge its scrutiny function."

If we want to ensure that we have a robust, transparent and accountable form of government, it is vital that the scrutiny Committees do their job well.

1.30 pm

Mr Stalford: I am grateful to the Member for giving way. He will be aware of chapter 39 of the report. In December 2016, one of the main allegations that was being put to our party was that advisers or, indeed, the Minister had deliberately sought to keep the RHI scheme open. Would the Member like to put on record

that Sir Patrick Coghlin found that there was not one shred of evidence to justify that claim?

Mr Frew: Yes.

Mr Speaker: The Member does not have an additional minute.

Mr Frew: I am happy to put that on the record. I agree with him.

I will mention another issue, because there may well be more RHI-type failures in the system. I take you back to the summer of 2015 when the then Department of Enterprise, Trade and Investment wished to push through a Northern Ireland renewable obligations certificate (ROC) scheme. It brought the scheme to the Committee three or four times. I, along with a number of other Committee members, blocked it. That was the right thing to do, but, at the time, DETI's energy branch misled the Committee. There should also be an investigation into that, because it would have been an even bigger disaster for this country if a Northern Ireland ROC had been pushed through. Businesses would have gone to the wall because their energy bills would have gone sky-high. That has never really been brought to the surface, but it should be. I hope that the root-and-branch review of the Civil Service, Departments and their staff will result in all those things coming out in the wash and that we can get a transparent system in which we can all work together.

We have to be mindful of the fact that a scrutiny Committee will work adequately only if its members take their role as scrutinisers seriously.

Mr Speaker: I ask the Member to conclude his remarks.

Mr Frew: We need to know our brief and learn the detail.

Ms Armstrong: After hearing what has been going on in here, the speech that I was going to make has changed. First, the criteria for the panel that will scrutinise Ministers have not been published. Who will be on the panel? Are we going to have a repeat of before? If it is your friends who are looking at you and examining what you are doing, you will not get a very clear examination. We need to see very clearly and soon exactly what the criteria for appointing the panel will be.

Before I came to the Assembly in 2016, I managed a charity. When there were problems

in that organisation, the buck stopped with me. Problems may have arisen and mistakes may have been made along the way, but that was my fault. It was not just about my staff. I have seen in the report that things need to be changed in the Civil Service. There are also things that need to be changed in this House.

I want to consider something else that has not been dealt with at this stage. Paul Frew mentioned it and Philip McGuigan alluded to it: the human face of the disaster. I take a moment to give you some information from the Renewable Heat Association. It is one of its pieces, and I will read it to you:

"Imagine you have been a respectable, hard-working chicken farmer for the past twenty-five years.

Imagine the government encouraged you to partake in a renewable energy scheme which was 'sold' to you as guaranteed, reliable, long-term, certain and offering a good return on your investment ...

Imagine that you decided to invest your savings and seek out loans in order to join this government backed scheme.

Imagine the government subsequently had to admit that this 'guaranteed' scheme had been mismanaged through their own incompetence and ignorance.

Imagine if the same government then insinuated that you were in the wrong. To deflect from their own failings they decided to infer that you were abusing the scheme by publishing your name in the newspapers, listed your rebate payments for five years — and added the helpful note that you hadn't done anything wrong. Wink-wink.

Imagine they revealed the income you had received via the scheme, but neglected to reveal the massive investment and continued running costs borne by you and hadn't considered that you pay tax on that same rebate.

Imagine thinking that your family, friends, neighbours, church, pub and business acquaintances now looked at you as some type of fraudster involved in some type of dishonest dealings.

Imagine if it led to sleepless nights, constant worry, unfounded shame, anxiety, regular visits to the GP and the long-term use of anti-depressants; all because you decided

to partake in a scheme which was endorsed by the government.

Imagine if, due to the failings of the government, it was decided that your guaranteed returns would be decimated — not once, but twice — on the advice of the Department that had created your nightmare. You would no longer receive your guaranteed payments, but instead, would receive barely enough to cover the additional electricity costs of running the system.

Imagine the Department, in calculating your rebate, used a different formula and different statistics to those used by scheme administrators elsewhere in the UK or, next door in the Republic of Ireland.

Imagine the anxiety you have, knowing that you will have to replace this vastly expensive, but no longer cost effective system with a Gas system that will pollute the atmosphere.

Imagine having to work out where this money is going to be found."

Green projects are not the problem. The workings that were behind RHI were the right thing to do. The problem was that the jot and tittle was missed and people were left in dire circumstances. Yes, there were problems, but I do not want to stand up here and say that they were the fault of the DUP and Sinn Féin. To be honest, I do not want to hear them say that either. I want to look at the recommendations and for us to move forward with a better Government from that. There is no point in ripping lumps out of the Civil Service when the manager did not know what they were doing.

Ms S Bradley: Will the Member give way?

Ms Armstrong: I certainly will.

Ms S Bradley: I note that the motion asks us to note the report. That is worthy of doing, but is it not a live demonstration that we are actually repeating RHI now with COVID-19? Should all resource, time and energy in the House not be used to try to tackle that problem? Outside the House we hear the screaming voices of health workers, schools and others who are looking for leadership. I think that I am sitting in a parallel universe here.

Mr Speaker: The Member is departing from the subject matter. Ms Armstrong, you have an extra minute.

Ms Armstrong: Thank you, Mr Speaker. I agree that the health catastrophe that we face at present should be discussed in the House, but RHI also needs to be discussed.

Mr Stalford: I am very grateful to the Member for giving way. Does she agree that if, having had the report published on Friday, the House did not consider it on Monday, other parties would be screaming, "Government cover-up", and claiming that we were trying to prevent scrutiny of the report's content?

Ms Armstrong: I actually agree with the Member. However, I recognise that people out there did not know whether to send their children to school today.

There is a lot for us to learn from the RHI report. We need to be able to scrutinise better, but we also need to understand that there are human beings who have had their businesses all but ruined as an outcome of the scheme.

I absolutely welcome Mrs Foster's emotional speech. She has been vilified. However, I must say again that when the manager does not know what they are doing, that is the outcome. It is time for us to do better. Let us see what the criteria are for the panel. Let us see what happens in the subcommittee that is brought forward. Let us do this better. Let us stop blaming each other and get on with good government.

Mr Kearney: I welcome the opportunity to speak on the renewable heat incentive scheme and the subsequent public inquiry. I want to place on record my and my party's thanks to the chairman of the inquiry panel, Patrick Coghlin, and his team for fulfilling the terms of reference that were set for them.

The scheme's purpose was to provide a financial incentive for businesses to move away from non-renewable sources of energy. It was to assist in ensuring compliance with the obligations that were imposed by European Union law. However, it was an utter failure. Tubaiste a bhí ann. The fact that no cost controls were put in place and warnings were ignored led to the biggest financial and political scandal that the Assembly has ever faced. I can attest to that as result of my own participation in the Public Accounts Committee in autumn 2016. It involved totally unacceptable and unethical behaviour, with the Government collapsing over the head of it. Agus is mar gheall air sin a cuireadh cúrsaí airgeadais s'againne faoi bhrú. It led to the complete erosion of public trust and confidence in politics

and in the political institutions. Agus ní ceart go mbeadh a leithéid ann arís — a choíche. Never again must that be allowed to happen. No one ever believed that it would take three years to get functioning government, the Assembly and the other institutions of the Good Friday Agreement back together again. Ach bígí cinnte de seo. Sinn Féin and the other political parties in the Executive are now there under new terms and conditions. Let us be very clear about that. Tháinig Sinn Féin isteach sa Choiste Feidhmiúcháin arís a fhad is go mbeidh sé ag feidhmiú ar bhonn comhionannais, ionracais agus measa. Sinn Féin has re-entered the Executive on the basis of equality, integrity and respect. The arrogance that was displayed by the DUP previously will not be tolerated now, either towards Sinn Féin representatives in this institution or outside it, or against those whom we represent.

Mr Beggs: Will the Member give way?

Mr Kearney: Yes, of course.

Mr Beggs: The Member talks about integrity and respect. Does he agree that his Chief Whip needs to look very closely at what he is saying and encouraging others to do and say, so that there can be integrity and respect for everyone?

Mr Speaker: The Member has an extra minute.

Mr Kearney: I thank the Member for the question. I will respond in Irish and then translate for him. Táimid réidh leis an díspeagadh agus leis an dímheas. We expect a new standard from all Members in the Assembly in how we conduct our business and articulate our politics and our vision for going forward.

The 'New Decade, New Approach' document removed the obstacles to power-sharing and began a new set of relationships at political, community and civic levels. We must succeed, Members; failure cannot and must not be an option. We will all be accountable for the stewardship of public funds. We must all, equally, discharge our duties in good faith. We must all, each and every single one of us, serve all of the people equally.

If people cannot live up to these newly defined norms, they should not be in this place. I want an Assembly that operates differently from what went before and to usher in a new kind of politics. Public confidence must be earned and trust rebuilt for the Assembly and the Executive in order for them and all of our other political institutions to have sustainable credibility. That

also extends towards the equality, mutual respect and all-Ireland approaches enshrined in the Good Friday Agreement, to ensure that they are embraced and that we deliver on the promises of 1998 for a new generation of citizens and young people in our society.

We now have a basis on which to move forward in building a fair society and good government. I want to work with ministerial colleagues to cooperate in every way possible to ensure that we rebuild public trust and confidence in, and engagement with, the Assembly and its Executive. Our mission, Members, must be to deliver on health, education and jobs for everyone across this entire community, regardless of which section of the community they come from.

Whatever the Civil Service's role has been in contributing to the RHI debacle, no one doubts that it has a critical role in ensuring that there is never a repeat of the same again. We will institute the necessary reforms across the board in order to get things done, but also to get things right in the new Administration, and that must extend to the operation and culture of the Civil Service. We need open government and maximum transparency and accountability. The Minister of Finance has already brought reforms to the Civil Service for agreement by the Executive.

Mr Speaker: I ask the Member to bring his remarks to a close, please.

Mr Kearney: In conclusion, tá sé in am dúinn malairt slí agus ré úr a chruthú ar leas an phobail. Let this be a turning point, Members, for the Assembly and the Executive as we turn to the serious business of getting more work done —

Mr Speaker: The Member must finish his remarks.

Mr Kearney: — and particularly now, how we as a society face the new challenges before us and, in particular, with regard to tackling our global health crisis.

Mr Speaker: Will the Member resume his seat, please?

Mr Kearney: Míle buíochas duit, a Cheann Comhairle.

Ms Bailey: I would be surprised if any one of us here has been able to give due time and attention to this report over the weekend as we have been dealing with the emerging COVID-19

pandemic and the fear, panic and uncertainty that is being created.

The RHI scheme was a scandal that left us with no Executive for three and a half years and, in that void, brought so many of our vulnerable people to the brink.

There is a general agreement that the report gives us little more than we had already learned through the inquiry. It is disappointing that, when the inquiry was signed off, it was not done with the explicit intent to implement all recommendations. We have to wait and see what it leads to, other than another inquiry with another report.

1.45 pm

I am still contacted by constituents who are face financial disaster. They have been left in limbo to this day by the mismanagement and humiliation so clearly outlined by Ms Armstrong. It still needs to be addressed. RHI has not only damaged the reputation of this institution; it has damaged the reputation of renewable energy and renewable energy schemes when we so desperately need more of them to urgently address the climate emergency that we are in the midst of.

We can call for the full implementation of all recommendations, but only time will tell if that will be done. The public will judge us for it, and judge us they do. People know that little has changed with the functioning of this 'New Decade, New Approach' Executive. They watch as the system that created this compounding of errors, with unacceptable behaviour by some officials, Ministers and special advisers, is now charged with navigating us through a dangerous pandemic. We have the opportunity to do right and to prove ourselves able and willing to work together and not apart. Let us not mess up again.

Mr Allister: What a telling commentary on what passed for government in the House that a report such as this, which pulls its punches in so many ways, nonetheless was driven to the basic recommendation that a Minister should always read the legislation that they bring to the House. How fundamental is that? That a Lord Justice of Appeal and two colleagues have to make such a recommendation is a damning indictment of what passed for government in the House. That they have to add to it the fact that minutes should be kept of meetings just tells us what a quagmire we were in in the governance in this place. The fact that the first recommendation arises from the actions of a

Minister who is now the First Minister brings home to us just how dire things have been.

Of course, it did not all end with the DUP. One of the most startling revelations in the report is how the Finance Minister of the time, Mr Ó Muilleoir, conducted himself. When it came to looking at a business case from the Department for the Economy about the future of RHI, he was not able to make a decision — would not make a decision — until he had not just consulted but had got the consent of a shadowy figure, Mr Ted Howell. He sent him an email: "Would you be content? Would you, Mr Howell, be content if I signed off the business plan on Wednesday?". That is how government was being conducted in this place. Is that still how it is being conducted? Does that explain the transformation from last Thursday, when Michelle O'Neill supported the First Minister, to Friday morning, when she repudiated what had been decided about schools? Was there another communication with another shadowy figure? Has anything changed? I listened today to the Finance Minister telling us, "Oh, we will have wonderful codes and new directions and new statements". I have read such as have been published already. I do not see a word in what has been published by the current Finance Minister that would stop another Ó Muilleoir/Howell experience. Nothing in that rules it out. Are we really moving forward to change at all?

Then we consider other Ministers who were in office. We had Simon Hamilton, the Minister for the Economy, colluding with spads to leak emails to take the heat off his party. Then we had a Minister, Mr Bell: obviously, the panel barely believed a word that he said. Likewise with the DUP chief spad, Timothy Johnston. The panel did not find him credible on key issues. That is a reflection of the state of misgovernment that we are in. A report that pulls its punches, no doubt with some deference to the delicacy of these institutions, on all these matters cannot, of course, avoid those issues. The question going forward is this: will the House avoid them, or will it face up to them?

As already mentioned, there is one group of people we need to consider most today: the innocent victims of RHI, the farmers who put faith in Mrs Foster's letter to the banks. They dug themselves into debt believing that the proposals were grandfathered, only to have the rug pulled from under them and to be given tariffs that are lower than the tariffs anywhere else in these islands.

Mr Speaker: Will the Member draw his remarks to a close?

Mr Allister: It is those farmers who now, dear help them, have to look to the House to remedy that debacle. Let us hope that we do.

Mr Carroll: Three years ago, most people were unfamiliar with the details of the RHI scheme, but we quickly realised that it was synonymous with cronyism. It was a slush fund whereby elements of the business community were invited to burn taxpayers' money for profit. It is disappointing that, after three years and some £14 million spent, the report seems to have pulled its punches when it comes to laying the blame on the politicians in the Chamber and on Arlene Foster in particular. This is deeper than how the First Minister or her spads operated: the whole debacle exposes the cavalier attitude towards public spending that governs this place, as well as the close relationships with big businesses and corporations.

How many times have working people been told to tighten their belt? How often were healthcare workers told that pay parity could not be implemented because of funding limits? All the while, a few were encouraged to burn public money. RHI clearly illustrated the favoured approach that some in the Chamber offer to the likes of Moy Park, a hugely profitable company. One official even had the gall to admit about Moy Park that smaller firms were "not getting the same chance" — clear as day. Indeed, after getting a tip-off that the scheme was to close, private companies started to stockpile RHI boilers because the scheme was such a financial gold mine. Some shipped boilers in from Austria because they had vanished locally, and there were new applications aplenty.

The decision to keep the scheme open for a further two weeks saw a total of £91 million spent. Surely, that was one of the most expensive fortnights on this hill. Let us not forget that the current Finance Minister and the previous Finance Minister both publicly claimed credit for keeping the scheme open at massive cost to the taxpayer. Arlene Foster and her party, of course, were not the only ones responsible, as the inquiry exposed. Sinn Féin MLAs played their role in promoting and keeping the scheme open long after the damaging impact was known.

That brings me to the report itself. In my view, it wrongly rejects what Sam McBride deems "a culture of corruption" at Stormont. Whatever the intent of Patrick Coghlin, essentially, the conclusions and recommendations of the report whitewash the role of the Stormont elite in

signing off on and lobbying to retain the scheme, which, by any standard, was an abuse of power and a colossal waste of public money at a time when many people were suffering. The report points to a multiplicity of errors and omissions as if they were random mistakes and not a clear pattern from day one that illustrated the abuse of power, patronage and the courting of big businesses by the DUP. What is certain is that the scheme was designed to financially benefit people who did not need it, and that has been the problem with Stormont for far too long. Policies have been designed and decisions made to benefit the most well off.

RHI was operating without a whimper whilst people were sent to food banks because welfare reform was leaving them with nothing to put on the table. That is what the scandal was about: the double standards and hypocrisy at the heart of the Executive. There appears to be no criminal charges or jail time for Arlene Foster, despite raking up a bill of £600 million to £700 million of public money. Others face jail time for not paying TV licences or for rent or debt difficulties. If a public sector worker were found to be wasting a fraction of the money involved in this, they would lose their job. No doubt, the DUP would be banging the table, calling for tougher sentencing, yet Arlene Foster remains. It seems that their tough stance on law, order and wrongdoing does not apply to their party leader.

You should do the right thing, First Minister: hang your head and resign. Over the coming weeks, many will lose their income due to the coronavirus. What measures have the Executive put in place to protect them? Nowhere near enough to cover the costs of rent or bills. Those who, we were told, would not, any circumstances, be returned to office because of their role in RHI will feel no impact whatever. Lots of people, First Minister, have no faith in you in your current position, given what you were directly involved in. I join them today and call for you to step aside. You are in no position to lead through the public health crisis that the coronavirus presents to us. Step aside, and let someone else do the job.

Mr Speaker: As Question Time starts at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Claire Sugden.

The debate stood suspended.

2.00 pm

Oral Answers to Questions

Health

COVID-19: Cross-border Coordination

1. **Ms Anderson** asked the Minister of Health to outline how his Department is working with the Department of Health in Dublin in response to COVID-19. (AQO 353/17-22)

Mr Swann: I thank the Member for her question. On Saturday 14 March, the First Minister, the deputy First Minister, my permanent secretary, the Chief Medical Officer and I met the Taoiseach, Leo Varadkar; the Minister for Health, Simon Harris; the Minister for Foreign Affairs and Trade, Simon Coveney; and the Chief Medical Officer, Dr Tony Holohan. The purpose of our meeting was to ensure that actions and messages in our two jurisdictions are coordinated as effectively as possible as we move into the next phase of the response to the COVID-19 pandemic.

My Department and the Public Health Agency (PHA) have been working with their counterparts in the Republic as well as with those in the rest of the UK since the emergence of COVID-19. The two Chief Medical Officers and the Deputy Chief Medical Officers are in frequent contact, and the Health and Social Care Board (HSCB) and the Health Service Executive (HSE) are looking at areas of further cooperation.

Ms Anderson: Minister, I am sure that you are aware that there are lots of concerns across the North. There are concerns in my constituency and, I would say, every other constituency about the British Government's decision to test only the most seriously ill. My phone has been inundated with calls, as I am sure has been the case for other MLAs over the weekend. Will you clearly outline the criteria for providing testing for coronavirus for people in the North of Ireland?

Mr Swann: I thank the Member for her question. The next listed question is about the numbers tested, so I will keep that information until then, but we are working to the national advice. Owing to constraints on lab capacity, locally and nationally, testing is now being prioritised for a number of groups. The current order for priority testing during periods of

significant demand is, first, a patient requiring critical care for the management of pneumonia, acute respiratory distress syndrome (ARDS), influenza or an influenza-like illness (ILI); and, secondly, a patient with an alternative indication of severe illness, such as severe pneumonia or ARDS. The next group is all other patients who require admission to hospital for the management of pneumonia, ARDS or an ILI. A further group is the cluster of disease in residential or care settings; for example, long-term care facilities and prisons. Symptomatic healthcare workers will be tested as well.

That is under active review, nationally and locally. Additional capability is being urgently worked up in the lab system, and that will ease some of the demand pressures on lab services. It is not that we have reduced testing but that we are now prioritising the testing capability that we have available, and we are increasing that capability.

Mr Lyttle: What work is under way to ensure that health and social care trusts continue to deliver therapies for children with additional needs during school closures?

Mr Swann: One of the things that I am clear about is that the health service will not stop because of COVID-19. Our core work continues. As I said in the statement that I put out on Friday, we will look at reducing and scaling back a number of procedures and elective-care surgeries. The longer that this goes on — I need to be honest and frank with every Member in the House — the more that that core service will reduce, as we make how we tackle COVID-19 our priority. The virus will be with us for a period. What we are doing now, by reducing elective-care surgeries and other procedures, will allow us to re-profile our hospitals and wards and to train up our health service workers so that, when we get to the stage at which dedicated facilities and highly trained staff are needed, we are well placed to provide that.

Before the end of this week, I intend to make public the surge plans, which come under the designation of the piece of work that is being taken forward, so that everybody will realise that when the local hospital, a constituent or a relative rings and says, "My procedure has been cancelled", that is to allow us to re-profile the health service to be able to meet the demand when it comes.

Mr Allister: The Minister referred to the North/South Ministerial Council get-together on Saturday. Before that, the Northern Ireland

Executive had settled their view on medical advice, for example, about school closures. How helpful is it, at events such as that, if the deputy First Minister then repudiates the policy set by the Executive at a time when Northern Ireland is seeking, in the interests of all its people, to have rational discussions with its neighbour?

Mr Swann: I understand the Member's point, but what I say, to everyone in this House and to anybody listening to or watching this, is this: folks, this is not the time for politics, North/South or east-west. This is a time when individuals from outside this House are looking to us for collective leadership.

The Executive met this morning and discussed in great detail where we are, where we are going as an Executive and how we tackle COVID-19. Everybody listening to this knows there are differences, but one thing that I want to assure anybody listening to or watching this is that I, as Health Minister, have one focus only, and that is to make sure that our National Health Service is fit to tackle COVID-19/coronavirus when it comes and when it gets to a stage where people truly realise what a pandemic is coming down the road at us.

Ms Bailey: I am mindful of the recent strike action that was taken by nurses to stress to us that they were working in unsafe conditions. Is the Minister content that we and our health service are capable of dealing with the fallout if Boris Johnson's Government's plan for herd immunity goes ahead?

Mr Swann: I will be clear to the Member: the herd immunity language, or the herd immunity principle or precept, is not supported or endorsed by my Department or by me, as Health Minister. We will work through the phases that were clearly laid out in the COVID-19 action plan at the start. We worked strenuously to make sure that we were fit for purpose during the containment phase, and we have now moved into the delay phase. I can assure the Member that herd immunity is not a tool that I will utilise, in Northern Ireland, as a way to counteract this virus.

Ms McLaughlin: Minister, I realise the pressure that you and your Department are under, and I commend you for your work, given the seriousness of this situation.

Does the Minister accept that we share an all-island risk and, therefore, the assessment of the risk and the announcement of shifts and stages of that risk should be done in unison?

This is not a North/South or east-west matter; we need to work collectively to minimise the risks to all our citizens.

Mr Swann: I can assure the Member that there is no reticence on my part about what we need to do to tackle COVID-19/coronavirus, in Northern Ireland. She mentioned the pressures on me, but those pressures are nothing in comparison with the pressures that are being put on our front-line health services and our front-line health workers, be that our nurses, our doctors, our GPs or our pharmacists.

I want to take this opportunity to say to people that, as you approach your doctor, your pharmacist or that front-line health worker — no matter where they are in our system — folks, give them patience and give them space to allow them to adapt to the ever-changing situation that we are in. The pressures that I am under do not reflect anything like the pressures that they are under, as professionals who want to do their best for our population and for the people who are presenting to them. I ask people to please be patient, please give these health professionals the respect that they deserve and give them a bit of space to allow them to make the adaptations and the changes that we need to make while we re-profile our health service to tackle COVID-19/ coronavirus.

Mr Speaker: Questions 7 and 12 for oral answer have been withdrawn.

COVID-19: Testing

2. **Mr Beattie** asked the Minister of Health for an update on the number of people tested for COVID-19. (AQO 354/17-22)

Mr Swann: I thank the Member for his question. Mr Speaker, normally questions of a like-minded subject would be grouped, but I did not do that with questions 1 and 2 because I want to give as many Members as possible an opportunity to ask a supplementary question.

As of 2.00 pm today, 1,171 individuals have been tested for COVID-19 in Northern Ireland, and there have been 52 confirmed positive cases. That is an increase of seven new positive cases from yesterday. For Members' information, prior to 13 March, the total published tests included only those individuals who met the case definition — those who were connected to travel and who met the clinical criteria. However, I would like to assure the House that, during this time, wider testing was also being conducted across all trusts in Northern Ireland. So, for absolute clarity, those

individuals are now included in the overall testing results. That would explain why we have seen an approximate jump of 400 tests overnight. We have now expanded the definition of those tests that we actually declare, rather than just those tests that met the case definition.

Mr Beattie: I thank the Minister for his answer and I want to go on record to thank the Minister, his staff, scientists and healthcare professionals for all that they are doing in combating COVID-19 on our behalf. I will condemn, all day long, anyone who refers to them as "a shire of bastards".

Some Members: Hear, hear.

Mr Beattie: Will the Minister give his assessment of the resilience of the local health service in facing what many agree will be the biggest health emergency in generations?

Mr Swann: While this situation is serious, I can advise Members that detailed plans are in place in the event of an outbreak spreading across the UK and the Republic of Ireland with sustained community transmission. Our health service is used to managing infections, and we are prepared. Health systems across the globe are coming under extreme and increasing pressure as this virus spreads. Ours will be no different, and it is bound to take its toll. As I have said, normal business within health and social care may not be possible. Some activities will be scaled back. We had been planning for the first positive case in Northern Ireland and we had robust infection control in place. My Department has established a new directorate for surge planning, as I mentioned earlier. The directorate will work with surge planners in the health and social care system to ensure preparedness across the sector in response to COVID-19. We all, however, have a part to play in helping the health service to cope with this disease by ensuring that we follow Public Health Agency advice and by practising good personal hygiene, which is very effective in preventing the spread of this virus.

Mrs Cameron: I commend the Minister and the Department of Health on dealing with the serious pressure that they are under at this time. We fully appreciate the time that you are giving to address these questions. Of course, I cannot go past all the health workers and professionals involved in helping us to deal with this very serious crisis.

Will the Minister give the House details of where our health professionals can get the

most up-to-date information and guidance on how they should be behaving with regard to COVID-19 on a daily basis?

Mr Swann: I thank the Member for what will be a very important piece of information. While we have been working through this, our Public Health Agency, working alongside the Health and Social Care Board, has been providing updated pieces of guidance and information, frequently asked questions and procedures to a number of health professionals and sectors. Those are available on the Public Health Agency's website and also on the Health and Social Care Board's website. I will say, to the health professionals and anybody else out there, that the reason why we are not sending those out in hard copy, posting them out or giving them as something that people can hold in their hand is that this situation changes so frequently and so often. I ask that those working in the health care system look at that up-to-date online advice, because this situation changes hour by hour, if not day by day.

Ms Bradshaw: I thank the Minister for his work over the last week and beyond. I want to come back to an issue that you talked about around symptomatic healthcare workers. I was contacted by a constituent who is now self-isolating. He is very concerned about the number of healthcare workers that he came into contact with before his symptoms manifested themselves. As you know, front-line healthcare workers are given the flu vaccine to protect themselves, their colleagues and their patients. In the absence of a vaccine, do you think it would be beneficial that our front-line staff be tested, as a matter of course, at this stage in the pandemic?

2.15 pm

Mr Swann: As I said in an answer earlier, currently we do not have the capacity to provide that screening testing, which, I think, is what the Member refers to, to every member of our health and social care system. However, as I said, our Health and Social Care Board is one of the cohorts that we look at; if any member thinks that they have symptoms of COVID-19, we will make sure that they get a test as appropriate. The last thing that I can afford is for workers in our healthcare system to fall victim to COVID-19. If the Member has a specific name and wants to give me it offline, I will follow it up to see what trust they are in and what provision can be made to get them tested.

Ms Sheerin: I thank the Minister for his answers thus far. Do we have an accurate

figure for the number of people who are self-isolating but are yet to be tested?

Mr Swann: We do not, because, in the change of guidance that we provided, we encouraged people who feel that they have COVID-19-like symptoms to isolate themselves for seven days. We have no central database as to who is self-isolating at this minute in time. However, to those who are doing it, I say thank you. By taking that responsible first step, they are making sure that a member of their family or of the community or a loved one is not being put at risk by them giving them COVID-19 — if they have it. A number of people who are self-isolating at this minute in time may have symptoms that turn out to be flu or cold, but we cannot take that risk. If anybody presents with symptoms of coronavirus, self-isolation for seven days is what is being advised at this minute in time. If their condition worsens, they should certainly contact their GP and present, but, at this minute in time, we do not keep a central register. I am truly grateful to those who are taking the decision to start the social-isolation measures that we will have to adopt very soon.

Mr McCrossan: I thank the Minister, and I commend him on his leadership thus far on what is a very serious and worrying issue for many. I also commend our front-line staff for the great work that they are doing and their families for supporting them in going out there very bravely to support each of us in their role of saving lives.

Minister, my question is focused on life-saving equipment, such as ventilators and hospital beds. Will you provide an insight to the House on the numbers of each of those in each trust area, please?

Mr Swann: The Member will forgive me if I do not have the numbers by trust area. I am surprised that he has not put that down as a question for written answer; he has asked quite a number along those lines. There has been a significant increase of attention on the issue mechanical ventilators following media reports in recent weeks. There are 88 adult ICU beds in Northern Ireland. The critical care network has plans to expand that to 126 adult beds if necessary. There are 139 mechanical ventilators available across Northern Ireland health and social care trusts. To cope with the possible increase in beds, an extra 40 have been ordered — 30 adult units and 10 paediatric units — which will bring the total to 179 by the end of this month.

In regard to beds, we are, as I said, profiling across the National Health Service to ensure that there are cohorts in wards and different hospitals. When it comes to ventilation, we will come to a point, because we have turned down elective surgeries, where we will not use operating theatres, so we will be able to use those ventilation points and ventilators to ventilate patients. That is the detail of plan that we are making for when we get to that stage; we are planning for it now. Be no under no illusion about what is coming down the road at us.

Multi-disciplinary Teams

3. **Ms Dolan** asked the Minister of Health to outline the criteria used in prioritising local areas for the roll-out of multi-disciplinary teams. (AQO 355/17-22)

Mr Swann: I thank the Member for her question. The initial areas of implementation of the primary-care multidisciplinary team (MDT) model were selected through a competitive process. All health and social care trusts were invited to apply in partnership with their local GP federations, with seven applications subsequently being received from across Northern Ireland. Those were assessed against a range of criteria, including the commitment to multidisciplinary working and draft principles underpinning the MDT model; the reorganisation of services to support that new model and improve patient access; support from all GP federation members to address health and inequality, co-production and design with patients and service users; and synergy and coordination with existing reform initiatives. Following that assessment, the Down and Londonderry areas, in partnership with the South Eastern and Western Trusts respectively, were selected to be the first areas to implement the model, with the allocation of further funds in-year. It was decided that the third-placed applications — the West Belfast federation and the Belfast Trust — should commence the implementation of the first contact physiotherapy element of the model, proceeding to the full model as funds become available.

A further allocation from transformation funding during 2019-2020 was sufficient to support the introduction of the model in two new areas to ensure that patients across Northern Ireland could have access to the benefits of a primary care MDT. The Northern and Southern Trusts were each invited to submit an application in partnership with one of the GP federations in their area. As a result, implementation of the

model is under way in the Causeway and Newry and district areas. It is anticipated that, by the end of March 2020, around 462,000 patients will have access to the services of a MDT in their local GP practice.

Ms Dolan: I thank the Minister for his answer. Does he agree that the future roll-out of MDTs across the North should prioritise areas with GP shortages and recruitment and retention issues, such as my constituency of Fermanagh and South Tyrone?

Mr Swann: I am aware of the pressures facing general practice in the south-west, and I reassure the Member that I am committed to implementing the model in all areas of Northern Ireland. However, transformation of this scale cannot happen overnight. It must be balanced with the ongoing provision of all other services across the health and social care system. In the Londonderry area, the Western Trust still experiences ongoing challenges with recruitment to MDTs while progress is being made on the full roll-out of the model. Recruitment is ongoing for physios, social workers, additional health visitors and district nurses. Once appropriate funding is in place, further areas for the implementation of the multidisciplinary team model will be selected on the basis of readiness, the ability to deliver and the need of the location population.

In the meantime, my Department continues to make significant financial investment in general practice, with the focus on supporting GPs and the wider primary care team, and contributing to reducing GPs' workload. The number of GP training places has increased significantly, from 65 in 2015 to 111 in 2019. That, along with where we can go next with the funding of MDTs, will be crucial in how we develop the model, while always taking into consideration the pressures on the system in general from coronavirus/COVID-19.

Mr Chambers: What is the Minister's assessment of the success of the pilot schemes of the multidisciplinary model?

Mr Swann: I thank the Member for his question. As I said earlier, it is important that we acknowledge that the work of the National Health Service goes on, although we will have to reduce it. The feedback is that the MDTs are working. In the past, GPs thought that they would never see the need for in-house pharmacy, physiotherapy or psychology services, but they now realise the value of a multidisciplinary team that is able to see patients when they come through the door, or

as early as possible, and can direct them to the professional help, support and guidance that they need. There is also a change in the mindset of the user. Presenting patients realise that they do not always need to see a GP as their first point of call.

Mr Dunne: I thank the Minister for all his efforts. We put on record our genuine thanks for all his work and commitment. He has done a good job on behalf of MLAs, the Executive and the people of Northern Ireland.

In relation to multidisciplinary teams, will cancer patients get the investigations and treatment that they require during the ongoing coronavirus crisis?

Mr Swann: As I said in response to an earlier question on the coronavirus, the core work of the National Health Service will continue. The red flag cases — those cancer patients and the trauma patients who present — will continue to receive support because that is the core work of the National Health Service.

We are working through the multidisciplinary teams, the transformation process and everything else that has been going on in the National Health Service, but coronavirus/COVID-19 is now our day job. That is where our focus is. The rest of it will not be parked; it will not go to the wayside. The core principles and the supports that we need will continue, but our focus is being re-profiled to get us through the next period.

Mrs D Kelly: Minister, you spoke about the difficulty in recruiting for multidisciplinary teams. That will be even more difficult, setting aside the coronavirus and the emergency across our hospitals. Have you given any consideration or had any discussion with Westminster about exemptions for the pensions of recently retired healthcare professionals and whether they will be brought back in or, indeed, those who are in their final years and almost qualified? Are there any discussions ongoing on how to complement the workforce?

Mr Swann: The Member makes a valid point. The issue of pensions was addressed by the Chancellor in the Budget. It does not come in this year and from my understanding will not be retrospective, but it will have an impact next year. Bringing forward registration of those about to pass their exams, that is being looked at along with the royal colleges, should it be nursing, midwifery, all the other primary care professions and domiciliary care staff to ensure we have a cohort of professionals and support

staff. In regard to bringing back those who have recently retired, that is something we are looking at. In any change in legislation, we have to make sure that their registration is recognised and current.

Very shortly, we will be reaching out and asking for anyone who can help to please help, should that be in the voluntary and community sector, the sports sector or in faith-based organisations. As we move further into social distancing or shielding of our older population, we will become reliant on general and civic society to support those individuals while we go through that phase. That will be challenging for many.

Infant Mortality

4. **Ms Ní Chuilín** asked the Minister of Health how he plans to address the higher rates of infant mortality in areas of high deprivation. (AQO 356/17-22)

Mr Swann: I thank the Member for her question. Mr Speaker, may I indulge in extra time to answer an important question?

As demonstrated by the 'State of Child Health' 2020 report by the Royal College of Paediatrics and Child Health, of the four UK nations, Northern Ireland has the highest infant mortality rate at 4.2 per 1,000 live births. Whilst that rate has reduced from 4.8 per 1,000 live births, it remains a key challenge that we must address.

Like many health outcomes, there is a difference in the infant mortality rate between our least- and most-deprived communities. The most recent figures, for 2013-17, show that the most-deprived areas had an infant mortality rate 18% higher than the least-deprived areas. I understand that the main causes of infant mortality include premature birth, birth asphyxia, pneumonia, congenital conditions and term birth complications. In 2017, smoking during pregnancy has also been shown to contribute to increased infant mortality. In the most-deprived areas, the proportion of births where the mother smoked during pregnancy was almost five times the rate than in the least deprived.

A number of actions under way or being developed will seek to have a positive impact on infant mortality. Those include the tobacco control strategy, such as carbon monoxide testing in antenatal care; the 'Getting Ready for Baby' project, which provides group-based antenatal care and education through parenting classes for first-time parents along with training

for midwives; the 'Saving Babies' Lives' care bundle that has been implemented in Northern Ireland to reduce perinatal mortality; the social well-being antenatal clinic that has been established in the Belfast Health and Social Care Trust for women with additional care needs; the Family Nurse Partnership Programme, which is a preventative early intervention programme for teenage mothers; the child health promotion programme 'Healthy Child, Healthy Future'; and implementation of a maternity strategy and work to address the recommendations of the Regulation and Quality Improvement Authority (RQIA) reviews of that strategy.

We need to be conscious that healthcare outcomes are not just implicated by the clinical services we deliver. The evidence demonstrates that inequalities in health arise because of inequalities in the conditions into which people are born, and in which they grow up, live, work and age. To address health inequalities, we need to tackle the wider social detriments to health and address the inequalities.

That approach is at the heart of Making Life Better, which is the Executive's overarching strategic framework to improve health and to address health inequalities. Making Life Better is currently the subject of a comprehensive mid-term review.

2.30 pm

Mr Speaker: That ends the period for listed questions. We now move to topical questions. Questions 3, 8, 9 and 10 have been withdrawn.

COVID-19: GP Surgeries

T1. **Mr Clarke** asked the Minister of Health, after thanking him and his Executive colleagues for the work that they have done, and thanking those people on the front line in the health service who are dealing with coronavirus on a daily basis, whether he is content that, given that high numbers of people will be self-isolating and will be tempted to contact their GPs, those GP practices have sufficient personal protection equipment to deal with the people who might turn up at surgeries. (AQT 251/17-22)

Mr Swann: I thank the Member for that question. It gives me the opportunity to reinforce the message that we have been sending: if anyone has, or thinks that he or she has, symptoms of COVID-19, that person should not present to a GP or go to the

emergency department but should instead telephone the GP to seek advice. That advice and guidance will then be given.

As far I am aware, GP and central pharmacy personal protective equipment (PPE) packs were issued last week. The packs include essential PPE items for GPs and pharmacists for use in circumstances in which a patient presents with symptoms. My Department is in daily contact with the Business Services Organisation (BSO) procurement and logistics service (PaLS), and a demand-management strategy is in place, whereby they are working closely with trusts and emergency planner leads over the allocation of PPE stocks in the trusts. The Department has released quantities of PPE items from the pandemic influenza preparedness programme stockpile to support the BSO business-as-usual stockpile. We therefore continue to issue and monitor equipment, and we have a stockpile of PPE centrally held.

The Westminster Secretary of State for Health yesterday called for anybody who could make ventilators to step up their production lines. Likewise, if there are people in Northern Ireland who feel that they can do that or provide PPE, I ask them to look to see whether they can re-profile and retool, because there will be a need for that equipment.

Mr Clarke: Have there been any conversations with companies in Northern Ireland about scaling up preparedness?

Mr Swann: A general call for ventilators was made yesterday by the Secretary of State for Health to anybody who can make them. JCB and Rolls-Royce are two of the companies that responded to say that they could re-profile and look at producing ventilators. If there are any companies in Northern Ireland that can do the same, the Department for Business, Energy and Industrial Strategy (BEIS) is leading on that along with Central Procurement Directorate (CPD), and if companies want to scale up, they could do the same with PPE.

COVID-19: Routine GP Services

T2. **Ms Armstrong** asked the Minister of Health whether he can confirm what is happening with routine baby vaccinations and health visitor community contact, albeit it is the case that a number of GP surgeries are operating a telephone triage system, which is working very well in her local area. (AQT 252/17-22)

Mr Swann: Baby vaccines should proceed as normal. We have to make sure that the vaccination programme for all of the underlying health conditions that we have vaccines available for continues so that we have a resilient population.

GP telephone triaging is something that a number of GPs will be moving to. It is a change that patients may not be comfortable with, but, given the conditions that we are living in, it will become more the norm. If those who need to go to the GP are presented with that facility, I encourage them to make use of it. Do not get angry about it, because it is not GPs' fault. They are trying to manage the system.

Visits by health and social care workers will continue as normal, as we have to make sure that the service is there. I will check and get back to the Member, as there may be scaling back in certain areas or in the frequency of visits. Visits are not something that we can guarantee, but there is a value in what is being done.

Ms Armstrong: I reiterate what the Minister said about the front-line service staff who are getting all those phone calls. I am sure that they are getting it hard and heavy. When a childminder, childcare facility or organisation has been told that a child in their care has been identified as having COVID-19, what advice would you give to the organisation about what they should do to follow up, once the child is out and getting help? What happens to the organisation that usually looks after those vulnerable children?

Mr Swann: The procedure that they will follow will be the same as that for any other workplace or family. If someone does present, make sure that all the precautions that need to be taken are taken to make sure there has not been contact with other people who carry an underlying symptom. Follow the PHA guidance through for the specific location — that guidance has been changed and will update depending on the facility. If it is a childcare facility, that information should be online.

On GPs and the front-line telephone triage service, we are now moving to a situation where pharmacies will be doing the same, because we cannot expect them to take the brunt of the front-line service. I ask people to take their time to consider and appreciate the work that these people are doing in a very pressurised system.

Health Centre: Carrick and Larne

T4. **Mr Hilditch** asked the Minister of Health to comment on the fact that although previous mandates, Administrations and Ministers in this place outlined plans for a level 2 health centre in Carrick and Larne in east Antrim, it no longer seems to be progressing. (AQT 254/17-22)

Mr Swann: I do not have the detail of the specific location that the Member refers to. If he writes to me, I will get back to him with the specifics about it. If it has been raised elsewhere, we will get that answer back to the Member as well.

On a more general point about the questions that are coming forward, I will ask for Members' indulgence as well about the number of questions for written answer to our Department at this time, while we re-profile and try to cope with the pressures of COVID-19. On capital builds and other matters, if an answer has been provided before, we will refer the Member to that.

Mr Speaker: I call David Hilditch for a supplementary question.

Mr Hilditch: Mr Speaker, I do not require a supplementary question, thank you.

COVID-19: Communication and Information

T5. **Ms Bunting** asked the Minister of Health for his assessment of communication and information circulation around COVID-19. (AQT 255/17-22)

Mr Swann: It is a very generic question, but if people want communication, information and guidance about COVID-19 and how it is affecting the general population, they should look to the professional and reputable bodies. Do not rely on what you see on Twitter or Facebook or what you see from every self-proclaimed expert on this disease that has come up in the past few months as this disease has presented itself. Look to the bodies that you can rely on, such as the Health and Social Care Board and the Public Health Agency, for advice and guidance, because reliable, sustained, professional advice and guidance is there for those who want to look for it. For those who want to look for sensationalism, there are other methods and avenues to get that information. I say this to people: make sure your advice is current and is professional.

Ms Bunting: The difficulty is that the national Government appear to be playing it down and are firing out test balloons as to what they might do, and that is unhelpful. An element of the media seems to be going for hype and sensationalism, as the Minister has referred to. Therefore, it is very difficult for the public to know what the factual position is and exactly how to prepare. What can the Minister do to improve clarity for the public in this situation, where they are trying to find out what the actual factual position is and not degenerate into hysteria?

Mr Swann: The Member's point is very well made, because the information that is out there needs to be said clearly and professionally, and it needs to be heard coming from professionals. When we look to information that comes from other areas, what I have said before in this House is that we need to be alert, as COVID-19 will be a serious challenge to Northern Ireland, and it is across all factors, not just the health service. It will be there in the Department for the Economy, the Department of Education and the Department for Communities and our justice sector as well. Be aware of the professional guidance that comes out for how people should prepare. Do not panic.

The other point is that what we have seen recently is panic buying and stockpiling. That is a nonsense. It puts people who need those essential items and can only afford them week-by-week under even more pressure. If a mother cannot get baby formula or nappies because she can only afford them on a weekly basis, that does not help society in general. With regard to finding that middle ground, listen to the professionals and take heed of them.

I thank and congratulate the media in Northern Ireland for taking a professional, balanced approach to what is a challenging situation. They have played a responsible part. I encourage them to continue to do that.

COVID-19: Executive Response

T6. **Mr O'Toole** asked the Minister of Health, after stating his respect for the his hard work and the dedication and seriousness with which he is taking his responsibilities, to state whether the following characteristics of Northern Ireland — a relatively low population density; only one genuinely serious urban centre, with respect to colleagues from Derry, Newry and elsewhere; a relatively dispersed rural population, like the rest of the island; and lower than average use of public transport — factor in to the Executive's

planning on how to deal with COVID-19. (AQT 256/17-22)

Mr Swann: The Executive's planning for COVID-19 is for Northern Ireland. Our focus and surge plans within the health service, and how we tackle it across all Departments, will be for how we serve Northern Ireland and nowhere else. The Northern Ireland Executive are focused on how we get through the COVID-19 crisis as an Executive collectively. That is a challenge. As I said earlier, there are differences of opinion, but one thing the general public expects from us is a united approach on how we come together and tackle this very serious issue. The Executive met this morning, there is a COBRA meeting this afternoon and there is another Executive meeting this afternoon. We are looking at this on a Northern Ireland basis across all Departments.

Mr O'Toole: I thank the Minister for his answer. In addition to that, can I ask about the specific guidance given? Kellie Armstrong asked about health visitors. I beg your indulgence to ask about domiciliary care workers, who we know are vital. What guidance is given to them and to community psychiatric nurses, particularly those dealing probably with psychotic people in the community, and social workers? If the Minister could give an update on the guidance for those groups, it would be helpful.

Mr Swann: The Chief Medical Officer met a number of those groups and their representative bodies last week to bottom out exactly what specific guidance they need. Looking at every sector across the Health and Social Care Board, there are specific nuances that need to be addressed. We are working on that piece of guidance with the relevant representative bodies to make sure that it is there. A lot of those organisations will already be aware that that guidance is either there, in generic terms, on the Public Health Agency or Health and Social Care Board websites. They should check the most up-to-date guidance that is relevant to their profession. If there is a lack, or a gap, I assure Members that it is being worked on.

Mr Speaker: We have a minute and a half left.

COVID-19: Bangor Minor Injuries Unit

T7. **Mr Easton** asked the Minister of Health, after thanking him for all his work, to outline the rationale for closing the Bangor minor injuries

unit during the coronavirus outbreak. (AQT 257/17-22)

Mr Swann: While we prepare our surge plans and look at how we best tackle COVID-19 across our entire health and social care system, a piece of work is being done to re-profile certain areas, wards and — it may come to this — certain hospitals. I say to Members clearly that there are no sacred cows in the National Health Service while we face the challenge of COVID-19. Specific areas have been protected in the past and looked after, but the surge planning will be challenging for the health and social care system and for us as public representatives who want to protect our local services, buildings or provision.

Tough decisions are being made centrally to make sure that, when the surge of COVID-19 hits us, we are best prepared to fight it.

Mr Speaker: Time for questions to the Minister of Health is up. We move now to questions to the Minister for Infrastructure.

2.45 pm

Infrastructure

Hightown Incinerator

1. **Mr Blair** asked the Minister for Infrastructure for her assessment of the proposed Hightown incinerator. (AQO 338/17-22)

Ms Mallon (The Minister for Infrastructure): The planning application for the Hightown incinerator is for the construction of a residual waste treatment facility at the former Hightown quarry in Mallusk. The facility is designed to deal with the residual waste from the six councils in the Arc21 waste management group. As my officials will be making a recommendation to me on the planning application, it is important that I consider carefully and take into account all views in reaching any decision that needs to be taken. In the interim, as, I hope, the Member appreciates, it would not be appropriate for me to comment on the individual planning merits or otherwise of the application.

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

Mr Blair: I appreciate the Minister's reasons for the lack of detail or prediction in the answer. Can the Minister commit to working with the Minister of Agriculture, Environment and Rural

Affairs, councils, environmental groups and others to ensure that such applications — current and future — on waste management are dealt with in the interests of the environment?

Mr Deputy Speaker (Mr McGlone): I call Gerry Kelly [*Laughter.*] Excuse me: Minister.

Ms Mallon: Since taking up my post, one of my priorities — I have made it clear — has been tackling the climate emergency. I see that we should do more to promote recycling. I have already committed to working with the Minister of Agriculture, Environment and Rural Affairs as, together, we try to advance the climate action agenda.

Mr G Kelly: I thank the Minister for answering that, instead of me.

I appreciate that the Minister has to take all the evidence into account, but when will the decision be forthcoming? Has the Minister some notion of when that might be? This has been an ongoing and very controversial issue over a series of months and, indeed, years. Will she take into consideration the reports that have been made already? The issue was in front of previous Ministers, so there is a volume of information, not just what might look like new information; some of the older information is very important.

Ms Mallon: Yes, I am aware of the nature of the application; I am aware of the considerable interest in it; and I am aware of the length of time that it has been ongoing. I assure the Member that I will take all the evidence that is presented to me and follow due process. I am not in a position to say when a decision will be reached. I have not received any information or submissions from officials, but I assure the Member and all those who are following the application with interest that I will be fair, robust and impartial in examining all the evidence in coming to the best possible decision.

Mrs Cameron: Does the Minister agree that much more can be done not only on recycling but on not creating waste that then needs to be dealt with? If and when somebody decides that incineration is the only way forward, will there be acknowledgement that there are options for incineration other than building a new white elephant that is not required and would need to be fed?

Ms Mallon: I am conscious that I do not want to step into the portfolio or brief of my colleague, Minister Edwin Poots, but I am clear that we

should do more as a society to promote a circular economy. We should be reducing the packaging that we see in our shops and our supply chain, and, as individuals and consumers, we should be making better choices when it comes to purchasing products with less packaging and doing all that we can to recycle. We face a real and global challenge with regard to the climate emergency, and all of us across all Departments, across society and even in our homes, should be doing much more on that front.

Park and Ride: Whiteabbey/Yorkgate

2. **Ms P Bradley** asked the Minister for Infrastructure what plans are in place to extend the park-and-ride facilities at Yorkgate train station and Whiteabbey train station. (AQO 339/17-22)

Ms Mallon: The aim of park-and-ride at rail stations is to support a modal shift to public transport. It does that by enabling those starting their journey by car from rural areas and smaller towns to access rail for the larger part of their journey. For that reason, particularly given the budgetary constraints, park-and-ride sites are located on the strategic rail network and are less prevalent at more central stations in close proximity to the city centre.

In line with that, 113 spaces are provided at Whiteabbey station. While there is growing demand, it is not possible to extend that facility. That is due to the park-and-ride being landlocked. However, plans are being advanced, subject to funding, to add up to 500 spaces at Mossley West and Trooperslane.

I am supportive of expanding our park-and-ride schemes. However, completing all the planned park-and-ride schemes would cost £39 million. This year's budget was £2 million, severely curtailing my Department's ability to make as much progress as we would like, given the multiple benefits derived from park-and-ride schemes.

As the Member will be aware, infrastructure is key to connecting our communities. It is the bedrock on which we should build our ambitions for delivery of radical change to improve lives. I assure the Member of my commitment to improving lives, connecting communities and challenging the climate emergency in the time ahead.

Ms P Bradley: I fully understand that Whiteabbey train station is landlocked, but there are severe problems there from Station

Road, along Ypres, into Fernagh into King's Park, where the Busy Bus service often cannot get down the road. That service is there to help the most vulnerable. Something has to be done, whether that is getting traffic attendants out to ticket people or something else. We talk about the key to connecting communities, but the situation there means that we are not connecting communities. We are allowing people to park across driveways and roads and, on occasion, to block roads.

Ms Mallon: As the Member will know, the car-parking provision at Whiteabbey station is a Translink facility and therefore is not enforced by my Department's enforcement service provider's traffic attendants. There is no legislation in place that would permit that type of enforcement. I am aware of undisciplined parking on Old Station Road in the vicinity of Whiteabbey park-and-ride, and my Department is progressing "No waiting at any time" legislation that will allow two-way traffic to run at all times. The legislation has been advertised, and I hope that it will be implemented in the next few months.

Mr Boylan: The Minister knows the value of park-and-rides in addressing congestion and air pollution in many towns. Will the Minister prioritise park-and-ride schemes throughout the North? She knows the benefits. I bear in mind what she said about the budget, but, if we are serious about tackling the climate threat, there is an opportunity now. Will she explain her long-term plans for park-and-ride facilities across the North?

Ms Mallon: I assure the Member that I can see the multiple benefits that can be derived from our park-and-ride schemes. I have an ambitious programme. The Department has a number of park-and-ride scheme extensions and new schemes that we would like to deliver, but that would cost £39 million. This year, the budget for park-and-ride was £2 million, which severely curtailed the Department's ambition. I have had negotiations and discussions with the Finance Minister and other colleagues because, if I were able to secure more money, given new and emerging pressures, I would absolutely do more. I will do more to deliver on park-and-ride, but, as with all these things, at times, we have to cut our cloth.

Mr O'Toole: Accepting that, for the next few weeks at least, we may see fewer people on all public transport infrastructure, has the Minister given any thought to whether phase 2 of the Glider programme might meet up with the park-and-ride system at Cairnshill in south Belfast

and even whether it could, perhaps, go a little further out to Carryduff to encourage people driving in from the south to use that service?

Ms Mallon: The Glider project has been hugely successful. When looking at passenger numbers, we look particularly at usage by older citizens and people with disabilities. As the Member will be aware, there are proposals for phase 2 Glider that would extend it from the south of the city across to north Belfast. An interim outline business case is being prepared for consideration. I hope to be in a position to move to public consultation on the proposed routes later this year.

Ms Bradshaw: Will the Minister outline the plans to be implemented by Translink to deal with COVID-19 to protect the health and safety of the public and workers and ensure that services continue to operate?

Ms Mallon: I thank the Member for that important question. I am acutely aware of the concerns that many communities and people have regarding the COVID-19 virus and how best to tackle the outbreak. My Department is working with all Departments, agencies, operators and the Public Health Agency to respond to and plan for this evolving situation. No effort will be spared in our work to tackle the outbreak. My Department has received advice on the coronavirus epidemic from the Chief Medical Officer that has been shared with Translink. The organisation has implemented a range of measures in the light of that advice. They include enhanced weekly cleaning of buses and enhanced twice-weekly cleaning of trains. That is in addition to the regular daily cleaning that is undertaken on the public transport fleet. In addition, stations are being cleaned more frequently, and, when cleaners are on site, an enhanced cleaning of stations will take place.

Throughout all of this, we should underline the Public Health Agency's advice that personal hygiene is the appropriate method to protect all of us. As part of that, Translink will provide guidance on COVID-19 on its website to keep customers updated on the latest developments. I assure Members that Translink continues to review its guidance in the light of advice from the Public Health Agency and that the safety of the public and its staff will remain Translink's priority.

Mr Beggs: To go back to the original question, I am aware of the need to improve park-and-ride facilities at Whiteabbey station. However, does the Minister agree that, rather than

improving park-and-ride facilities at more city centre sites, there would be many more advantages for the environment and communities if park-and-ride facilities further down railway lines were developed, addressing the issue of full car parks at Carrickfergus and Whitehead and developing further park-and-ride facilities on the Larne line or the fully subscribed park-and-ride facilities for Ulsterbus at Millbrook?

Ms Mallon: The fact that we have seen maximum capacity at a number of park-and-ride sites is testimony to the success of the scheme. All that has to be underpinned by our efforts to see a modal shift in the way in which people get around in their daily life. We should encourage more people to walk and cycle and factor that into our decision-making on the location of park-and-ride schemes. I assure the Member that I want to do what I can. Again, that is budget-dependent. When I have the money, I will try to do as much as I can, but I have to be honest and realistic about the severe constraints within which I must operate.

Waste Water System: Strangford

3. **Ms Armstrong** asked the Minister for Infrastructure what actions she is taking to ensure that the strains on the waste water system in the Strangford constituency do not impact on the building of new homes and new businesses. (AQO 340/17-22)

Ms Mallon: I am aware of the increasing issues at waste water treatment works and in the sewerage system. I am concerned that that is having an impact on the environment and on planning decisions in respect of housing and business developments seeking connection to the sewerage network across the North. I have outlined to Executive colleagues the pressures facing my Department, including those of water and waste water. I have also made representations directly to the Finance Minister and impressed on him the need for investment to ensure that we can provide the critical infrastructure needed to ensure that we build the many more homes that we need and to drive economic growth, so that we can improve the lives of citizens right across Northern Ireland.

In the Strangford constituency, the following capital investment schemes are scheduled by Northern Ireland Water to start in its current price-control period: new waste water treatment works in Ballygowan, an investment of approximately £6 million; and new waste water treatment works at Ards North at a value of £18

million that will serve Ballywalter, Ballyhaskein and Carrowdore. Those works are scheduled to achieve their beneficial use early in the next price-control period, known as PC21, which starts in 2021. In PC21, investment of around £143 million has been identified to address waste water system capacity issues affecting development in the Strangford constituency.

However, all PC21 projects are subject to prioritisation and the availability of adequate funding. I therefore welcome the commitments made in the New Decade, New Approach agreement to address years of underfunding in waste water and am working with the Finance Minister and my other Executive colleagues to secure the level of finance required.

3.00 pm

Ms Armstrong: The Minister has my 100% backing for getting that additional money, because we all know the impact that the waste water system has on planning. What negotiations will there be with builders and developers to ensure that, if they are putting in pumping stations, they will comply and be able to attach to our waste water treatment works, so that it is not a waste of time. Will bonds be put in place to ensure that those putting in their own pumping stations will be held to account to ensure that they connect appropriately?

Ms Mallon: It is an area that I have begun to look at. I am beginning to engage with a range of stakeholders, because the facts are "No drains, no cranes". It is about how we can work collaboratively and in partnership to address the issue. At some point in the not too distant future, I hope to write to Executive colleagues to see whether there are other things that we could do around developers' contributions, but I am certainly of the view that we have a huge issue when it comes to matching the need for investment in our waste water infrastructure. There is a lot that my Department could do with developers and housing associations on sustainable drainage systems. It is very much an area that I intend to focus on, going forward.

Ms Anderson: Last week, our Committee was at NI Water, which outlined its PC21 priorities. I was shocked to discover that Derry, Strabane and Omagh were not included, given the level of inequalities in the north-west. I want to ask about the Seán Dolan's development scheme in Creggan, because I know that there is a massive hole in the budget caused by British austerity cuts. Given that the development is for almost 100 houses, we need a sewage and waste water treatment plant built there. The

developers say that they are willing to assist but that NI Water has to adopt that, if that is the case. Will she look at that?

Mr Deputy Speaker (Mr McGlone): I advise the Minister that it is at her discretion whether she answers that. A supplementary question has to be related to the original question. I leave it to the Minister's discretion.

Ms Mallon: Thank you, Mr Deputy Speaker. It is an important issue. There are now 116 areas in Northern Ireland where we are constrained in terms of planning applications and being able to build homes and grow our economy. It is an issue not just for the Department for Infrastructure but for all of us, and I recognise that there are particular pinch points. I want to work with all Members and Ministers so that we can deliver homes — that is very important to me — but also create the opportunities to grow our economy in places such as Derry and Strabane and across Northern Ireland.

Mr Deputy Speaker (Mr McGlone): Before I move to the next question, I advise Members who are seated not to interrupt while another Member has the Floor. That is my job. OK? Thank you.

Mr Humphrey: The Minister will be aware of the pressures on the waste water system at Duncrue Street. As a result of her conversations with the Finance Minister and other Ministers, is she any closer to being able to inform the House about the upgrading of that centre?

Ms Mallon: I can assure the Member that discussions have taken place and are taking place. As he will know, there has been no allocation of the budget, so I cannot give him a definitive response to that question. I can, however, reassure him that, for me, investment in our waste water infrastructure is critical. If we are serious about delivering on the outcomes in our Programme for Government, it is essential. I will not be found wanting in continuing to make representations or in working with all Executive colleagues to see that ambition realised.

Mrs Barton: Does the Minister accept that it is her responsibility and that of the Northern Ireland Executive to ensure that there is sufficient capital investment to enable Northern Ireland Water to treat waste water and protect the environment and that it is not enough for some Ministers to say what they would not do, without offering a solution to the problem?

Ms Mallon: I agree very much with the Member that it is essential that we ensure that our citizens have access to clean, safe drinking water and safe water treatment works. That is also essential if we are serious about growing our economy, tackling regional imbalance, tackling the climate emergency and improving people's lives. I welcome the approach being taken in the Programme for Government. This issue demonstrates that responsibility does not reside solely in one Department: we all have a responsibility. I have made the case on the issue to Executive colleagues, and they have been very responsive. Mindful that we are in a difficult period that will bring with it its own financial difficulties, I hope that, when we see budget allocations, we will work together to begin to address this. There have been years upon years of underinvestment in our waste water infrastructure, and we are coming to a critical point.

Mr McNulty: I thank the Minister for the swift measures that she has implemented to help tackle the unprecedented challenge that we all face: coronavirus/COVID-19.

What impact has this place being closed for three years had on DFI's ability to provide sufficient capacity in the waste water infrastructure to enable the building of new homes and businesses?

Ms Mallon: My Department has been severely impacted on in respect of its responsibilities. All Departments have been severely impacted on because, for three years, we had no one in charge. We had no one in position to make decisions so that we could do things in an improved way or begin to do things in a new way. People will be frustrated about what has happened in the past three years. This is the issue for us now: how ambitious are we for this place of ours? How committed are we to working together to ensure that we improve the lives of everybody who lives here, particularly the most vulnerable? We can look back, and we can be angry and frustrated. I choose to look forward. I choose to work with Executive colleagues in good faith. The people of Northern Ireland have been let down for three years. We now need to lift them up and deliver so much more for them.

Mr Deputy Speaker (Mr McGlone): As question 4 has been withdrawn, I call Jonathan Buckley.

Winter Flooding: Strong Report

5. **Mr Buckley** asked the Minister for Infrastructure to outline the lessons learnt by her Department from the findings of the Strong report, 'Review of Winter Flooding (Northern Ireland) 2015-2016'. (AQO 342/17-22)

Ms Mallon: Following the flooding that occurred as a result of the heavy rainfall over a number of months during the 2015-16 winter period, an independent review carried out by Professor Alan Strong was published in December 2016. The report made 10 headline recommendations that covered a number of areas that would help to further improve the ability of government and society to manage and respond to flooding.

Recommendations included a review of the management of water levels in Lough Neagh that concluded that any alternative operation of floodgates other than the existing procedure carried out by my Department would not have significantly reduced water levels on Lough Neagh. Other learning included the need for a coordinator to lead local government emergency preparedness work; support for the community resilience approaches that have been developed by my Department with multiagency partners; the benefits of natural flood risk management techniques; improvements to flood risk communications; and research into crops in flood-prone areas. I advise the Member that all recommendations have now been addressed and many positive benefits in the management of flood risk here have already been realised as a result.

Mr Buckley: A week and a half ago, the Agriculture Minister, along with me, met local farmers who had concerns that rising lough levels and rising tides could impact on their lands and businesses in the same dramatic way. They fear that the lessons have not been learnt when they look at dredging of the River Bann and lough levels. Some mentioned lock gates that have been broken for a considerable period. Will the Minister commit to meeting them, along with me, the Minister of Agriculture and Mrs Dolores Kelly, to see if we can address those concerns before we face the same situation again?

Ms Mallon: I was aware of businesses' concerns after the particularly heavy spell of rain. Dolores Kelly raised the issue, and I know that you have been raising it as well. I am happy to meet business people and farmers in the area to set out what the Department has achieved in terms of recommendations to address any concerns or issues that people

might have about the operation of gates and what the Department is doing to manage the water levels in Lough Neagh. I am happy to have that meeting and to provide that reassurance to people.

Mrs D Kelly: I very much welcome that cooperation across the divide, but there are also fishermen who are very concerned about the water levels. Minister, will you agree to also meet the fishermen's cooperative at Toome about water levels? I also want to place on record my thanks to your officials for dealing swiftly with the businesses that were under threat from recent flooding around the shores of Lough Neagh, particularly at Kinnego.

Ms Mallon: I thank the Member for her kind words, and I also wish to put on record my thanks to those in my Department who worked to protect those impacted on by the flooding at Lough Neagh. I am happy to meet the fishermen's cooperative when I am there, and perhaps we could do a morning or an afternoon when we could meet all the organisations and businesses in the area.

Mr McAleer: The Minister will be aware that 30 homes were flooded in Sion Mills in, I think, August last year. I am aware that her Department is considering improvement to the drainage network in that area to prevent it happening again. Is there any update on that work?

Ms Mallon: I am aware of the flooding incident there, and it is an issue and an area that my Department is looking at. I do not have details in front of me, but I am happy to write to the Member to provide a full update.

Suicide Prevention Barriers

6. **Ms Flynn** asked the Minister for Infrastructure whether her Department plans to install suicide prevention barriers on bridges and other areas of the transport network. (AQO 343/17-22)

Ms Mallon: I thank the Member for asking this question on an issue that we are both passionate about. Mental health and well-being are extremely important to me, both personally and as a Minister, and it is an important issue in my Department. Individually and collectively, particularly through the Executive working group on mental well-being, resilience and suicide prevention, we all have a responsibility to act to address the issue, which is devastating families across Northern Ireland. I recognise

that our infrastructure has an important role to play in improving mental health and preventing suicide, and I am committed to ensuring that my Department contributes fully to that agenda.

I fully appreciate that engineering solutions may provide part of the answer, and I will be led by the expert advice. My Department is currently working in partnership with stakeholders to consider positive actions that can be taken at a number of locations, including the M2 and the Westlink corridor. However, we must all work together to address the underlying problems and the contributory factors to poor mental health right across our society. I believe that an innovative and collaborative approach is required, and I look forward to working closely with Executive colleagues through the Executive working group but also to working with local communities, experts, stakeholders and staff to promote positive mental health and resilience.

Mr Deputy Speaker (Mr McGlone): You have time for a very brief supplementary, Órlaithí.

Ms Flynn: The supplementary has been covered already in relation to the bridges. Thanks very much, Minister.

Mr Deputy Speaker (Mr McGlone): I can take a very quick supplementary from William Humphrey, then.

Mr Humphrey: Very kind.

Minister, you will be aware of the tragic scale of suicides in our constituency of North Belfast. Can you assure the House, in terms of the Executive working group, that work is going on across the Executive table to ensure that the pandemic of suicides that affects Northern Ireland in general and North Belfast in particular is being addressed?

Ms Mallon: I am very aware of the devastation being caused by poor mental health and suicide, particularly in our constituency of North Belfast. We have had some very difficult times of late. This is an issue that, I believe, transcends party politics.

I sit with Executive Ministers on a range of issues, and I have to say that the discussion that took place at the last meeting of the Executive subgroup was sincere and genuine. Ministers from all Departments were committed to doing what they can because they have been affected by this, if not from within their own families then with their friends and their

community. I do believe that we will have sincere, genuine collaborative working on this.

3.15 pm

Mr Deputy Speaker (Mr McGlone): That ends listed questions. We now move to topical questions. We have 15 minutes.

COVID-19: Public Transport

T1. Ms Bailey asked the Minister for Infrastructure, given that, today in the South, transport unions were meeting with state-owned transport companies to discuss whether they can continue to operate and whether cash-handling on public transport needs to stop, have any such discussions taken place here with Translink. (AQT 241/17-22)

Ms Mallon: I assure the Member that my Department and my officials are in daily contact with senior officials in Translink. A number of measures regarding the advice being given to staff have been put in place on cleaning and upscaling the cleaning that is required. To ensure the safety of everyone involved, Translink is amending its procedures for staff on contact with customers. This has included the position whereby no contact between staff and the public will take place for ticket checks. In addition, Translink has issued staff with personal hygiene products in the form of hand sanitisers and wipes, whilst all handwashing facilities are continually replenished.

I can also confirm that Glider ticket-vending machines are cleaned weekly, and I have asked Translink to continue to review this in line with PHA guidance. However, we must all be mindful of advice from the Public Health Agency, as advice on personal hygiene is among the most important advice being given currently. Therefore, I again reiterate the appeal to people to follow the medical advice to slow down the spread of the coronavirus by making sure that they very frequently wash their hands.

Ms Bailey: I thank the Minister for her answer. Has the Minister any concerns that our transport systems, particularly our cross-border transport systems, are acting in line with each other or are there any ongoing difficulties there?

Ms Mallon: I assure the Member that we are in close communication. The situation facing us is unprecedented. We need to work together across this House, across all Departments, across these islands, and across this island North and South. I am committed to doing that

as Minister for Infrastructure, and I am committed to working with Translink, our community transport operators, the Public Health Agency and with those responsible for transport in the South.

Glider: North Belfast/South Belfast

T2. **Mr Blair** asked the Minister for Infrastructure whether discussions about the north Belfast to south Belfast Glider link will take into consideration the fact that the population around Mallusk and Glengormley has increased massively over the years, with a great number of people coming to that area to work. (AQT 242/17-22)

Ms Mallon: I thank the Member for his question. Belfast rapid transit phase 2 proposes to extend the existing network to serve, as I have said, north Belfast, south Belfast, Queen's University and the City Hospital and was submitted by my Department for inclusion in the Belfast region city deal. My officials are working closely with councils and other partners to take forward a feasibility-and-options appraisal, which will help in identifying route options.

We aim to have this work completed by the end of this calendar year, and it is my intention that a public consultation exercise will follow to allow the public and Members to comment on route options. I accept the point that the Member makes about Mallusk. There has been significant population growth in the area, and I encourage the Member, when the consultation goes out, to feed his views into it, as I am sure he will continue to do, at every opportunity possible.

Mr Blair: The Minister will not be surprised that I will take the opportunity now to do the same thing and ask that consideration be given to an alternative corridor to the one that I mentioned. That, of course, is the Antrim Road corridor. It has to be accepted that the other corridor is already served by a railway line, while the Antrim Road corridor is not. I am hopeful that that issue will be taken into consideration.

Ms Mallon: I would not want to pre-empt the outcome of any public consultation, but, no doubt, there will be consideration given to issues such as the level of demand and the level of public transport service provision already in place along those routes. All those things will be analysed in the round. Of course, I ask him and others to encourage as many people as possible to respond to the consultation so that we can get to the right option.

COVID-19: Taxi Operator Guidance

T3. **Mr Beggs** asked the Minister for Infrastructure whether she will issue practical guidance to taxi operators to minimise the spread of COVID-19, particularly because, as was highlighted earlier, procedures have been put in place by Translink to minimise the transmission of coronavirus on public transport. (AQT 243/17-22)

Ms Mallon: The advice to everyone is to follow the Public Health Agency's advice, and I encourage everyone to do that. I have begun a round of engagement with the taxi industry about taxi-related matters and concerns, but I will use that opportunity to make sure that it is as updated as possible on the advice from the Public Health Agency. I am happy to engage in that proactively by contacting the industry and its representatives to ensure that the latest advice is being followed for the safety of our taxi drivers and their customers.

Mr Beggs: Does the Minister recognise that public transport workers and, indeed, taxi operators provide an essential service and that, without them, many of our health service staff will not be able to get to work to treat patients?

Ms Mallon: I very much recognise that. They are the backbone of our economy and our society in connecting people and ensuring that they are able to access work and services. I do not disagree with anything that the Member just said.

A5: Timeline

T4. **Mr McAleer** asked the Minister for Infrastructure for an assessment of the timeline needed by her Department to scrutinise the responses to the A5 public inquiry and to move on to the next stage, given that she will be aware of how crucial the A5 dual carriageway is to east-west regional balance in the North and to connecting the north-west to the rest of the island. (AQT 244/17-22)

Ms Mallon: The Member will be aware, from the priorities that I outlined when I took up the post, that I am serious about doing what I can to tackle regional imbalance. The A5 is a project that is referenced specifically in the New Decade, New Approach agreement. As he outlined, it has been subject to a public inquiry. When the findings of the public inquiry are completed, a submission will be made to me. I am mindful that I need to robustly follow due process and ensure that all the statutory

processes are complete but that I also need to expedite things. People have been waiting for a very, very long time on this project. I assure the Member that, as soon as I am in a position to be able to make a decision on it, I will do so.

Mr McAleer: I thank the Minister for her response and her assurance that this remains a top priority for her Department. Will she also give an assurance that she will continue to liaise with her counterparts in the South on future funding for the road? At the outset when the road was envisaged, it was planned that more than one of the phases, or, indeed, all the phases, would move ahead simultaneously. Will she give an assurance that she will continue to liaise with her counterpart in Dublin to ensure that the scheme moves forward, once we get past all the outstanding hurdles?

Ms Mallon: As the Member points out, as part of the New Decade, New Approach, the Irish Government reaffirmed a £75 million commitment in the Fresh Start Agreement to the A5 project to complete phase 1A from Newbuildings to Strabane north. I assure the Member that, as soon as possible, I will engage with my counterpart in the South, because it is important that that commitment is realised. I believe that there is full intention to see the commitment realised by the Irish Government, and I will continue to work with my counterpart to ensure that we get that project delivered.

COVID-19: DFI Contingency Planning

T5. **Mr McGrath** asked the Minister for Infrastructure, following references to Translink and taxi services, for a breakdown of her Department's overall contingency planning, given that the smooth operation of the Department for Infrastructure will be critical during the coronavirus outbreak. (AQT 245/17-22)

Ms Mallon: As I said, I am aware of the concerns that many communities and people have regarding coronavirus and how best to tackle the outbreak. I assure the Member that the Department is working with all Departments, agencies, operators and the Public Health Agency to respond to and plan for this evolving situation. No effort will be spared, and I am committed to working with my arm's-length bodies and Executive colleagues to ensure public safety.

The most effective means of protecting the public against the spread of coronavirus is for all of us to follow the medical advice and frequently wash our hands with soap and water

or clean them with alcohol-based hand rub. However, in line with PHA advice, the Department and its bodies have introduced contingency measures to protect the public against the spread of COVID-19 and ensure that, as the situation evolves, essential services and connections are maintained.

For example, Translink has implemented a range of measures that are continually reviewed in light of the latest advice and developments. That includes enhanced weekly cleaning of buses and enhanced twice-weekly cleaning of trains, which is in addition to the regular daily cleaning that is undertaken for our public transport fleet. Enhanced cleaning regimes have been introduced to bus and rail stations. My officials are working closely with NI Water, its regulators, DEFRA and the wider industry in the UK on a coordinated response to managing issues arising as a result of COVID-19.

Northern Ireland Water has assured me that it is confident that it is taking all necessary steps to maintain services during the outbreak. The company's priority is to ensure the continued provision of water and waste-water services to customers while maintaining the safety and well-being of staff. I am also urgently exploring options to maximise flexibility around drivers' hours rules without compromising on-road safety.

There is a range of other measures, and I will continue to keep the public and Members updated.

Mr McGrath: Could the Minister give us more information about the discussions that she is having with operators to ensure that there is provision during this very worrying time?

Ms Mallon: On Saturday, I issued a letter to councils in Northern Ireland on the urgent matter of enabling retailers of food, sanitary and other essential items to increase the frequency of deliveries to stores to support the response to COVID-19. The letter, which comes into effect immediately, was issued because of the exceptional challenges that we are facing. I asked officials to meet urgently this week with representatives from Freight NI to discuss its concerns so that we can work with it to put solutions in place.

This is a frightening time for people. I assure them that my officials are working round the clock across my Department and with other Departments to respond and put plans in place to deal with this constantly changing situation. I will keep Members and the public fully updated.

Mr Deputy Speaker (Mr McGlone): Time for a brief question from Rachel Woods.

Heathrow Airport: Expansion

T6. **Miss Woods** asked the Minister for Infrastructure, in light of the Court of Appeal's ruling on 27 February 2020 regarding the Heathrow Airport expansion, for her assessment of any regionally significant developments that are not consistent with our obligations under the Paris Accord. (AQT 246/17-22)

Ms Mallon: I am very much aware of the Heathrow ruling. My officials are working through it to identify all implications and how the ruling relates to my Department.

Questions for Urgent Oral Answer

Education

COVID-19: Guidance for Schools

Mr Deputy Speaker (Mr McGlone): I remind Members that if they wish to ask a supplementary question, they should rise continually in their place. The Member who has tabled the question will be called automatically to ask a supplementary question.

Mr Lyttle asked the Minister of Education for an update on his Department's guidance to schools regarding the COVID-19 outbreak.

3.30 pm

Mr Weir (The Minister of Education): I thank the Member for his question. I appreciate that this is a very challenging time for schools and for all our partners in the education sector. I pay tribute to school principals, teachers, classroom assistants and all those who are working so hard and with such dedication in the wider education sector at this challenging time.

The position on COVID-19 is exceptionally fast-moving, and new developments are emerging daily. I recognise and share the genuine fears and concerns that people have: that all of us have. Our priority at this time must be public health and saving lives. That is why I will continue to follow the expert medical and scientific advice from the Chief Medical Officer, the Public Health Agency and the Scientific Advisory Group for Emergencies (SAGE), and, indeed, wider advice given by government.

Schools will continue to remain open until such time as that expert scientific advice changes. In the event of schools having to close, my priority is for teaching and learning to continue. It is not a question of school closures meaning effectively an extended holiday, and that is particularly true for those who have GCSE or A-level examinations. My Department has put in place arrangements to work closely with all its education partners on a range of very complex issues that arise from the coronavirus outbreak, including the Education Authority on service-delivery issues and the Council for the Curriculum, Examinations and Assessment (CCEA) on examination issues. I will ensure that there are appropriate contingency plans in place and that schools are regularly updated with appropriate advice as the situation evolves.

My Department convened a COVID-19 education planning group on 13 March to coordinate efforts across the education sector. The group will meet regularly to consider and respond to issues that arise. I am aware of the importance of regular, clear and reliable information. I issued guidance to all schools and education settings earlier today. That guidance will be updated on an ongoing basis, as new information becomes available and decisions are taken. I also re-emphasise the need for schools to consider Public Health Agency advice.

Mr Lyttle: The coronavirus is an unprecedented public health challenge. We are asking the people and school leaders of Northern Ireland to be alert but not alarmed. They are asking us for clear and measured leadership and guidance. I therefore ask the Education Minister to provide a fuller explanation of the expert clinical advice informing his approach to school closures, of the guidance that he is offering to protect immunocompromised pupils in special schools and of his plans to sustain childcare provision during the COVID-19 outbreak.

Mr Weir: On expert advice, I have spoken directly to the Chief Medical Officer, and I will try to keep an updated flow of communication going. On Thursday, when the position changed in the Republic of Ireland, the Chief Medical Officer gave clear advice to Executive members, and that advice was relayed as part of the press conference afterwards.

The Chief Medical Officer's concern, rightly so, is that we have the right interventions at the right time to make the biggest difference. That may well mean that, at a future stage, we face school closures, but his advice was very clear-cut, in that this is not the time to bring into effect school closures. In particular, there are concerns that simply closing schools across the board will take out of school about a third of a million children. That will have implications for parental care. In particular, it will mean that large numbers of parents who are involved in front-line medical services and emergency services are taken away from those roles at exactly the point at which the outbreak needs to be fought. It is also the case that, if we are looking at care responsibilities, a lot of grandparents will take on the role, despite their widely being considered to be the most vulnerable group.

On the medical side, I am liaising with the Chief Medical Officer. I had hoped to speak to him prior to this question for urgent oral answer, but he is involved in the COBRA meeting. The

Chief Medical Officer and the PHA are looking at the specific advice for medically vulnerable children, and it may well be that that advice moves in a different sphere from the broader position on schools. If we are in a position in which there is closure of schools, that will also impact on youth facilities and childcare. I am looking to see whether there are any measures to do something about childcare to mitigate some of the particular issues for key workers, if we move to that point. A range of preparations is ongoing.

Mr Newton: The Minister has said that, in the event that schools may close, he will base that on the expert advice that is offered to him. In the context that the expert advice says, "Yes, close the schools", what will be the method of contacting the principal? What will he expect the principal to do with the information? How will he get it out to parents, and what will be the plan at that stage?

Mr Weir: The Member has raised a number of aspects. Obviously, we will be communicating with principals, and the C2k system enables all schools to be contacted directly. It would be wrong, when we reach the point of closing schools, to simply spring it on schools. Therefore, even when we make that decision, we will need to give some notice to people. It is not a question of an announcement at lunchtime and closure by the close of play. There will have to be at least 48-hours' notice for schools, and that applies to parents as well.

There will need to be preparation work, because, again, there is perhaps a misconception that, by closing schools, we are ending education. Remote learning, preparation and teaching will go on, and that will be prioritised, particularly for examination subjects but also throughout the school system, depending on the capacity to cope.

All those issues will have to be taken into account when decisions are being made. I do not want to spring any surprises. I suspect that we are still some distance away from school closures, but schools and parents need to be thinking ahead about what arrangements they will put in place, particularly the arrangements that parents will make for their children. That is critical. People should be exercising their minds about this at present.

Ms Mullan: Minister, over the last number of days, I, you and everyone in this Chamber has been inundated by messages from school leaders, trade unions and others about closing. Today, we are hearing about confirmed cases

of pupils who have been diagnosed. In my city, the council, community sector and business sector have led the way. They have closed facilities and businesses, and yet we still have children attending school along with a large workforce. We also have people who live in Donegal and cross the border to work or attend school in Derry. It just does not make sense.

If a school's board of governors decides to close the school, will there be any repercussions? Today, we are hearing that a third of pupils have turned up to school, so parents have already taken action themselves. Minister, we live on a small island with many variables in people's lives. We need urgent and decisive action on school closures today.

Mr Weir: I appreciate that was more of a speech than a question, but I will try and deal with it as best I can.

First, yes, a different approach has been taken in the Republic of Ireland, and, in part, that has been driven by some of its circumstances. There is less opportunity in the Republic of Ireland to close individual schools. It is also the case in the Republic of Ireland that there has been a range of geographical spikes, so its position is not quite the same.

Let me make it absolutely clear: this is not a political issue. If medical advice means that timing or action in Northern Ireland take a different position from those in either the Republic of Ireland or Great Britain, I will follow that advice because that is my only consideration. A global tragedy is coming, and we do not know whose family this will hit. At the end of this, I want to be absolutely certain that we have done all that we can and have taken the right steps to minimise the tragedies that are facing different families, from whatever community, and that is why I will continue to follow the scientific advice throughout.

Mr McNulty: I thank principals and teachers for the dignified and calm approach they have adopted in making decisions arising from the unprecedented crisis that we now face with COVID-19. Will the Minister please explain how the expert advice is so different between Crossmaglen and Castleblaney?

Mr Weir: I said to the last Member to speak that there is a different position in the Republic of Ireland. It has a different health system. We also have to look at the implications for our health system if we take large numbers of staff out of it. I said that the power to close schools rests on a slightly different basis in the Republic

of Ireland, and that it has faced geographical spikes.

You may say that, at some stage, we will face a situation where there is a difference between Larne and Stranraer, which are only a few miles apart. We have to do what is best for public health in Northern Ireland. We cannot view this situation through the prism of a border. Indeed, throughout Europe, a range of different approaches have been taken. There is a difference between Germany and Denmark, which share a border; between Germany and France; between Spain and Portugal; between Austria and Italy. I could go on.

We have to take the professional advice. If we took a different approach to that advised by the Chief Medical Officer, who is the principal person giving that scientific, professional, medical advice, it would be highly irresponsible. It would be wrong and dangerous. It would risk the number of the deaths that we will almost inevitably see in Northern Ireland being greater. That is why his advice is the golden thread that will run through this. We should take that clear-cut medical advice.

Some Members: Hear, hear.

Mr Chambers: Minister, you are under a lot of pressure to replicate the closure of schools as undertaken by the Republic of Ireland. Are you in a position to confirm that its decision was taken on the heels of generic advice that it received from the European Centre for Disease Control? I will quote from two paragraphs in that document. It says:

"The impact of generalised school closure in limiting the progression of the COVID-19 pandemic is uncertain."

It also says:

"Therefore, proactive school closures should be carefully considered in the context of a series of other prevention and mitigation layers to reduce the transmission of COVID-19 weighing the expected impact of the epidemic against the adverse effects of such closures on the community."

Mr Deputy Speaker (Mr McGlone): I remind the Member that there should be a question in there, please. A lot of Members are trying to get in. I ask Members to be concise and to sharpen their questions. Has the Member asked his question?

Mr Chambers: I have already asked whether the Minister was aware that that was what the Republic based its decision on.

Mr Weir: Decisions taken in the Republic of Ireland are obviously for the sovereign Government. They have to take their own decision. I indicated that the positions of Northern Ireland and the Republic of Ireland are different. Any expert medical advice will say that, when we reach the point at which schools close, it will have to be for an extended period. I was very surprised that the position in the Republic of Ireland indicated that it was a two-week closure. That will not wash this out of the system. When closures happen, they will be for the rest of the academic year or for the full term. We have to look at the implications, not just for a two-week period — people may be able to make particular arrangements for a fortnight — but what will happen over months to come. None of us should delude ourselves. Coronavirus will not be for the short term. It will be with us, potentially, for months to come. Therefore, there has to be a sustained and long-term response.

Miss Woods: Notwithstanding the clear need to address plans for schools and our children, as well as those providing childcare, I ask the Minister about the community and voluntary sector, which is engaged in providing after-school clubs, detached youth work and children and family mental health services. I am aware of a letter issued by the Education Authority to Youth Service providers on Friday. It stated that educational visits were to be immediately postponed until September. Does the Minister believe that that is satisfactory? What communication plan is being put together by the Department for the Youth Service and the youth, community and voluntary sector to let them know and keep them updated on their services and what they should do?

Mr Weir: It is likely that whatever decision is taken about the closure of schools will have implications for youth services as well. This is a blanket situation. When we reach the point where the Chief Medical Officer says, "We should not be gathering children together in schools", there is no point if children can gather in youth services. There has to be a uniform response.

There has been some good work. Youth services have proven to be very helpful and productive in respect of some of the thoughts that are ongoing between us, Communities and the Department of Health on how we can tackle the issue of providing meals as we move

towards the free school meal situation. There is a productive role to be carried out there. We will be happy to engage with that, particularly with the Education Authority. I mentioned the cross-sectoral group that involves the various sectors, particularly the EA and CCEA. They meet on a regular basis. Obviously, they will have direct input in respect of youth services as well. It is important that all our facilities are made available.

The advice given to schools is publicly available; it should be on the departmental website and may also be on Northern Ireland Direct. It is, therefore, accessible. It is important that as much information gets out to as many people as possible.

3.45 pm

Mr Allister: Can the Minister confirm and be very clear that the professional medical advice that caused the Executive collectively to decide last Thursday not to close schools has not changed? If that is correct, is there any escaping the conclusion that Sinn Féin's decision to rat on that decision is entirely political?

Mr Weir: I can confirm that the medical evidence that was given was given directly by the Chief Medical Officer to the Executive, along with officials. I was present in the room when he gave it; I heard it at first hand. That is the position that the Executive reached. There has been no change in the Chief Medical Officer's opinion. It is for others to explain what has changed their position.

Mr Carroll: Does the Minister not realise that some schools are already closed and that his Department is acting too slowly to deal with the crisis? The advice from across the globe is that early intervention works, and it needs to happen here as well.

Mr Weir: I was not aware that the honourable Member for West Belfast was a virologist. The advice of the Chief Medical Officer is to have the right interventions at the right time to have maximum impact. He has given direct advice that now is not the time to close schools. Some schools may take a particular course of action — I appreciate that — but, in the same way, there is a duty on all of us to behave as responsibly as possible. Sometimes, a crisis brings out the worst in people, and, sometimes, it brings out the best. We need to create a situation in which we are all pulling in the same direction. The key test for this should be the

impact on public health. This could impact on everybody.

There is an expectation that, before this is over, it will impact on a very large number of people. I will be guided by the medical, scientific advice, but my key consideration — I keep coming back to this — is this: what is the key thing that will limit the number of deaths? Too early an intervention, for instance, can have an impact on the spike of cases. It may create a wave that pushes us into a main point in September/October when we are, perhaps, less able to cope with it. All those things are carefully worked out, and everybody is trying to take all the action that they can to diminish this as much as possible.

Ms Sugden: Will the Minister detail the rationale of the anticipated up to 16-week closure suggested by the First Minister at the North/South Ministerial Council at the weekend? How will that impact on students studying for qualifications? Will they, indeed, be able to conclude those qualifications?

Mr Weir: There are two things. Again, that is based on the medical advice. Previously, I was at a session at which the Chief Medical Officer talked about a minimum of 13 weeks. From a practical point of view, if you have a quarantine period of two weeks, you simply stall the problem and then release the same people back out. The clear medical evidence is that, if something needs to be done, it will need to be done for a considerable period.

The Member asked a good question about qualifications. We are working closely with CCEA on that. There is a wider context, which is that CCEA needs to plug into the broad exam regulator. There is also work ongoing with qualification boards from England and Wales because around 15% of our A-level students take English examinations. There has to be a UK-wide response.

I am confident that we will reach a situation in which, one way or another, qualifications will be able to happen. There are different routes to that because of the wider UK context, particularly as regards A levels. Around 97% or 98% of GCSEs come through CCEA. There is less of a direct problem in Northern Ireland because of our linear progression mode, but a range of options will have to be agreed on a UK-wide basis, some of which will be in conjunction with the universities. There are different options. The ideal situation is if we reach a point where students can simply sit their exams. We may look at issues around predicted grades or, indeed, later sittings.

Universities may be responsive to that and have later start dates, because the grades that people receive will be critical to whether they get a university place, where they get it and what course they get on.

Mr Stalford: Does the Minister agree with me that it is important that, at a time of genuine national crisis, Members of the House do not engage in behaviours that are likely to cause panic? I refer specifically to the Member for Upper Bann, Mr O'Dowd, who used social media to accuse the Government of engaging in a "twisted medical experiment". I also refer — *[Interruption.]*

Mr Deputy Speaker (Mr McGlone): Order, please.

Mr Stalford: I also refer to the Member for Foyle, Mrs Anderson, who directly tweeted the Health Minister. Does the Member agree that actions like that will simply cause panic in our society and we cannot engage in them?

Mr Weir: It is obvious that we all share deep concerns and fears. This is a time, though, as much as possible, for calm heads, for not engaging in colourful language that could exacerbate the situation and for avoiding anything that creates panic in our society. Unfortunately, we have seen some people panic. For instance, anybody going round a lot of our large shops will see the impact of panic bulk buying, which is not only unnecessary but deeply selfish. It may well deprive elderly and vulnerable people of things that they need. People are taking supplies that they could never get through. There is a task for all of us to ensure that we moderate our language and that this is done in a measured, calm way, given the scale of the crisis not simply here but throughout the world.

Ms C Kelly: Today, we have been informed that the Education Authority has directed its staff to postpone training in schools. Education conferences have been postponed, and education welfare officers have been told, "No home visits". Was that a directive from the Department? Why is there a difference in the approach to school-based staff and pupils? Is their health more important than the children?

Mr Weir: Frankly, everybody's health is important. The EA will deal with its own situations. All of us can agree that unnecessary gatherings and visits should not happen. One of the implications of whole-school closures is the impact that that would have on caring responsibilities for parents. If, for example, a

group of adults decides not to meet another group of adults, that has no implication for front-line medical services. Taking a third of a million children out of school and relying on their parents to come out of their jobs to care for them will have a major impact on the ability of the health service and the emergency services to deal with this. That is why I think the two are completely different situations.

Mr McCrossan: It is safe to say across the House that teachers, principals and parents are absolutely already panicking regardless of what is said on social media or in the House. They are panicking simply because they see a lack of direction on this important issue. Many parents have already taken their children out of school because they are very concerned for their children's well-being. If the Minister is so adamant and set against closing schools, what will happen to parents who make that decision in the interests of their children's health?

Mr Weir: As I have indicated, we are working with the Chief Medical Officer where there are particular medical issues. Advice will issue on that. Unfortunately, as I have indicated, we have seen panic at different levels in our society. As a responsible body, we can try to provide calm leadership and reassurance, or we can fuel that panic. Unfortunately, too many people who hold positions of responsibility are helping to fuel that panic today. We need to adopt that level of responsibility. We need calm heads. We need to ensure that we do not exacerbate that panic.

Mr Butler: I thank the Minister for coming to us at such short notice and thank him for behaving in the manner in which he has, along with the Health Minister, and being so stoical in the face of such pressure. I speak as one with 16 years of emergency planning experience. I know that there are lots of experts in here on virology and viruses, but I just want to commend the Minister on his approach to emergency planning.

Has the Minister given any thought to what a start-up might look like or how difficult it might be, given that there are likely to be closures in the region of 14 to 16 weeks?

Mr Weir: A start-up?

Mr Butler: How difficult might a start-up be after a gap of 14 to 16 weeks?

Mr Weir: There will be a range of challenges. Broadly speaking, if we are looking at a lengthy closure, the emphasis will be on ensuring, as much as possible, that teaching and learning

continue. This is not simply a question of sending children home and they will not be carrying on with school work as much as possible. There is a major challenge across the board. For example, with regard to remote learning, the C2k system may not be able to deal with a third of a million children. If there is difficulty, there will be prioritisation. It is undoubtedly the case that planning needs to operate over a longer period. That will be the challenge.

The Member has a great deal of experience in emergency planning. It is good to hear from an expert in the Chamber.

Ms Armstrong: Do you know what? I will declare an interest before I ask the Minister a question. I am the mummy of a 16-year-old who is going through her AS levels. I sent my child to school because I trust the Chief Medical Officer and the way forward. I commend the teachers who are trying to prepare ahead.

We are seven or eight weeks out from GCSEs, AS levels and A2 levels. The Minister started to allude to the problem with C2k. Not all parents can afford to buy tablets or have phones and things with which teachers can work. Given the stress that exams cause pupils, how quickly will those plans be in place to help teachers to deliver satisfactory outcomes for those children, who are trying their best to get through exams?

Mr Weir: The Member makes a valid point. As regards materials, we will need to work with a slightly mixed economy. While C2k will have the principal role, some will not have access to the internet and, indeed, with the roll-out of broadband, some will be in a physical situation. That will need to be worked through.

Trialling of C2k is being done to see what reach can be produced. In circumstances in which it is not able to be delivered to everyone, pupils who are going through those key examinations will be prioritised. Priority will be given to those doing A levels, GCSEs and AS levels. There is a range of options for examination arrangements. In Northern Ireland, we are in a better position because of the way in which we structure our courses. However, because there are implications for a reasonable number of pupils who follow examination boards that are outside Northern Ireland, I want to get an overall solution, rather than try to announce a particular route — it may change in any event — that, for the sake of argument, might impact on 90% of those doing exams but leave the other 10% wondering. I want to be able to give people a full picture.

4.00 pm

Economy

COVID-19: Support for Small Businesses

Mr Deputy Speaker (Mr McGlone): I remind Members again that if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

Ms Sugden asked the Minister for the Economy to outline her plans to support small businesses and their responsibilities as employers as a response to COVID-19.

Mrs Dodds (The Minister for the Economy): I thank the Member for raising this very important issue at a critical time for Northern Ireland. First, we should make no mistake about this at all: this is an economic crisis as well as a health crisis for all our communities. It is no coincidence that Governments across Europe are launching emergency fiscal stimulus packages, with the aim of limiting the economic damage that is accumulating. I am fighting to mitigate the worst effects of the crisis on the Northern Ireland economy, on our small businesses and, in particular, on our tourism sector.

Assessments by the OECD and the governor of the Bank of England suggest major disruption to the economy, with short-term growth projections slashed. From what we have seen so far, it looks more and more likely that the modest growth that was projected for here for this year will be wiped out, if not worse. My Department has been working hard to understand the economic and business consequences of the crisis, and, just this morning, I shared the economic sectoral assessments with Executive colleagues and the Economy Committee.

What is crystal clear is that businesses in the travel, tourism and hospitality industries have been hit first and are being hit hard, with an alarming drop-off in all sorts of economic activity. The Northern Ireland tourism and hospitality sector employs 65,000 people and generates approximately £1 billion per annum for the Northern Ireland economy. The coronavirus outbreak comes at the end of the quietest period in the tourism calendar, on the back of the period of uncertainty relating to EU

exit and the collapse of Flybe, which has significantly decreased regional air connectivity. Businesses rely on the spring/summer season to build reserves and are therefore facing this crisis without the level of reserves that are needed.

To help everyone to appreciate the extent of the crisis, I will give you an insight into what is occurring. Hotels and restaurants are seeing a sharp fall in occupancy levels. Booking.com's forward bookings are down 80%. Titanic Belfast is experiencing a 50% drop in visitor numbers compared with this time last year. The first nine days of March show a 40% drop from this time last year. I have no doubt that, over the last number of days, that percentage may well have increased further. The industry estimates that there are around 3,000 tourism businesses that might not survive in the long term without immediate help for the sector. One of our largest tourist attractions has indicated that it will be able to continue for only 10 weeks without revenue if it maintains core staff on full salary. Its wage bill is around 40% of its costs, and that is the same whether the business is large or small. Wages are therefore a significant element of the cost.

With the St Patrick's Day parades having been cancelled across Northern Ireland, perhaps it is worth reflecting on the fact that the Belfast parade alone is worth about £1.3 million to the local economy. Airline travel has been slashed. Reduced demand is affecting airports, and firms are curtailing business travel. The collapse of Flybe has impacted on about 200 local jobs and has had knock-on effects for workers at the City Airport. Retail is also beginning to feel the pinch, with footfall down by around 6% in Belfast city centre and by around 7% in Northern Ireland so far this year compared with the same period last year.

I have highlighted to you and to Executive colleagues the result of my Department's analysis. It is clear that the emerging issues are cross-cutting and require an urgent response. The Executive need to work collectively to help our businesses and people through this crisis and ensure that we safeguard employment. Everyone is seized of the need to act quickly, but this should not be about just the here and now. We will absolutely need a Northern Ireland stimulus package.

For starters, a number of the key measures announced in the Budget are England-only measures. We need to take action for Northern Ireland. The first step is for the Executive to ring-fence the incoming Barnett consequential. Funds are allocated across the United

Kingdom, and the consequential in relation to coronavirus must be ring-fenced and used to mitigate the impact of coronavirus on the economy, health and different sectors across Northern Ireland. I will not stand by and let Northern Ireland businesses be left behind.

Secondly, we need to move faster and further. I have written to the Executive asking that we put together the fiscal firepower for an enhanced stimulus package to enable us to deliver what is available across the United Kingdom and to deal with the specific issues that will emerge locally. I look forward to your questions.

Ms Sugden: Minister, I anticipate significant cash flow issues over coming months, particularly for businesses in the service and retail industries. Will the Minister support a suspension of non-domestic rates for businesses of a certain size and, perhaps, use the money ring-fenced as a response to COVID-19 to try to get businesses over the worst effects of this virus?

Mrs Dodds: Thank you for your valuable question. Before I answer on the specifics of the question, I will say that, just before I came into the Chamber, I met representatives of the Northern Ireland banking sector. It is clear that cash flow will be a major problem for not just small but medium-sized businesses throughout Northern Ireland. Many in the hospitality and tourism sector rely on cash coming in immediately in order to meet the demands of investments that they have made or for staff purposes. They recognise that cash flow is an important issue. I have urged them to be flexible in their dealings with customers, particularly those that they have a long-term relationship with. Many of the banks were keen to stress that there is plenty of liquidity in the system and that, therefore, they are keen to offer flexibility to customers. Some are already undertaking a large programme of outreach to individual customers.

It is important that the message goes out from the Chamber that, if you have immediate cash flow issues, you should quickly get in touch with your bank to talk about that. However, cash flow, borrowing or even deferral will not offer us cover either for the immediate period or for a recovery period. That is why the Executive need to look at something more. We discussed the issue of rates earlier today. I understand that the Finance Minister will take forward some proposals around that. I urge that those proposals are as far-reaching as we can make them because rates are a substantial bill that businesses have to face, particularly at this time of year. It should not be just a deferral of the

payment. We should look at how we can help businesses with their rates in a very practical way.

Mr Buckley: I thank the Minister for the seriousness with which she is dealing with this issue. We know the widespread impact that it will have on our economy, so it is strong that we have a devolved Government that are dealing with this issue in a coherent way. We heard at the weekend that the British Government are engaging with industry in an attempt to try and find the additional ventilators that will be needed to deal with this crisis. Has the Minister engaged with industry locally to see whether some companies can diversify to provide the ventilators that will be needed?

Mrs Dodds: Yes. One of the things that never fails to amaze me is the ingenuity and ability to adapt of our businesses in Northern Ireland. In fact, there has been some specific contact between my Department and firms in Northern Ireland who wish to contribute in this particular way. However, that is only one of the issues. There are other issues that we will need to deal with for firms. The measures that we will need to take will include looking at the coronavirus business interruption loan scheme, which has been announced by UK Government, and how we can make that business-friendly for Northern Ireland so that, whether you are a business in Bristol, Belfast, Birmingham, Glasgow or wherever, you can avail yourself of the programmes that are available at a UK level.

We need to look at refunding statutory sick pay to SMEs and the small business grants scheme. Of course, the interest rate reduction in the base rate will have some impact. Although, interestingly, from talking to the banks today, many customers are on fixed-term interest rates. Therefore, the reduction will only apply to a small proportion or percentage of customers because most customers are on a fixed-term rate. There are significant interventions that we need to consider. My plea is that we consider them as quickly as possible. I have sent correspondence to the Committee, and I know that the Chair will progress this as quickly as she can. Working together, we need to tackle what is a very serious crisis for the economy in Northern Ireland and, in particular, our tourism and hospitality sectors.

Dr Archibald: I thank the Minister for her answer, which, as she has outlined, has been very stark. Unfortunately, it does not come as much of a surprise because I have been speaking to representative organisations and other people over the weekend and there is real

concern out there. Some have already taken decisions to close — difficult decisions for them and their employees. It is likely that, over the next number of weeks, we are going to see more of that. Will the Minister seek to clarify that insurance providers will pay out on insurance for employers who have to close but still pay their workers?

Mrs Dodds: It is an interesting question, because there is the issue of the extent to which employers are insured. That is a very big issue in Northern Ireland, without going into the statistics around it. On the issue of whether businesses should close or not, I think that in all of these things we should not be guided by what somebody has said. We should be guided by the science and what our Chief Medical Officer is recommending and follow the very basic things that we can all do personally, in our businesses and in our contact life to limit the impact of the virus on ourselves, our families, our communities and our businesses.

Ms McLaughlin: This is a major crisis, and it is combining the health and the economic crises. I am really concerned that some businesses have no choice. They have to close, because nobody is actually going into their business. People are social distancing, and it is happening as we speak.

Does the Minister agree that we need to urgently set up systems to provide financial assistance to those workers, including zero-hours workers and the self-employed, who are losing income because of self-isolation and self-distancing and, as a result, are being laid off?

4.15 pm

Mrs Dodds: I thank the Member for her question. Over the weekend, I was talking not just to the tourism industry but to Hospitality Ulster and various members, and I commend them for the actions that they have taken so far. They have voluntarily introduced measures on social distancing. Many of them are very worried about the impact on their business. Many of those businesses are small businesses and, as the Member who spoke previously outlined, cash flow is a huge problem for them. I commend them for their work and for the actions that they have taken so far and urge them to follow the advice from the Public Health Agency. In all these things, we should follow the science and not what we think is possible.

The issue of our staff and our workers is, of course, not just about business and making money; it is about families. I have been looking

into some of the issues around what will happen. Last week, the Chancellor announced £5 billion of support for smaller businesses that are threatened with possible collapse because of cash-flow problems or absent staff, including a government rebate for the first 14 days, which accounts for about £94 a week of statutory sick pay. There is some action on that. Statutory sick pay will also be made available to all those who are required to self-isolate, even if they are not displaying symptoms, without the requirement to obtain a sick note from the doctor. For those who are self-employed or employed in the gig economy, there is a £500 million boost to the benefits system, which will include a temporary halt to the minimum floor in universal credit and quicker payments for employment and support allowance claimants. The Chancellor is clear that we need a safety net for people.

I was talking to the tourism sector and Hospitality Ulster, and it is something that my Department will quickly look at. If firms and businesses have to close, we will need to relocate some of those people into other areas of the economy. Many of them will have skills in food preparation, or whatever the skills are, that we may need in our hospitals and so on as this thing reaches a peak. We will be looking at that and at how we can set up platforms to look at how we can relocate people so that, if one business closes, there are temporary opportunities in other areas of the economy. That is an important thing for us to get on with as quickly as possible. We had some discussion at the Executive this morning about how exactly we could do this, and we need to try to do it as quickly as possible.

Mr Muir: I thank the Minister for her statement. There needs to be a collective effort in response to this, because it is a public health emergency and an economic crisis, and bickering in the Chamber or on Twitter will not do businesses any good. We need to come together and deliver on this. We are not covering this place in any glory at all by what we have seen today.

Minister, when will you bring forward the measures that you have outlined? Will that include measures to help businesses that are struggling with cash flow — they are struggling with cash flow today — and, in that situation, how can we ensure that staff are not made redundant and that we can keep employees on so that, when we get through this crisis, they can be re-engaged and businesses can get back to work? Redundancies should be the last option. We should be keeping staff on.

Mrs Dodds: I absolutely agree with the Member. I think that our communities deserve clear, collective advice from the Executive, and I regret entirely that this has not been the case. For our party's part, we will continue to follow the advice of the Chief Medical Officer. We will put our faith in those who have spent a lifetime protecting the safety of the public in Northern Ireland and who know and understand how these situations escalate and the appropriate steps that are to be taken. So, you will not find a distancing on my part from the scientific advice and from the advice of the Chief Medical Officer and his heroic efforts to keep us safe in this emerging crisis. I regret very much that others took the opportunity to distance themselves from that advice over the weekend. That is regrettable and is not to the benefit of Northern Ireland and the people who we seek to serve. I made that perfectly clear at the Executive this morning. I am not saying anything in this Chamber that I have not said in other forums that are available to me. I think that that is very important.

It is important that we try to avoid redundancies and that we try to keep staff for as long as possible. Those are individual businesses for individual companies, but I want us as an Executive to have a Northern Ireland package to address Northern Ireland issues so that people, families and communities do not suffer unnecessarily.

Mr Butler: I thank the Minister for taking the time to come here and speak on this important issue. As has been covered already by a number of Members, the high street is under immense pressure, irrespective of the further pressures through the coronavirus. We are in that intervention stage, and the pressures are there. Has the Minister given any thought to a package that may be available to businesses on the other side that may have had to close down due to financial pressures and who are indicating to all of us, I am sure, almost daily that, if they have to close the door, they may not open again?

Mrs Dodds: I think that, regrettably, that may be the situation for some businesses, but we will try to put together a package that mitigates against the worst of the economic impacts of the crisis that we are now facing. I have been giving some thought to the fact that the hospitality and tourism sector in particular, after a very quiet winter period, is facing a very uncertain period over the next number of weeks and months. Therefore, we have to be ready with a recovery package, including for tourism getting out there with new, better tourism messages and helping people to understand

that Northern Ireland is open for business and wanting to welcome them to our shores.

As an aside and for information for the Chamber, I was in New York and Washington last week. I met a number of companies that are already investing and opening up job opportunities in Northern Ireland. I met other companies that, because of the quality and calibre of the workforce and the young people who are coming into the workforce in Northern Ireland, are on their journey of investing in Northern Ireland and creating jobs in Northern Ireland. I look forward to not just having a stimulus package to help us over the worst of the crisis but to helping Northern Ireland to get more and better jobs as we move into the future.

Ms Bailey: I thank the Minister for being here today. Before I ask my question, I would like to point out that the £94 statutory sick pay rate will not cover the rent for the week of the majority of workers.

I know that you are taking the long-term view and following the evidence, and that is good. A lot of the scientific evidence is trying to encourage us to practise social distancing. Particularly for the hospitality trade in my constituency, what we are seeing is not long term; it is right now. It is here. Tomorrow is St Patrick's Day, and we know that, every single year, thousands and thousands of people travel to the Holylands in south Belfast to party on the streets and in houses. Many of the bars in the area have taken it upon themselves to close, but many others have not, and many of the off-licences have not done so.

Mr Deputy Speaker (Mr McGlone): Would the Member have a question, please?

Ms Bailey: So, I am wondering is there any advice —

Mr Deputy Speaker (Mr McGlone): Excuse me?

Ms Bailey: — that the Minister can give to businesses in the area to try to stop the emergency services being put under such pressure tomorrow.

Mrs Dodds: I thank the Member for her question. I am, of course, aware of the cost of rents vis-à-vis statutory sick pay. I, too, live in the real world.

I know that the Member has worked consistently on this issue. I urge restraint and

responsibility tomorrow as we celebrate St Patrick's Day, although in a more muted fashion than we would normally do. In my opening statement, I acknowledged that the St Patrick's Day parade and the ongoing events bring about £1.3 million to the wider Belfast economy. That is a very important contribution to the economy. However, there have been long-standing problems in the Holylands area, with some of the celebrations getting out of control.

Today and tomorrow, more than ever, people need to think of the wider good and of the communities around them and understand that they are putting themselves, their families and their friends at risk. They need to have some social responsibility to the wider community, and I urge that. I commend businesses that have taken measures in relation to this. Those are not easy decisions. However, I urge responsibility from the community at this time.

Mr Allister: I take the Minister back to the supplementary question that Ms Sugden asked her on the rates issue. The Chancellor announced a package that will effectively give many small businesses total relief in the upcoming period, and there is a Barnett consequential of some significant proportion that works through. The Minister said in reply to Ms Sugden that we need to take action that will be:

"as far-reaching as we can make"

it. Will she commit to lobbying the Finance Minister, in the Executive, that there should be 100% relief, as is being afforded in GB?

Mrs Dodds: I thank the Member for his question. That issue will be addressed by the Finance Minister, and the decision will be taken by the Executive. For my part, as the Minister responsible for the economy, for the promotion of small businesses and for the care of those businesses in the community, it is important that we see action that is as far-reaching as we can possibly go. I personally would like to see rates relief for those businesses for the full term, but I am not in receipt of all the figures and information on that. I will allow the Minister his place in dealing with it.

Simply pushing back the term that you pay the rates or a deferral for a short time will not be enough for some small businesses. We will need to look at this in the round. It will be about rates relief. It will be about loans. It will be about flexibility from the banks. The Executive need to put together that total package that will be important to the economy.

Mr Carroll: I welcome the Minister's support for a stimulus package. She referenced an economic and financial crisis. Does she recognise that workers and vulnerable people were penalised in the last financial crisis? Does she agree that no workers, private or public, should be financially worse off? Does she support the measures that were introduced in Italy such as mortgage and rent suspensions?

Mrs Dodds: I thank the Member for his question. I recognise that many people, including those who own small businesses, were impacted gravely in the last financial crisis.

One of the questions that I asked the banks today was around their liquidity and their ability to support small businesses and families as we face an uncertain period of months. That is extremely important. I am reassured by their answer that they are operating in a time of greater flexibility, with greater liquidity and a better ability to support small businesses. Supporting small businesses means that we support families and communities, and I am absolutely concerned about that as well.

4.30 pm

Finance

COVID-19: Support for Businesses

Mr Deputy Speaker (Mr McGlone): As before, I remind Members that if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Muir asked the Minister of Finance to outline his plans to safeguard jobs and support businesses during the COVID-19 outbreak by providing support through the non-domestic rating system and any other measures within his Department's remit.

Mr Murphy (The Minister of Finance): I am acutely aware of the extreme pressures on businesses and households at this difficult and uncertain time. There is already a range of reliefs and measures available to help household and business ratepayers. Further information can be found on the nidirect and the nibusinessinfo websites. People can contact Land and Property Services (LPS) if they wish to discuss alternative payment plans.

(Mr Speaker in the Chair)

My Department has been working over the weekend and is actively looking at options to provide additional support to businesses. I spoke with Executive colleagues this morning to discuss options for how we can best support ratepayers. I intend to make an announcement on that shortly.

Mr Muir: I thank the Minister for his statement. The COVID-19 issue is a public health emergency and a rapidly developing economic crisis. If an employer's company collapses, that risks workers' jobs and livelihoods. Businesses are worried sick about the difficult decisions ahead and about the risk of bankruptcy after investing so much time and money in their business. When does he feel that he will be able to bring forward those measures to the House? I ask because people are looking for decisions and direction very quickly. The Scottish Government brought forward a package on Saturday, and other Governments have been bringing forward packages in recent days.

Will the Minister issue a direction that government will not enforce the statutory payments that are in his gift, including the payment of rates, during the crisis? We should bear in mind that many businesses are struggling to pay and will potentially be unable to make those payments.

Mr Murphy: I fully understand the issues that are facing businesses, and we want to put together a package that recognises that there has been some movement from Westminster. This has given us some scope to do that. We also have our Budget, which we are setting, and, in that, we can look at the issue of business rates. We can also look at the timing of rates bills and at the other supports that ministerial colleagues mentioned.

On the timing of announcements, this morning's Executive meeting was interrupted because we had to come to the Chamber for business. We now have to conclude the Executive meeting. Any proposition that I make about spending money, or forgoing money that might otherwise be available to the Executive, requires Executive approval. We intend to make an announcement as quickly as we possibly can.

Mr Givan: The Executive rightly stepped in, with urgency, to avoid the cliff edge of welfare mitigation and help those facing that financial extremity. Will the Minister assure us that the same urgency will be applied when it comes to

the cliff edge that businesses now face across Northern Ireland and that there will be a reprioritisation of budgetary expenditure that focuses on ensuring that our economy can get through this crisis?

Mr Murphy: First, we are in the position that we will be able to announce some support measures as a consequence of decisions that have been taken in Britain. From my understanding, those are the first in a series of measures, so we expect to get ongoing consequentials to support business and other areas, because COVID-19 will affect not just the business community but Departments across the board, particularly Health. There is an urgency in trying to support that. There is a recognition — there was a very full discussion in the Executive this morning — about trying to face the crisis that this issue is creating right across public services, particularly in relation to the economy but others as well. Of course, we have the opportunity to set the Budget because we delayed beyond 11 March.

The Budget will, quite rightly, focus on responding to the crisis, but bear in mind that that involves not just business and the economy but support for our health services and the other services that may struggle as a consequence of what is coming at us. Of course, there are opportunities in the initial support that has come across and also through setting our own Budget. We have a range of issues to consider as part of that.

Mr McCrossan: We are certainly in unprecedented times. Businesses, in particular, are extremely worried about the impact that this is having on our economy, on them and on the welfare of their workers at this uncertain point. As you know, Minister, in Strabane there are many large businesses, such as O'Neill's, Frylite and others, that employ workers from both sides of the border. Will the Minister explain what the lockdown in the South will mean for those businesses and what support his Department will provide to them? Are there any conversations around taxation, VAT and the sorts with HMRC?

Mr Murphy: Some of those issues, such as taxation, VAT and discussions with Treasury around support for business, are the concern of the Minister who answered the previous question for urgent oral answer. We are not in a lockdown situation yet in the South, so obviously workers can travel across. There is a different emphasis on social distancing and restriction. Obviously, that creates significant concern. As a border dweller, I know the

implications of having two different approaches in such close proximity and the added uncertainty and concern that that causes communities who live right across those areas.

Of course we want to offer all the support that we can. We want to provide reassurance to industry and business generally. We want to make sure that the economy continues to function as best it can in circumstances that recognise the health difficulties that are coming at us. We want to provide all the support that we can to ensure that business continues to function. That is measured against the support that will be required, particularly for the Health Service, but for other services as well.

Miss Woods: When will we get sight of the fiscal plans that the Minister of Finance and the Minister for the Economy mentioned to stimulate and support business and staff in Northern Ireland? How long do you envisage that recovery package lasting?

Mr Murphy: One of the difficulties of having to come into the Chamber to do business is that we actually interrupted the Executive meeting to take those decisions. However, the sitting was fixed for today, and Members are entitled to ask questions and raise these issues; they are hugely important issues for all of the constituents whom we represent, and they want to hear us talking about them in the Chamber. Ironically, it has affected the speed with which announcements can be made. We hope to be able to give some sense of some of the measures that will be made available in the near future to assist businesses.

Obviously, this is an unfolding crisis. We will have to monitor the particular sectors of the economy that are affected by this because we do not have that data now. We have heard — as you have, I am sure — from virtually every sector about the challenges that this is going to present. Obviously, some sectors will be affected worse than others. Tourism and hospitality have been spoken about. We need to make some immediate interventions, monitor them on an ongoing basis and assess what might become available from Westminster. We have a Budget to set. I have asked Executive colleagues not only to work out what their bids may be in relation to specifically dealing with this but to identify where spend may not happen as a consequence of what is happening in terms of shutdown and slowdown across various departmental responsibilities, so that they can redirect some of their resources to tackling this crisis.

This is an unfolding issue, as the Member will know. We will try to get decisions as early as we possibly can to give some degree of confidence. Obviously, we will have to monitor and readjust those as time goes on.

Mr Allister: Will the Minister look afresh at the efficiency and suitability of his Department's hardship relief scheme for rates? He will be aware that, in a recent answer to me, he indicated that, in this current year, there have been only nine successful applications to it. In the past five years, the success rate has been about 25%. Does that not suggest, having regard to the hardship that businesses are passing through, that that scheme is not fit for purpose and needs to be revisited and made more usable by those who are in hardship?

Mr Murphy: I do not disagree with the Member. The hardship rates relief fund has not really been as effective as it could have been. We will want to look at that. It is important to remember that, if any ratepayer is experiencing difficulty, they are encouraged to contact LPS at the earliest possible opportunity because, in most cases, payment arrangements to assist can be put in place. I accept his criticisms of the hardship fund; it is something that the Department needs to look at as part of the overall rates review.

Mr Storey: The Economy Minister made a comment in relation to fiscal stimulus, and obviously there has been a lot of talk about a rates holiday. I notice that chambers of commerce wrote to the First Minister and deputy First Minister today. The issue that is perplexing many businesses in Northern Ireland is not that we are waiting for some medical diagnosis to determine what our response will be; they know now the challenge financially that they will face. What will the Minister do about rates relief or a rates holiday so that businesses today will have some certainty about how they will deal with this crisis?

Mr Murphy: The Member will know, as he was previously in my position, that I have to have that discussion with Executive colleagues and get their sense of it. We had wanted to make an announcement, but the enormity of the issue that we dealt with this morning meant that the Executive meeting was lengthier and there was a much fuller discussion. The issue was parked, and we intend to revisit it later on. The Executive meeting is restarting as we speak, so I am keen to get back to it to develop these propositions.

The Member should know — I heard other Members raise this with the Economy Minister — that the rates holiday package announced by the British Government would cost us in excess of £200 million. The Barnett consequential that might come to us is probably less than half of that. It is a matter for the Executive, but if they were intent on following that through in full for businesses here, given the difference in terms of our approach, they would have to find the money from elsewhere. If that is a decision they take, that is a matter for the Executive, and they will have to try to discover that money from another source or cut other budgets accordingly to meet that.

That is the extent of some of the challenges facing us, but it is not to say that there is not a determination within the Executive to try to meet this, to recognise the very real difficulties that there are and to provide whatever support we can to business.

Mr O'Toole: I thank the Minister for coming to answer questions today. I appreciate that everyone's time is of the essence. I have two quick and related questions. First, of the four big banks in Northern Ireland, 14% of the Bank of Ireland is owned by the Irish state; about 60 to 70%, or possibly more or all, of the Allied Irish Bank is owned by the Irish state; and about 60% of the Royal Bank of Scotland, which owns Ulster Bank, is owned by the UK Treasury. Given that, will he and the Economy Minister have urgent conversations with their counterparts in London and Dublin about what kind of liquidity and what genuine political leverage we can place on those institutions, because that is basically our entire banking sector?

My second question, reflecting what my colleague from South Belfast said earlier and reinforcing that, if this is on the news tonight and if anyone is listening and is going to the Holylands tomorrow, I say, "Don't do it". Will the Minister reinforce that message and say the same thing to publicans in Newry who might have the temptation of people coming up from Dundalk, or even further afield, to say, "Don't open your pub", and to those coming over the border, "Stay at home"?

Mr Murphy: In relation to the first part of the Member's question, of course the Economy Minister has signalled that both the First Minister and deputy First Minister will be having discussions with the banking interests. As part of our discussions with both Governments, there was a meeting focused more specifically on the health issue, but I know that there is a desire and a plan to have further

intergovernmental meetings over the next short period. That issue should be one of the items on the agenda to try to ensure that what the Executive are doing with public money is not contradicted by what the banks are doing with private lending and liquidity issues.

I absolutely concur with the Member. I think that Michelle O'Neill put it well yesterday when she said that this is going to be a different St Patrick's Day. It will not be the same as normal for younger people. For some young people, there is an air of invincibility about them and they think that they will not get these illnesses. They may well not, or they may well survive them, but in coming into contact and potentially passing them on, they have to take into consideration their family members, their siblings who may have underlying health issues, and their grandparents, for whom contact could be fatal.

I urge younger people to think and act responsibly tomorrow, and the vast majority of young people are doing so. A significant number of people in the hospitality industry have voluntarily taken steps to deal with that, with many closing their premises. I have to admire them for that, because it is a real financial challenge at a time when the tourism season is starting to kick off; St Patrick's Day usually heralds the start of that. A lot of people are socially responsible and recognise that we are in a very serious situation that we have never experienced in our lifetime and that that requires serious action socially.

Therefore I hope that premises owners and those who feel like going out tomorrow reflect on that and take a decision to stay at home and celebrate St Patrick's Day in another way. There will be another St Patrick's Day next year, and we will be out then to celebrate.

Mr Lyttle: Childcare and childminding small businesses are vital to the economy. Will the Minister commit to early engagement with childcare providers to help them to survive and to help us to respond to the coronavirus public health challenge?

Mr Murphy: There is a request from virtually every sector in business, and I have to be honest that if I commit to engaging with every sector, I might not be able to do what I need to be doing, namely providing support for all sectors. I am not saying that I will not engage with them, but I can give a reassurance to people in the business community that the Executive are urgently looking at what support measures we can put in place. We want those

measures to assist all businesses, and we recognise the particular challenges.

I also recognise that if childcare providers go out of business and there is a return to full normality, those businesses will be needed to assist with that. So, there is a particular importance attached to those facilities to allow other workers to get back to work to rebuild our public services and the economy on the other side of this crisis. I very much recognise that, but I have to allocate my time wisely between the necessary business of the Department and with other Executive colleagues and getting out and engaging with people from various sectors.

Mr Dunne: I thank the Minister for his efforts on this issue. Will he give some assurance to the small-business sector, especially on the high street — those that still remain — that he will look very seriously at the issue of rates? The large supermarkets will gain from the recent influx of business, but the small businesses that are left on the high street are struggling and need help at this difficult time.

Mr Murphy: Yes, I can assure the Member that we will certainly look at that. In the very short term, some businesses are benefiting, particularly the big supermarkets, but that may not last much longer. The situation is evolving day by day and patterns are changing day by day, so it is very hard. It was only last Thursday that some announcements were made, and we moved from considering social restrictions on large numbers to almost discussing a lockdown within three days. So, this is a very fast-evolving situation.

Of course, we are looking at two phases. One is the immediate support that we can give to businesses to try to ensure that they can stay open and staff can remain employed so that we do not put pressure on the social services due to people being out of jobs and businesses hitting the wall. We want to do that in the immediate term. Then we have a Budget to set, and rates will be a central part of that. In the third phase, we are engaging in a wholesale review of rates generally; we want to improve the situation for businesses. We have three attempts. Whatever may come from London as Barnett consequentials in the meantime might assist with specific packages for specific businesses.

As I said in answer to an earlier question, it is not possible to thoroughly assess which sectors will suffer the most, so we need to support all sectors initially. Then, over time, we will be able to assess who needs specific interventions.

Mr McNulty: I empathise with the concerns and fears of businesses and employees in the mouth of the unprecedented COVID-19 crisis. Our job is to give them reassurance.

The Minister will be familiar with a gentleman called Phelim Quinn of Quinn Coaches, who came into my office on Friday. He has a family-run business with 10 employees and 14 tour coaches, and, in 20 years of business, he has never missed a payment. Overnight, his April order book was wiped out. He does not know where he will get his money from or how he will stay in business. The same applies to small businesses like Minus 20, the Shelbourne Bakery, Macari's, Harford Copelands event management business, the Brass Monkey, McGrane Nurseries and multiple other businesses in our constituency. How can the Minister and the Economy Minister work together to ensure that the appropriate fiscal stimulus package of supports, and a rates holiday if necessary, will be put in place to give those businesses and their employees reassurance?

Mr Murphy: The Member makes his point well; the businesses that he named cross the entire business spectrum. If we were sure that this was hitting a certain sector, we would be able to direct support to that sector. We have to come up with a way to support business in general in the immediate term, and if further support package interventions come from London, we need to look at where they can be directed when we have a clearer idea of the affected sectors.

I have had contact from coach companies in the tourism sector that are immediately feeling the effect of a drop-off in bookings. They are almost in the front line of that. It is recognised that hospitality, tourism and the associated businesses are going to really struggle as a consequence of this outbreak, coming as it does in their busy season. We need to find a way to make direct interventions to support business in general, and, as time goes on, through our own Budget, through other Barnett consequentials that may come our way, and through the rates review into next year, to target those in most need.

Ms Sugden: I welcome the fact that the Minister is to make a statement on a relief package. Can we expect rates relief or rates delay?

Mr Murphy: It may well be a combination.

Mr Buckley: Minister, over the past few weeks, we listened intently as you outlined the severe pressures facing our public finances. Given the unfolding crisis, we know that that will get a lot worse very quickly and over a sustained period. Does the Minister agree that, over the next few weeks and months, the Executive must refocus their priorities to meet this unfolding local crisis?

Mr Murphy: I think so. To be honest, it was not for that reason that the Executive delayed their Budget. Coincidentally, that allows us to focus the Budget over the next two weeks. The Budget will be introduced on 30 March. I have asked Departments to come forward with plans and bids for specific measures to tackle coronavirus, and to do that collectively as an Executive. This morning, I asked them to look again at some areas of spend, which, given the unfolding circumstances, may not now be done by Departments. Some areas where they intended to spend money will not be possible over the short to medium term. I asked them to refocus their spending plans and to direct them towards the crisis.

There are opportunities for us to channel as much support as we can to tackle this crisis, but the Member knows that we have very limited resources. Even with additional support from London, our resources are limited, and we have to use them as wisely as we can.

Mr Durkan: Mr Buckley touched on the inevitable impact that this situation will have on the Assembly and Departments, and their ability to function. Has there been much conversation, discussion or thought across the Executive about the impact that this might have on our legislative programme, particularly legislation that is required promptly to extend welfare mitigations? It is vital that we know what we are doing should extraordinary action be needed to ensure that the worst situation that any of us will have experienced does not become even worse.

Mr Murphy: That probably is a function for the Speaker. Not only do Departments need to make plans but this institution needs to make a plan if it cannot function in the way that it does currently. I notice that only a few of us are practising social restriction at this end of the Chamber. If the Assembly cannot function in its normal way, it is incumbent on all of us to ensure that the democratic function of the institution can continue and that we remain able to pass the necessary legislation that will make an impact. We cannot allow that to fall.

This morning, the Executive discussed an emergency Bill in relation to coronavirus and the range of measures required. That legislation will have to be done very quickly. Other associated pieces of legislation will assist people as they personally face what might be very challenging times through jobs losses, reduction of income and the problems that go along with that.

So, that will be a matter for the Speaker. I have no doubt, from what I have heard, that discussions are happening as to how this institution can continue to function in what might be challenging circumstances, whereby we may not be able to secure — or it may not be wise to secure — full attendance. In the Dáil, there are suggestions of a reduced presence of TDs based on d'Hondt numbers, with an appropriate number from each party without crowding the place.

I am sure that there are other options that will be looked at for the Assembly, but it is essential that we get all the necessary legislation passed that we have to.

Executive Committee Business

Renewable Heat Incentive Inquiry Report

Debate resumed on motion:

That this Assembly takes note of the publication of the renewable heat incentive inquiry report.
— [Mr Murphy (The Minister of Finance).]

Ms Sugden: I take no comfort from knowing that the outcome of the report was found to be incompetence rather than corruption; indeed, the weeds of corruption are more easily pulled than the deep-rooted incompetence and systemic failures that have the opportunity to unsettle the institutions above it.

What were the last three years for? I cannot begin to tell you what the last three years were for. They served no purpose, and they certainly did not serve the people of Northern Ireland. If I were to hazard a guess, I would say, "Political expediency", and those who tried to do that even failed in their endeavours.

I want to talk about some of the elements that came up in the RHI report. A key word for me is "responsibility". I was a Minister for all of nine months. It was a great privilege for me to be in that position and to have an opportunity to do wonderful things for the people of Northern Ireland, and that is what I sought to do. With great power comes great responsibility, to paraphrase my maiden speech in the Assembly in 2014, and it was my job as a responsible Minister to ensure that the mistakes of the Department were looked at and sought out and that the Department was held to account for them. I will go as far as to say that I would not have accepted the role of Minister if my spad had had more power than I; indeed, the Ministers who did have to share much of the blame and cannot blame others if they felt that they were under the thumb of special advisers.

We also have to look at the reform of the Civil Service. The legacy of the deep-seated Troubles in Northern Ireland has led to a circumstance in which we are not good at governance. We are too distracted by inter-party political fighting. The politics gets in the way of the policy. It is disappointing that, given the three years that have passed and the water under the bridge, the Assembly has again sought to move forward without good governance. I will reiterate and will not stop reiterating that the lack of an Opposition in the

Assembly makes for poor governance. Ms Armstrong —.

Mr Frew: Will the Member give way?

Ms Sugden: Yes.

Mr Frew: I will be quick. Now that she is a Member and not a Minister, she will realise that, when she submits questions to some Departments, it seems to be business as usual, whereby we as MLAs are not treated with respect and do not get the transparent answers that we sought through the question.

Ms Sugden: I thank the Member for his contribution. That is indeed disappointing.

I will make the point that I have made in the past, which is that Ministers should not fear opposition or challenge. If the policy is bad and cannot stand up to challenge, it is bad policy, and the people of Northern Ireland suffer. The Assembly suffers from the lack of an Opposition. If anything, the RHI report and the need for good governance moving forward demonstrate that that is what we need as an Assembly.

A Member talked earlier about the fact that, if your friends are in the same camp as you, they will not make accountable decisions. If you are in a government party, you will not legitimately hold that Government to account. Moving forward, I would really like to see the recommendations in 'New Decade, New Approach' implemented to the point at which one of the governing parties might decide to go into opposition, to make governance in here better and so as not to repeat the mistakes of the past.

What I find disappointing about the RHI report is that the recommendations are what, I would have taken for granted, we should be doing already.

Our role is to ensure that we provide better services for the people of Northern Ireland. That did not happen here, and it failed at so many points.

5.00 pm

I come back to my point about the reform of the Civil Service. I am a big advocate that we should never go back to direct rule. The length of time that we had direct rule has caused the systemic failures. There was no one there to hold civil servants to account, and, in many cases, those civil servants are still here. No one

was giving them the representation that happens on the ground to ensure that the policies that we put forward are right for the people we represent. We see that systemic failure. Our legacy of the past has led to an environment in which, perhaps, that would only have happened to the extent that it did in Northern Ireland. That is what we need to learn from.

When the Assembly was restored in early January, I asked for a root-and-branch review of the Northern Ireland Civil Service. I hope that the Minister of Finance, when he forms his subcommittee and it makes recommendations, takes a view on that.

Whatever your pursuit in the Assembly, whether it is towards a united Ireland or to maintain the status quo within the United Kingdom, we have to make Northern Ireland work. To do that, we need good governance. Sadly, nothing that I see put forward at this stage lends itself to that. That is disappointing. We should not let the last three years be in vain. Let us try to put confidence back into the people of Northern Ireland that we are capable and that we are here for a reason: for the people rather than the politics.

Mr Butler: The RHI inquiry report, unveiled on Friday afternoon, at long last brings some closure to the latest chapter in the discovery of systemic cultural dysfunction and political failure at the very heart of Northern Irish politics. Sadly, what seems to have gone relatively unnoticed and unmentioned over the weekend is the ongoing pain and suffering, loss and humiliation of the many legitimate users of the RHI scheme. At this point, they look to be the most significant losers of all. I sincerely hope, though, that that will not be the case.

For some of us in this room — I do not speak for all — the reputation of Northern Ireland politics and our attitude to our place in the Union are very important. That extends not merely to our behaviour in the Chamber but, perhaps more importantly, to the wider nation and, indeed, the world. I must be candid and declare that it was the lack of credible, noteworthy, inspiring and visionary voices leading Northern Ireland politics that convinced me to get elected to this place. The scandalous findings in the report vindicate that decision.

In 2016, I was a member of the Public Accounts Committee, which, under the chairmanship of Robin Swann MLA, was making good headway. If not, at times, in the party-partisan, fractious manner of some, we tried to uncover the allegations of mismanagement, gaming, useful

heat and other serious allegations suggested by the whistle-blower. Time will never tell us whether the PAC would have delivered the same analysis as Sir Patrick Coghlin's report, but, at a cost of some £15 million, I sincerely hope that the findings do not go up in a puff of smoke, to which the "Cash for ash" strapline lends itself.

As Mr Nolan cornered the air waves and Sam McBride captured the story in script, the reputations of politics and politicians and Northern Ireland plc were left in absolute tatters. I clearly remember that, at Question Time on a number of occasions in late 2016, I was spoken to by a couple of the Ministers referenced heavily in the text of the report in the most condescending of ways. A favourite put-down by those Ministers then — still being used as recently as the past few weeks — is to remind the new MLA, boy or girl, in the Chamber that they are clearly new and inexperienced, that, perhaps, they are not over the detail of the question or, perhaps, they should get their facts checked. Even then, I remember wincing and thinking, "How obnoxious", "How superior", and now, with all that we know, "How hypocritical".

Much has rightly been made of the influence and opportunism of spads and the lack of accountability and the blurring of roles and responsibility. I hope that, in the near future, as we explore new Bills and rules, we can, once and for all, protect those who have operated in an honourable fashion whilst removing the ability of less conscientious, unelected officials from interfering in matters that are absolutely outside their jurisdiction.

With regard to unwelcome and unjustified interference by unelected sources, the sharing of RHI-related documents and other matters by the then Finance Minister to more sinister sources, further compounds the disdain and lack of trust felt by most of the voting population since that time.

It is noteworthy that project mismanagement or fiscal failure by senior departmental officials is highlighted repeatedly in the report, and we must ensure that systemic cultural change at the highest level is effected in the Civil Service. However, that cannot distract from the real cost to Northern Ireland and the role that RHI played in bringing these institutions, which mean so much to some of us, to a shuddering halt for three years.

The world is in crisis. The spread of the coronavirus, our growing mental health problems, economic inactivity, poverty and

homelessness need to be our combined priorities in the near and distant future. Dealing with those key issues will require politics of trust, honesty, maturity and humility and politicians with a vision for a better future for all our communities in this country. The question is whether the findings and other facts pertaining to this sad debacle will be enough to change some of the attitudes, habits and failings of some in our near past and help rebuild trust and faith in elected politics, which should and could be the pinnacle of public service.

Mr Speaker: Thank you for that. No other Members have indicated that they wish to speak, so I call the Minister of Finance to conclude and make his winding-up speech. He has 10 minutes.

Mr Murphy: The contributions this morning and this afternoon have underlined the critical importance of the inquiry report to the development of good government. There is much to be done to ensure that such a failure cannot happen again. The Executive have agreed to establish a subcommittee, which I will chair, to oversee the work across all Departments, and we will bring a full report on the actions taken and proposed for the inquiry's findings and recommendations to the Assembly before the summer recess.

I want to respond to specific issues that were raised in the debate, some of which were raised by more than one Member. Some Members chose to focus almost exclusively on the report's findings in respect of the Civil Service. The report and the challenges contained in it go across Ministers, special advisers and civil servants. That is why we have already moved to improve the codes that apply to all three. Of course, we will have a further review of the Civil Service. A specific course of action has been proposed, because the Civil Service is responsible for its own disciplinary proceedings. Nonetheless, the Executive subcommittee that I will chair will look across all areas that are responsible and are found to be responsible for change that is required as a consequence of the report. Some people have chosen to focus as if the sole subject of criticism was the Civil Service, but there was a significant share of criticism across Ministers and special advisers as well.

Members also referred rightly to those who were on the scheme and have been left in difficulties as a consequence of the decisions taken. I recognise that. It is for the Department for the Economy to bring forward propositions in relation to the scheme, whatever may replace it and how people who are currently on it will be

treated. I look forward to the Department bringing that. It has been raised as an issue by a number of Members.

Andrew Muir raised a specific point in relation to whistle-blowing that I want to respond to. As part of the Civil Service response to the issues in the RHI scheme and the evidence to the inquiry, a Civil Service-wide review of whistle-blowing policies and their operation has already taken place. Specific areas for improvement were highlighted in three Departments, and those Departments have taken action to address the issues identified. When people from outside the Civil Service raise matters of concern, the draft revised Civil Service code of ethics makes it clear that civil servants have a responsibility to take seriously any such concerns raised and ensure that it is properly addressed. The code forms part of the Civil Service employment contract and outlines the high standards of behaviour that are expected, and new arrangements for speak-up champions who will drive change in Departments are being developed.

A further point was raised by, I think, Kellie Armstrong in relation to the panels. I am not sure whether it was on the ministerial code panel or the panel in relation to the Civil Service, but I am happy to give answers on both. The Executive have agreed enforcement arrangements for ministerial standards, and that will be published shortly. The proposal follows from the transparency and accountability working group that sat during the talks. It proposes three panel members for ministerial standards who could be called on to investigate alleged breaches. They would work on an ad hoc call-off basis. The Assembly Commissioner for Standards would be included as an ex officio panel member. Panel members will be able to indicate the relative severity of any breach. Responsibility for determining the nature of the appropriate sanction will rest with the authorities with the power to impose sanctions, which, in this case, is the Assembly and/or the Minister's party. The sanctioning authority would be expected to explain its decisions on sanctions publicly. The Assembly has the power to exclude a Minister from office or to censure a Minister for breach of the Pledge of Office under section 30 and section 51D of the Northern Ireland Act 1998 respectively. Resolutions under both provisions require cross-community support. Panel members will be appointed as soon as possible.

Members asked about the external Civil Service disciplinary panel. The panel members for it are June Milligan, Niamh O'Donoghue and Jim Barron. June Milligan is a Civil Service

commissioner; Niamh O'Donoghue is a former secretary general in the Department of Justice and Equality in Dublin; and Jim Barron is a former senior civil servant who worked for the Cabinet Office.

Claire Sugden raised the issue of the review and reform of the Civil Service. I assure her that that is actively being considered, and I hope to bring forward proposals in relation to that.

Obviously, the inquiry, as well as throwing up issues for Ministers and special advisers, has thrown up significant issues in relation to the Civil Service. There is an appetite in the Civil Service to assist in that reform, and I intend to bring propositions to the Executive in the near future in relation to that.

In conclusion, I appreciate the input of Members to the debate, which has been wide-ranging and invaluable. There can be no doubt that the Assembly must take seriously the conclusions of the inquiry. The Executive, likewise, will give our response to the inquiry report a high priority in the coming days and weeks, and we will bring our plan back to the Assembly to allow for full scrutiny of it. In the meantime, as I set out previously, I do not intend to provide interim updates but will respond to questions by reference to the commitment that I have already made today for the production of that plan. We have an opportunity to oversee the transformation of government here. It is in the interests of the whole community to see that change happen, so we will work together to effect real and lasting change. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly takes note of the publication of the Renewable Heat Incentive inquiry report. — [Mr Murphy (The Minister of Finance).]

Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020

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

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): I beg to move

That the Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 be approved.

As the House will be aware, the UK-wide Direct Payments to Farmers (Legislative Continuity) Act 2020 — DPLC — which received Royal Assent on 30 January 2020, incorporated direct payments EU legislation into domestic law for claim year 2020. The Act contained powers to make further regulations in order to correct deficiencies in domestic law to ensure that the Department can administer the direct payment schemes effectively and make eligible payments to farmers in 2020.

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

The House will also be aware that DEFRA has made two UK-wide statutory instruments to address inoperable provisions in retained EU law: the Direct Payments to Farmers (Amendment) Regulations 2020; and the Finance, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020. Those statutory instruments also amended the domestic legislation that enforces EU direct payment rules in England. Furthermore, Scotland and Wales have made similar legislation, and it is necessary for DAERA to do the same to ensure that Northern Ireland domestic legislation is also fully operable.

The changes contained in the Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 — annex A — are minor and technical. As I said, they are necessary so that the rules continue to operate effectively in Northern Ireland for 2020. The Assembly will be aware of the importance of that to support the farming industry.

I will now provide further details on the nature of the technical amendments, which will correct

two regulations. First, the amendments to the Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015, SR 2015/191. Amendment 1, to regulation 4, clarifies that paragraph (3) refers to article 22(1) of the Horizontal Implementing Regulation (EU) No 809/2014, as it relates to the 2020 scheme year direct payments. Deadline for applications remains unchanged at 15 May. Amendment 2, to regulation 12, removes references to EU regulation 1307/2013 that have become incorrect due to how the EU regulation has been retained in UK law.

Operability amendments that were made by DEFRA to the EU regulation have changed those references. Minimum claim size, which is what is specified by regulation 12, is unchanged at three hectares.

5.15 pm

Amendment 3 to regulation 16 removes an incorrect reference to article 2(c) of the direct payments regulation 1307/2013. That regulation relates to the tree species that can be considered as short coppice rotation, which can be used to meet ecological focus area requirements under greening.

Amendment 4 to regulation 20 is a rewording to include the words:

"as it had effect immediately before exit day"

That is to make it clear that the reference is to the EU regulation as it applied before the EU exit, and therefore extend the areas designated as environmentally sensitive permanent grassland on 31 January 2020 to 31 December 2020. There is no change to the fields that are considered to be environmentally sensitive permanent grassland and are subject to a ploughing ban. As was previously the case, permanent grassland — land that has been in grass for more than five consecutive years — that is located in areas that are covered by the habitats directive and birds directive is considered to be environmentally sensitive and is subject to a ploughing ban.

The Common Agricultural Policy (Control and Enforcement) Regulations (Northern Ireland) 2015, SR 2015/192, amendment 1 to regulation 1, corrects the reference to the definition of "direct payments". Amendment 2 to regulation 1 clarifies references to EU regulations or how they have been retained in UK law, that is, after the operability amendments, and relate to direct payments for the 2020 claim year.

Amendment 3 to regulation 7 excludes the reference to a Commission official to accompany an authorised person at an on-farm inspection for the 2020 claim year. As claims for 2020 will all be paid from national funds, there is no need for the EU Commission to carry out audits and visits to farms.

On 12 March 2020, my officials briefed the Committee for Agriculture, Environment and Rural Affairs. I am grateful to the Committee for facilitating that briefing. To sum up, my view is that the regulations should be approved in order to ensure that direct payments can continue to be made to farmers in Northern Ireland for the 2020 scheme year.

I commend the motion to the Assembly.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I thank the Minister for moving the motion. I welcome the opportunity to speak as Chairperson of the Committee for Agriculture, Environment and Rural Affairs and to outline the Committee's views on the motion.

The Committee became aware of the changes to direct payments to farmers when it received a briefing from the Department on 21 January 2020. At that meeting, officials updated the Committee on its proposal to ask the Assembly to give legislative consent to the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Members heard that EU direct payments legislation, which provided the legal basis for common agricultural policy pillar 1 support to farmers, would no longer apply from exit day on 31 January 2020. The Act provides powers to fill the legal gap that was created through the withdrawal agreement of 19 October 2019, and incorporates EU legislation into domestic law for the direct payments scheme for the claim year 2020. It also creates delegated powers to make subordinate regulations to ensure that legislation operates effectively from a domestic perspective. The delegated powers in the Act also enable any deficiencies in domestic legislation in respect of the 2020 scheme to be corrected. Members welcomed the legislation and forthcoming subordinate legislation, which will ensure that the Department has the ability to administer direct payments to farmers without any delay, as well as being able to process payments to eligible farmers for the 2020 claim year.

Members welcomed the reassurance from the Department that no changes to the application process were planned that could have the

potential to complicate matters further for farmers. That was one aspect on which we had been lobbied very heavily by the farming sector. The sector very much welcomes the fact that there will be no complications or changes, and that it will, effectively, be a rollover for 2020.

At its meeting on 27 February, the Committee considered a written briefing on an SL1 for a statutory rule, arising out of the Act, on the direct payment to farmers. We are debating that statutory rule today. The SL1 made it clear that there was an urgent need to correct deficiencies in domestic legislation relating to the 2020 payments to farmers. The Committee considered the issue and indicated that it had no concerns or objections.

The Committee received a further oral briefing from the Department on 12 March on the proposals to bring forward the statutory rule, entitled the Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations 2020. The officials advised the Committee that the regulation is minor and technical in nature and will provide assurance that direct payments will continue to be processed for the 2020 claim year. We very much welcomed confirmation from the officials who came before us at the Committee last Thursday that the full payment amount will be made in October. That will be very welcome in the farming community. The Committee also learned that the jurisdictions of England, Scotland and Wales have made a similar technical amendments using their own procedures.

The Committee posed a number of questions to the DAERA officials, including on confirmation that the funding allocation for 2020 was still estimated to be £293 million and that the timelines for the 2020 payment year would remain the same for the application and assessment process. We are glad to say that the Department confirmed that that was the position and that it is still on track to process and issue 100% of the payments from mid-October onwards. The Committee was content with the proposals from the Department and recommends that the statutory rule is confirmed by the Assembly.

I turn more broadly to my role as spokesperson on agriculture and rural affairs. The topic of the direct payment permeates strongly throughout agricultural and rural communities. Indeed, throughout our scrutiny of the Agriculture Bill and the statutory rule that is before us today, the issue of direct payments runs very deep. Recently, we received research findings from Dr Dobbs and Dr Gravey of Queen's University,

which indicated that, without the direct payments, as many as 30% of farms would cease to exist. That, in turn, would result in high levels of land abandonment, unemployment and, obviously, knock-on implications for services in rural areas.

In my constituency of West Tyrone, single farm payments totalled £43 million last year; that is the absolute backbone of our rural economy. Without that, the effect on farming families would be absolutely phenomenal. The representatives of the Livestock and Meat Commission (LMC) who attended last Thursday's Committee meeting drew on that point as well; that the direct payments are crucial for the sector to survive and, particularly, to try to stem the decline of the beef and lamb sector. The certainty around the direct payment, for this year at least, is very welcome. People from rural backgrounds will know that our farmers face a great many issues, including climate change. That is maybe more profoundly felt in the hills and severely disadvantaged areas.

We have looked at many other issues, including income. We noted recently that farmers' incomes had dropped by a staggering 25% in the last year. That should also be noted in the context that the overwhelming majority of a farmer's income comes in the form of direct support. That is really important. People who are not farmers should realise that, whilst the farmer is subsidised to produce food, the subsidy is, effectively, passed on to the consumer, who is able to buy food for a reasonable price. That is a really important point; people who are not farmers think that farmers are getting grants and support but do not realise that the subsidy is passed on to the consumer who can, then, buy traceable, tasty, nutritious food at a good price that they can afford.

Low farm-gate prices is a huge issue, as is climate challenges. We also have the challenges of Brexit. Something that has come up in the Committee, time and again, is the prospect of Britain diverging from here and the EU regulations and the implications for the market given that 75% of our produce goes into Britain. That is absolutely crucial, as is the continuation of the direct payments. Whilst we have certainty this year and guarantees that the amount will remain the same for the remainder of the Westminster mandate, we do not know what will happen after that. We see farmers in Britain effectively being incentivised to leave farming. We do not know what implications that will have for the future here.

We are also looking at changes such as the immigration-points rules that the Home Office plans to bring in. They will have a huge impact here, particularly on our food-processing sector. There are factories and food processors here, up to 90% of whose employees are new nationals. We also have about 1,500 seasonal workers who come here, particularly at harvest time, and are hugely important to the industry. There are many challenges posed by the immigration-points rules that the British Home Office proposes. Many of the farmers that I met over the weekend — and no doubt some in the Chamber — are relieved that the red diesel rebate was spared in last week's Budget. However, we are also looking at possible removal of the agricultural property relief, which could lead to inheritance tax and the inhibiting of the intergenerational renewal of farms. Again, that feeds into concern for the future.

Of course, our most prevalent concern is how to deal with coronavirus. The Minister will no doubt be heavily involved in trying to work out the Department's plan on that. Indeed, on Thursday, officials will give the Committee a briefing from the Department's perspective, focusing on legislative and operational matters and what advice they will give to the industry. Indeed, the matter arose when the LMC was at Committee last week. The point was made that there are exceptional challenges for the farming community, as it is perhaps more challenging to deep-clean farms and factories than other institutions, and it is difficult to lock down a food supply chain. In this era of great uncertainty, anxiety and unrest, we need to appreciate our farmers and food producers more than ever so that they can give us the security and supply of food that we need.

We welcome the motion. There are many challenges facing the sector, and this will at least give farmers at some degree of certainty for this and the coming year.

Mr Irwin: I declare an interest as a partner in a farm business that is in receipt of a basic farm payment. I welcome the motion. There has been a considerable discussion of this matter at the AERA Committee. I have found it very useful to hear submissions from various industry leaders and representative organisations that are involved in agriculture in Northern Ireland.

The post-Brexit era that we are entering will offer opportunities in the long-term interest of agriculture in Northern Ireland. I am optimistic about the future outside the fetters of the European Union. The legislation before the House is necessary to enable a transition from

the EU basic payment towards a new system of support that can be properly tailored to the realities of farming in the United Kingdom.

The process for reaching the new system of payments will intensify in the coming weeks and months. It will continue to be important to canvass the views and opinions of farmers and stakeholders in the industry to arrive at a system that is best placed to support, sustain and grow agriculture outside the EU. Change is coming with a new system of support. How that change is managed and implemented will direct the course of agriculture and wider food production in the UK in coming years. Agreeing this motion will bring an important element of stability in the shorter term and allow for the continuation of an engagement process between the Stormont institutions, Westminster centrally and, of course, the industry.

5.30 pm

The exchange rate for the payments being set at last year's rate is also a welcome reality and has given confidence to farmers, which is another important factor for the industry. The fact that payments can be made in full in October 2020 is another welcome addition, and, as I said on a previous occasion in the House, thanks must go to our Department staff for working hard to create a payment system that has delivered payments on time. Farmers have adjusted well to the online system, and that, in no small part, has accelerated progress in this regard.

With the current COVID-19 response, we are seeing across the globe a renewed importance attached to food production and, indeed, more critically, locally accessible food production. That should be considered more acutely, and the United Kingdom must create a food production network that utilises local producers as much as possible. That creates a lesser reliance on outside sources for food and helps to achieve greater sustainability.

I look forward to the discussions and debates ahead on the replacement support scheme or system, and I will continue to represent the farming community to achieve the best possible outcome for sustaining and growing agriculture in the future. I support the motion.

Mr McGlone: Gabhaim buíochas leis an Aire. I thank the Minister for this.

The direct payments to farmers legislative continuity regulations before you are of critical importance to farmers across the North.

Crucially, the payments make up a significant proportion of the income generated by our farmers. They have been a lifeline through many difficult months and are worth more than £280 million of farm income. Let us not forget that farmers have been in receipt of basic payment scheme payments because it was a widely held belief that what they were doing was in the public interest and, therefore, it was imperative that they should be supported, correctly so.

Brexit now raises so many more uncertainties for our farmers. That is undeniable. As soon as the referendum result in 2016 became clear, SDLP representatives consistently pressed the Government to outline their plans to replace this vital income; indeed, colleagues, these payments and the millions more we received from the EU are part of the reason why the SDLP resolutely opposed Brexit. It is clear that the uncertainty caused by Brexit over the last three years has impacted negatively on many different sectors, not least farming, given the uncertainty that has been created. Today, we have the opportunity to finally provide some clarity to farmers across the North by continuing to fund direct payments. Whilst the common agricultural policy had its weaknesses and imperfections, at least it provided our farmers with some sort of security on a year-on-year basis and an ability to forward plan with some degree of certainty. With the ever-increasing impacts of climate change and extreme weather patterns, the last thing that farmers in our rural economy need is further uncertainty. Our farming industry is about to be opened up to unprecedented global competition. Our farming communities have uncertainty regarding their future funding and the competition that they may now face.

Whilst the legislation is welcome at this moment and provides some hope, the uncertainty seems destined to continue, with the legislation providing welcome months — months only — of clarity. Can we really expect to have a settled agriculture policy and a replacement payment mechanism in place by the end of 2020? That is one of the reasons why the SDLP has sought a transition period extension. Why are we not seeking breathing space for our farmers by requesting that the basic payment scheme extension be much longer?

The payments have already gone some considerable distance towards improving public health, animal welfare and environmental standards, but there remains a lot more work to be done. Whilst few would argue that there has not already been a welcome shift in emphasis on improving the environment, adapting to

climate change and protecting the welfare of our livestock, we need to be mindful that this is enabling legislation. The detail to be set out in regulations will need to be drafted and approved before farmers can be sure about what the new payment system will mean for them. If we want to ensure that any new scheme is robust, properly monitored and measured and transformative, we need to engage in a purposeful manner with our main players in the agriculture sector. As we all know, that takes time.

It is important that the direct payments legislation for 2020 is entered in the statute book. We need to think carefully about the years ahead, as our farmers need to be able to plan ahead. Once again, I welcome the regulations and the fact that the UK Government will provide upwards of £250 million of support for 2020. However, there is no mention of what support will be provided in the following years. Can the Minister provide assurances that support will not drop off dramatically for a key sector of our community? In the current health climate, there will be increasing uncertainties. Local food supply will be a key element in making sure that we get over the coronavirus crisis.

For our farming communities, the prospect of losing perhaps 60% of their income with no real certainty about what their replacement income will be will certainly not be an incentivisation. It is possible that many small farmers may decide that now is the time to quit. As we all know, farming is not an easy career option. It is increasingly difficult to attract young people into the industry, and we do not want to have a bad situation become worse. We are all too painfully aware of the increase in poor mental health among farmers. We must be mindful of the pressures that they already face when it comes to making decisions that influence heavily their futures.

I am concerned that farmers may be somewhat in the dark as to exactly what their income is likely to be beyond this year, and I would be grateful for the Minister's comments. Like any other business, farmers need to make a profit. With regard to our environment, can we realistically expect our farmers to go green if, in fact, they are in the red? In the future, I look forward to schemes that will hopefully allow us flexibility, are focused on outcomes and, where possible, are tailored to the needs of individual farmers, particularly those in upland and less-favoured areas. Those farming communities are often forgotten.

I ask Members to join me in supporting the regulations, and I thank the Minister for his efforts in this regard. Without them, farmers would be even more severely prejudiced against in future. However, although we accept the need for the legislation and that it is now inevitable, we cannot accept that it is an ideal situation. Much work remains to be done.

Mrs Barton: The welcome confirmation of direct payments for 2020 will be good news for the farming community, which has faced uncertain times in recent years and has seen its income reduced by 25%. Further, the clarity that it provides in the form of the exchange rate remaining similar to that of the last year and the fact that 100% of the direct payments will be paid in October is most beneficial, particularly when farmers are trying to plan ahead for farm improvements for the forthcoming year.

The full payment of direct payments, not the 70% initial payment that happened in October 2019 with the remainder paid in December 2019, has also signalled that, as a country, Northern Ireland is now moving towards taking control to regionalise a Northern Ireland-tailored scheme for our Northern Ireland farmers. The certainty that the 2020 scheme will provide crucial comfort for farm businesses will continue to support the production of the high-quality, affordable food that many of our consumers demand. That can only be welcomed. The regulations are welcomed by the Ulster Unionist Party.

Mr Harvey: I thank the Minister for tabling the regulations. First, I welcome the amended regulations, which, as has been outlined, will provide for the continuance of direct payments following the EU withdrawal and the subsequent ending of the UK legislation under which payments were previously administered. Those living in rural communities will be all too aware of the importance of payments received under the policy and of how vital they are to farm businesses across the country. It is important that decisions on CAP are taken in consultation with all those involved and that farmers are provided with as much certainty as possible to enable them to best plan ahead. The extension of the current framework and the adoption of the amended regulations will provide for that.

It is evident that any future policy must be compiled in light of the UK's trading position beyond Brexit. That will, undoubtedly, have a major bearing on what help farm businesses will require and, therefore, on what form the new policy will need to take.

The Ulster Farmers' Union, with other union representatives, was before the AERA Committee recently. It was evident that their members are in need of continuity and stability, given the fact that there has been an estimated 26% depletion in income for farmers over the past two years. The retention of some form of resilience payment, incentivising production and growing sustainable, environmental activity will need to be considered in a future policy. We must also ensure that Northern Ireland farmers can compete with their counterparts in the Republic. In the meantime, provision for the continuance of direct payments under the CAP scheme is essential, and I thank the Minister for ensuring that that is the case.

Ms Sheerin: The purpose of the statutory rule is to make minor technical amendments that will address deficiencies in our domestic law, namely section 24 of the NI Act 1998. The SR is intended to bridge a gap in legislation enabling direct payments to be made for 2020. The powers in the statutory rules are time-limited and expire on 31 December 2020. The rule will ensure that existing law functions effectively for the direct payment scheme for this year. The regulations have not been subject to consultation because their purpose is to retain the status quo for this year. Effectively, the rule will provide continuity and stability, albeit limited, for farmers in receipt of direct payments for this year only.

As everyone is aware, funding for direct support to our farmers currently comes from the EU as part of the common agricultural policy. What people might not be aware of is the impact that that funding has had on our rural farm families. Sinn Féin is gravely concerned at the loss of CAP single farm payments to farmers in the North of Ireland as a result of our exit from the EU, which, as people will remember, was a decision made against the wishes of the majority of the population here.

Between 2014 and 2020, the single farm payment was worth in excess of £2.3 billion to farmers and their families in the North. In my constituency of Mid Ulster, payments in 2018 alone amounted to more than £29 million. That is a huge amount of money. Think about the number of rural households, small businesses and independent contractors that have been able to keep their lights on as a result of that funding. That is not something that we can dismiss. Annual payments from the European Union account for 87% of annual farm income here, compared with 53% in the UK as a whole; in other words, for every £10 that farmers in the North earn, the common agricultural policy accounts for £8.70. The challenges faced by

our farmers, who are engaged in a livelihood that has no guarantees, no monthly salary and no statutory sick pay, are exacerbated now by uncertainty about the future.

The purpose of CAP pillar 1 funds is to support agriculture sector incomes. In 2017, the European Union issued a communication on agriculture. 'The Future of Food and Farming' outlines the main objectives of the future CAP to:

"Foster a smart and resilient agricultural sector

Bolster environmental care and climate action and to contribute to the EU environmental and climate objectives

Strengthen the socio-economic fabric of rural areas".

Central to achieving those objectives is that direct payments remain an essential part of CAP, unlike the English draft policy, which phases out direct payments. It will be for a Minister to decide future agricultural support here in the North. I am aware that schedule 6 will provide the legal basis to continue direct support for farmers after this calendar year. Also, according to the Treasury statement, while the North will receive £279 million for 2020-21, it is not clear how much money will be allocated for direct payments for farmers beyond that date.

Sinn Féin responded to the Department's 2018 discussion document on a future agriculture framework. That engagement exercise by the Department received 1,200 responses from across the North, a sizeable number made all the more significant when you consider the rural areas across the North with little to no broadband provision.

Sinn Féin wants to see our own primary legislation evolve from that consultation. We have an opportunity in this mandate to look at having an agriculture Bill that is designed to cater for and best serve our all-Ireland economy.

5.45 pm

The Government in the South of Ireland invest more heavily in agriculture than the UK Government. A number of weeks ago, I spoke at length about areas of natural constraint (ANC) payments. Those have been scrapped in the North, while the South has increased them to €250 million for this year. It is vital that we

retain and enhance our share of the CAP budget to help mitigate trade distortion across the island. Sheep in Glenties in Donegal are no different from sheep in Glenullin in County Derry.

Ivor Ferguson, the president of the UFU, recently stated:

"We were pleased that the withdrawal agreement took into consideration the current political situation in"

the North.

"The level of support payments given to agriculture in"

the Republic

"must be tracked and matched so that"

the North's

"competitiveness in the all-island economy is maintained."

Data on farm income revealed that dairy farmers and cattle and sheep farmers had the lowest average farm-business income in 2017-18 across all the devolved regions. Given that that was the case even when they were in receipt of EU direct payments, the cessation of payments does not bear thinking about. The rule is necessary to provide some certainty for our farmers as we plot our way through the uncertainty ahead.

Ms Dolan: I welcome the opportunity to speak on the motion. As has already been highlighted, the SR makes technical amendments only. It will have no policy impact. The amendments will ensure that direct payments to farmers under retained EU law will continue to operate effectively in the North as far as they relate to direct payments for this year, 2020. Farmers will receive payments the same as last year. It is my understanding that 100% of payments will be made in one payment in October of this year. I also note that Scotland and Wales have adopted the same regulations.

Sinn Féin is an all-island party. We have a vision for the agri-food sector in a new and united Ireland. Agriculture has led the way in all-Ireland cooperation and trade. Agriculture in an all-Ireland context will enhance and strengthen the social and economic needs of our society. Agriculture, farming and food are interconnected: they are the backbone of our communities. I represent Fermanagh and South

Tyrone, which, as I outlined in my remarks a few weeks ago, sees approximately £48 million a year in single farm payments direct to farmers. As I also highlighted in the recent ANC debate, Fermanagh as a county has almost 92% of land that is severely disadvantaged. I welcome the fact that the Assembly supported the implementation of a new areas of natural constraint scheme. It goes without saying that the farming community in Fermanagh welcomed it. Fermanagh is a cross-border community, where my neighbours, my family and my friends live their daily lives with euro in one pocket and sterling in the other. Border counties will be impacted on the most by the challenges of Brexit. Any changes to what we currently have will be a disaster. People work and operate on borders throughout Europe, but, when it comes to Ireland, the only real difference is the colour of the postboxes or the road markings. Agriculture is one of the most important industries in the North, with an annual turnover of £4.5 billion and a workforce of almost 48,000 people.

Regarding GDP and employment, the North of Ireland is more reliant on agriculture and the agri-food industry than any other area of Britain. Agriculture operates on an all-island basis. Greater support for small farms has more environmental benefits than supporting large intensive farming practices, especially in severely disadvantaged areas (SDAs), where land management and biodiversity are very important. Being the daughter of a small farmer and having grown up on a small farm, I saw the importance of that at first hand.

Although the regulations provide some form of continuity and certainty for farmers, the devastating impact that Brexit will bring to the agri-food sector and the farming community in the North of Ireland cannot be overestimated. We have no answers to so many questions. We welcome the unfettered access on an all-island basis that the Irish protocol will bring in. It will help our economy to operate on an all-island basis. However, we will not have a level playing field when it comes to farm support. Research shows that the North of Ireland is the most reliant on agriculture regarding its share of GVA and percentage share of total employment. Compared with Britain, Scotland and Wales, the North has the smallest average farm size. Grass-based cattle and sheep account for 89% of the total number of farms in the North. We have more dairy cattle and sheep less-favoured-area farms than any other devolved region, with 70% of the total agricultural area farmed in the North defined as being less favoured. That brings challenges in productivity. Figures reveal that farm income here, including

that of dairy farmers and less-favoured-area cattle and sheep farmers, is the lowest of the devolved regions.

Farms are reliant on EU direct payments. As a result, the agri-food sector is reliant on EU direct payments. Consequently, our economy is reliant on EU direct payments. I support the statutory rule.

Mr Boylan: I welcome the opportunity to speak to this motion. I was talking to the Minister in the corridor a couple of weeks ago. Unfortunately, I did not get the opportunity to sit on the AERA Committee, but I have a good interest in it, representing one of the best constituencies in the North, Newry and Armagh.

Sometimes, when we speak about the rural and farming communities — this is not any slight on any Committee members — they do not get the recognition that they deserve for the contribution that they make to the economy and the environment. I went to the Christmas show mart in Keady, and anybody who might think that they could take the farmers for granted would get their eyes opened. If you spend a day in the mart, it is a learning experience for those people who have not tried it. Any urban people who have not spent a day in the mart should go down for one day at least, and you will get your eyes opened to what it is all about. I recognise the contribution of the rural community and the farming community.

As I said, I welcome the opportunity to speak in this debate and await with bated breath to hear how the Minister is going to get himself out of this one. Whilst I recognise that the 2020 payments will be secured, we are going to have great difficulty over the next number of years in trying to address the concerns of the rural community.

As has been said, the intention of this statutory rule is to make technical amendments in order to ensure the operation of the direct payment scheme for 2020. I also note that Scotland and Wales have adopted the same regulations, basically so that there are no policy changes. Farmers will welcome the fact that for this year — 2020 — there will be no changes to direct payments, the application process or inspections. That will provide a degree of certainty and continuity in what are uncharted waters for some of us. Whilst we have certainty, as I said, for this year, there are concerns in the agricultural sector that it cannot survive without financial support. In the constituency that I represent, Newry and Armagh, £25,113,862 a year comes in from single farm payments.

I also welcome the fact that the Assembly voted in favour of the new areas of natural constraint scheme a couple of weeks ago. The farmers in my area will welcome that, and I congratulate all the Members who took part in that debate and secured it in the House.

In a presentation to the Agriculture, Environment and Rural Affairs Committee, Queen's University flagged that, without direct payments, 30% of farms are likely to cease functioning, which will lead to unemployment and land abandonment. That is deeply worrying for the agricultural sector. We are very proud of our agri-food industry and our farming community. We have international customers buying our products, based on our high-quality standards. Our farm operations are based on high standards, regulations, farm quality assurance and traceability. We produce food to standards that are amongst the highest in the world. We need to design a future agriculture policy that is based on the needs of our sector in the North of Ireland.

In a recent presentation to the Agriculture Committee, the Livestock and Meat Commission (LMC) highlighted the following figures for cattle and sheep producers: approximately 20,000 farmers are classified as cattle and sheep producers, and the 2018 figures show that they represent more than 25% of the gross output of farms; the beef and sheep meat processing sector employs over 5,000 people, and, in 2017, its annual turnover was in excess of £1.31 billion; over 87% of sales were outside the North, primarily servicing the GB marketplace.

We must tell the positive story of our industry. These figures highlight the need to give financial support to our farming industry. The LMC has also highlighted a concern that the sector could be completely undermined as part of UK trade deals due to the implementation of a cheap food policy at any cost. As we move forward, we need to confront the challenges that Brexit poses to our rural communities, agriculture and farming. Agriculture and farming are policy areas that will be significantly impacted by Brexit. As we know, there are many economic benefits for local communities from the subsidies that local farmers receive. What would be the consequences if those farmers did not receive those subsidies or if those farmers went out of business?

In conclusion, I am interested to hear what the Minister is going to do for the good people of Newry and Armagh following the 2020 direct payments. I support the motion.

Mr McGuigan: As the Deputy Chairperson of the Agriculture, Environment and Rural Affairs Committee, I note and welcome the comments made by the Chair about the issues before us, and also his comments about the industry having come before the Committee to give evidence on this and other issues. I welcome the Minister bringing the SR to the Chamber today. I welcome approval of the regulations before us, and the direct payments to our farmers here in the North. This support, and the knowledge that their payments will be made in full this year, will bring some relief to farmers across the North. I also welcome the Minister's comments, when the issue first came to the Floor, that the limit on advance payments, which was 70% of the total payment in 2019, has been removed. As a result, his Department intends to make full payments in October.

I note and welcome the comments from the Ulster Farmers' Union:

"As the Brexit process progresses, it is vital that"

the North's

"competitiveness in the all-island economy is maintained. The level of support payments given to agriculture in the"

South

"must be tracked and matched."

Of course, as has been said by others, the certainty that this SR brings is only for the short and medium term. What we do not know is how long these vital direct payments will last for and what they will cover in future. All this uncertainty, of course, is a consequence of Brexit. The European Union placed a priority on farming and protected it for decades through the common agricultural policy. Annual payments from the EU, as has been said, account for 87% of annual farm income here in the North. We now face the uncertainty of what will replace that payment and whether or not our agriculture industry will be adequately funded. I, for one, have no great confidence that it will. Therefore, whilst we have clarity for this year, we do not have that clarity for the years beyond that.

Our farming and agri-food sectors are vital to our economy and to the fabric of our communities, and that is particularly true in my rural constituency of North Antrim, where these direct payments are worth over £29 million to

local farmers, their families and the local economy.

North Antrim gets the third highest contribution across the North, and, given the number of major companies that have been lost in that constituency in recent years, the number of jobs that have been lost as well and the impact that that has had locally, the importance of direct payments to local farmers is clear, and we must do everything that we can to protect it.

6.00 pm

Investment and support is needed to deal with the consequences of Brexit and the challenge of farming more sustainably. It is therefore critical that there be adequate funding to replace the EU funding that is being stripped away. It is also critical that we have a policy suited to our farming and agri-food industry across the whole of the North, a policy and funding that supports sustainable farming and family-run farms.

It has to be said that single farm payments and EU membership have done more than just offer direct payments to the agriculture sector in the North; they have played a huge role in increasing environmental and public health standards. That must continue.

I support the continuation of the direct payments. I support the SRs. I do not support — other Members have mentioned it — the uncertainty for our agriculture industry and farmers beyond 2020. Any future agriculture policy must ensure that there is no diminution of food standards as a result of any potential trade agreement that the British Government may reach. We must also ensure that there are no barriers to trade. Others mentioned the British Government's rules on migration policies and how they will have a negative impact on our agriculture industry.

I support the SRs, but I ask the Minister to do all that he can in future years to ensure adequate funding and support for our agriculture industry in the North.

Mr Poots: I welcome the comments made in the debate. Agriculture remains the most important element of industry in Northern Ireland. It employs in or around 100,000 people, has a turnover of £5 billion each year and provides food for close on 10 million people. Agriculture remains a key part of our society; it is part of the fabric of our society. It should not be dismissed as being of no relevance; indeed, the recent outbreak of coronavirus should drive

home to people the importance of having quality food available at a source close to home.

I was with the Chief Scientific Adviser in the Irish Republic last week, and he believes that such viruses could come on a more regular basis as the years go forward. It could be in a particular breed of animal next time, or it could cross into humans. We do not know. However, we can expect that there will be more viruses across the world. Consequently, food security should be important to all of us. Having quality food produced in Northern Ireland, on the doorstep of the GB market, is something that should be appreciated and supported.

I welcome the fact that it is being supported to the tune of £293 million this year; indeed, four of the Members who spoke from Sinn Féin quoted the figures in their constituencies. They are gobbling up £129 million in four constituencies. Thank you for giving me that useful information. It is appreciated and taken note of.

As we move forward, we will seek to ensure that we can retain as large a single farm payment as possible that supports production, the environment, animal health and food quality and supports companies that do their job well and provide good care for the people they employ. Those are the food standards that we in Northern Ireland want to meet. We can face head-on the South Americas of this world by doing that, because we have the qualitative material going on to the supermarket shelves that the public need and want.

The European Union was mentioned. I hear what was said about uncertainty. There is uncertainty. We have a manifesto pledge from the Conservative Party, but what exactly that will be, going forward, has not yet been tied down. However, does anybody believe that there was certainty in the European Union? Europe is just going into a round of talks for the next seven years. The one thing that I am certain about is that the slice of the cake that we would have got, had we remained in the European Union, would have been smaller, because, reasonably, the countries that joined the European Union — the accession countries — had not got their fair share of the cake, and part of the deal the last time round was that they would get their fair share the next time round. There are only two ways in which to increase payments to the accession countries. One is by increasing the European Union's taxation on all nations, but I do not think that the other nations will wear that. Will the big contributors, such as Germany, France,

Denmark and Holland pay more? In the absence of them paying more, the only way that the accession countries can receive more is if they take something off the other countries. That is exactly what will happen. Let us be honest with the farming public — they know it anyway; farmers are ahead of the politicians most of the time —.

Mr Stalford: Will the Minister give way?

Mr Poots: I will give way in a moment. Farmers know full well that, had they stayed in the European Union, they would have seen their single farm payment diminished.

Mr Stalford: Will the Minister also reflect that, now that the 28 is 27, those who, up until this point or relatively recently, enjoyed being in the position of net recipient will quickly find that their club membership fee rises rapidly?

Mr Poots: Over the past number of years, the Republic of Ireland has been contributing, I think, in and around £700 million net. That is likely to rise to over £2 billion as things stand, and, having been a net recipient for many years, they might find that it is not as desirable a place to be when they are contributing large amounts of money and having most of the laws made for them and most of their democracy stripped away from them.

We will seek certainty; that is what Members are asking for.

I welcome the fact that farmers in this part of Ireland — Northern Ireland — will receive all of their money in one payment, in October. I know that some Members want it to be as it is for farmers in the Republic of Ireland, which would mean that they would not get it all in October; they would get only 70% of it and 30% later on. I did not hear Members say that precisely, but they were saying that they wanted to be the same as the farmers in the Republic, which would mean that we would give them only 70%. I have good news for the people whom Sinn Féin represent: I will give them 100%, not the 70% that Sinn Féin wants to give them.

It is an important issue. Farming incomes have been down 25%, two years running. That is well over 40% when taken cumulatively. This is an important element of farm income. Ultimately, we need to work across the board to drive up profitability, because this does not cover the pressures that farms are under. We need to push to drive up profitability, and the best means of doing that is by ensuring that we have qualitative markets — the best market that we

have is the Great Britain market, which takes around 50% of our product — and no barriers. No barrier is of benefit to any person in Northern Ireland when it comes to trade between Northern Ireland and Great Britain.

Question put and agreed to.

Resolved:

That the Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 be approved.

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

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

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Second Stage

Mr Allister: I beg to move

That the Second Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA 01/17-22] be agreed.

Mr Principal Deputy Speaker: In accordance with convention, the Business Committee has not allocated any time limit for the debate. I call Mr Jim Allister to open the debate on the Bill.

Mr Allister: For me, the catalyst in drafting and moving the Bill undoubtedly was much of the evidence that was laid before the RHI inquiry. Even before we had a report, it was abundantly clear that there were many issues — some of them compellingly basic — that needed to be addressed by the House. That is what the Bill would do.

I make it plain that I am not in the business of usurping the role of the Executive in what they need to do in consequence of the Coghlin report. The greater number of recommendations — matters touching on the future of the Civil Service, on the management of public money, on all those things — patently fall within the ambit of and require consideration by the Executive. However, there are other issues that can be actioned now; indeed, I believe that there is a public expectation, having listened to the evidence, that those issues will be addressed. We have had lots of words today about the Coghlin report. Now is an opportunity to put some of those words into action.

Mr Principal Deputy Speaker: Mr Allister, could you resume your seat briefly? It has been brought to my attention that we are inquorate, so I will suggest that the Division Bells be rung to allow us to reach a quorum in the Chamber and then we will proceed with the debate. I hope that Members will forgive me but it is important that we get this right *[Interruption.]* Doug Beattie MC has arrived, so we now have a quorum. I beg your pardon. Mr Allister.

Mr Allister: Thank you. Well, the public may well observe the studied disinterest in making things better in regard to these things.

There is a public expectation that action will be taken as swiftly as it can be taken on issues that can be addressed — such basic things as making sure in law that there is a requirement for minutes to be kept of meetings. It would astound anyone from outside Northern Ireland who starts to read the Coghlin report to see such basic gaps in how this place has been administered, that there has been a lack of taking minutes of meetings. Equally, there is nothing to stop us — indeed, there is everything to speed us — taking action against the leaking of confidential information and taking action in favour of statutory requirements to register interests.

None of that requires to be ruminated on by the Executive. That all speaks for itself. Clauses 6 to 11 of the Bill, which I will come to shortly, are all crisp, almost self-contained issues, each of which is crying out for action.

6.15 pm

I have heard it asked, when I appeared before some of the Committees, "Can we not handle all this through codes? Do we not have codes of conduct and a ministerial code? We have a code of conduct for special advisers. Is all that not enough?". The answer, in querying whether that is enough, is to recognise that codes are exactly that: they are just codes. They can be unmade as quickly as they are made. Indeed, there was significant legal action across the water about a code of practice that was made by the Health Secretary under the Mental Health Act. That case went all the way to the House of Lords, and Lord Bingham, who is noted for his contributions on public law jurisprudence, had a very concise riposte on the status and value of codes. He said:

"It is in my view plain that the Code does not have the binding effect which a statutory provision or a statutory instrument would have."

That is a truism. There it is. A code does not have the binding effect that a statute has.

Perhaps the most compelling argument for why these matters should not be left to codes is that codes already, in the experience of this House, have proved insufficient. The old code, for example, on special advisers, specified:

"Special Advisers should conduct themselves with integrity and honesty. ... They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. ... They should not without authority disclose ... information which has been communicated in confidence".

Paragraph 24 stated:

"As a civil servant high standards of confidentiality must be observed."

They must not disclose information that is held in confidence.

So, we already had provisions in codes, but what worth were they when it came to some of the evidence in regard to RHI? It is quite clear from that evidence that special advisers, or one in particular, despite the protections of the code, was, nonetheless, doing the very thing that was prohibited. That makes the point that a code is fine but is not enough. That is why I argue that we need to put all those things into statutory form, so that they have, in the words of Lord Bingham, "binding effect" and so that to defy them is to break the law. We may have thought a few years ago that you would not need to reach that position, but I think that it is quite clear that we need to get to that position.

On the point of how easily codes are made and unmade, we saw how, overnight, the previous First Minister, along with the Finance Minister of the day, simply changed the pay bands in the codes in respect of special advisers and boosted them from the £70,000s to £92,000 a year. A code can be made and unmade as easily as that. I do not think that that is a healthy position to be in.

Little wonder then, I suggest, that, when the Minister published updates on his codes of conduct and codes of appointment, the editorial in the Belfast 'News Letter' had no hesitation in saying that codes are not enough.

John Manley said something similar in 'The Irish News'. Suzanne Breen said something similar in the 'Belfast Telegraph'. All of them are respected political analysts and journalists.

Of course, we are in the bizarre situation that, although 'New Decade, New Approach' promised that existing codes would be strengthened, in fact, when it came to the code on the appointment of special advisers, they were significantly weakened. The old code required Ministers, in making their choice, to

have a pool of candidates from which they made that choice. The old code required that they should keep a written record of how and why they made that choice. The Minister of Finance came along and stripped all that out of the code of appointment. How was that strengthening the code?

Of course, that is exactly an issue that was raised by Lord Justice Coghlin. If you look at some of the findings in respect of that, findings 305 to 307, you will be struck by how critical he was of steps that were taken in that regard. Findings 305 to 307 state that:

"305. It is clear from the evidence received by the Inquiry that both of the two main parties in the Executive, the DUP and Sinn Féin, breached the spirit and/or provisions of the 2013 Act passed by the Assembly and the mandatory codes issued by DFP in accordance with sections 7 and 8 of that Act in one way or another.

306. At the time of Mr Cairns' appointment as SpAd to Minister Bell in DETI in 2015, some two years after the passage of the 2013 Act" —

which brought in statutory codes —

"and the mandatory appointment code, the procedure was not, as required by the appointment code, by way of a competitive selection from a candidate pool set up after a trawl by Minister Bell, but was instead conducted by the DUP through its then leader, and the then First Minister, Mr Robinson.

307. Minister Bell accepted that the practice adopted in signing the letter of appointment effectively 'camouflaged' the complete failure to comply with the appointment code."

It goes on, in finding 308, to state that:

"The Inquiry finds that the practices adopted by the DUP and Sinn Féin in centralising the appointment, control, and management of SpAds effectively frustrated that purpose of the democratically enacted legislation."

It was quite clear that Lord Justice Coghlin was aghast that when the codes, which did exist, did require a pool of candidates to be considered and did require a record of that to be kept, were just ignored, it created the circumstances of which he speaks.

Yet, instead of strengthening that, we now have a situation where that code has been weakened; stripped out of it is the requirement for candidate pools, and everything else. If the Bill proceeds, I will, at a further stage, seek to strengthen — actually strengthen — the code of appointments, not weaken it in the manner in which that has been done.

That caused me to ask a series of questions for written answer of the Ministers: how many were in the candidate pool that they considered? Did they keep a note or record? Not one Minister has been prepared to answer those questions. They have all taken refuge in saying that they made appointments in accordance with the existing code. That was not my question. The question was this: how many were in the candidate pool, and did they keep a note of that? They failed to answer. Even on the openness and transparency business, that is a failing. Codes are not enough. Matters need to be put in legislation because only legislation gives binding effect.

Let me move to some of the Bill's clauses. Clause 6, of course, is that which requires the records of meetings by the Civil Service. It states that:

"The Civil Service will make and keep an accurate written record of every meeting attended by a minister in departmental service, recording, in particular, those present, date and time, topics discussed, each ministerial indication of intent and every decision and action point."

Now, I remind Members that Dr Crawford told the inquiry that, in seven years in DETI, he had never seen minutes of a meeting involving a Minister. That is astounding. In fact, Members will recall that the evidence was that the Minister and her spad communicated by Post-its, which were then readily disposable — politics by Post-its. Members will recall that Mrs Hepper told the inquiry that no records were kept about the whistle-blower. Mr Sterling told the inquiry that there was a conscious decision not to record, for fear of FOI requests. Mr Brimstone told the inquiry that that was not the way they worked. Mr Ó Muilleoir said that there were no minutes of the important meetings that he had with Simon Hamilton about the business case — but he did, of course, email Padraic Wilson.

It is quite clear — the findings of Lord Justice Coghlin are there, and recommendations 26 and 27 make it plain — that there should be notes. There are eight separate findings in Coghlin's report that there was no keeping of

notes when there should have been, hence recommendations 26 and 27. I say to the House that, codes in the past having been breached, it is not enough. We need to move to a statutory provision requiring the keeping of minutes. The keeping of minutes is a protection for everyone, not least for the civil servants. Indeed, one of the things that is striking about the inquiry report and the evidence is that, more often than not, the civil servants did not have answers that might well have been there had notes been kept. It is a protection for anyone.

Clause 7, then, requires Ministers and special advisers to:

"log and retain records of all meetings they hold with non-departmental personnel about departmental matters".

I will give Members one or two examples. The House may recall the evidence that a former Finance Minister, Mr Storey, held a meeting with Moy Park along with Dr Crawford, with no civil servants present and no notes kept. That is exactly the sort of item for which a log should be made if there was no note — "Today we met with". There has to be a trail of such things. Indeed, we also know that there were multiple meetings between Dr Crawford and Moy Park, none of them logged whatsoever. That is just not good enough. It does not speak to good and accountable government. It is something that needs to be changed.

That takes me to clause 8, which is about the presence of civil servants. They:

"must be present and take a contemporaneous note at every meeting held by a minister or special adviser with non-departmental personnel about departmental matters".

I will give Members a couple of glaring examples where that did not happen. I have mentioned the then Minister Storey's meeting with Moy Park.

I remind you that the evidence was that, the Monday after that meeting, Moy Park started to push for new applications before closure; that is in the evidence. We know that there was then a meeting in Brazil between the leaders of Moy Park and Mrs Foster, Dr Crawford and Alastair Hamilton, the CEO of Invest NI. They were all on a trade-type mission to Brazil. They had civil servants with them, but the evidence to the inquiry was that, consciously, the meeting was held without civil servants. Why? Why should the House accept that? I say that it should not,

and that is why a clause such as clause 8 is necessary. Some might say — and it has been said to me — "You cannot account for every single incident when, as a Minister, you bump into somebody and they say, 'Can I have a word with you? I want to raise this or that' and they raise it". Yes, that will happen but that is why clause 7 is there. You then log that fact — "I had a conversation last night at a dinner. It was about Moy Park or whatever" — so that there is a record. Clauses 6, 7 and 8 complement each other in that regard.

6.30 pm

That brings me to the use of official systems. The RHI inquiry was littered with evidence of people consciously not using the official email and electronic systems. Why? I would say that it was because they wanted to hide matters. You will recall the evidence of Minister Bell. Though he said that he used only his departmental emails, in fact, the evidence turned out to be that he used only his Hotmail account; Dr Crawford likewise. Mr McCormick gave evidence about it being expedient to do that. I direct you to Lord Justice Coghlin's finding 204 and recommendation 41 that electronic means of an official nature should be that which is used. I want to make the non-use of official systems a criminal offence so as to create a real deterrent. However, I recognise that there can be unforeseen circumstances, situations in extremis, where someone does not have immediate access to the official systems and has to use their own phone, private email or whatever; fair enough. That is why I provide within this a defence of "reasonable excuse" if anyone is charged. Of course, to be charged with any criminal offence, it has to be in the public interest. It is pretty unimaginable that, if someone used a non-official facility in a situation in extremis, it would ever pass the public interest test to prosecute them.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: Does the Member accept that that can happen? There is nothing to stop the official, Minister or civil servant, when he gets back on to the Civil Service system, sending that email from his private email address and logging it on the official system saying, "I had to do this in extremis. I am now regularising the situation by putting it on the system", where, of course, it can be the subject of FOI.

Mr Allister: Yes, quite so. Lord Justice Coghlin made that point in passing at one stage.

Indeed, it might be a suitable amendment to clause 9 to impose such an obligation on someone in circumstances where they have used unofficial facilities, so that it is all regularised. Again, it seems to me that these are pretty self-evident things that need to be addressed and should be addressed.

Clause 10 is about the register of interests. It is important that public servants, and civil servants who are special advisers, need to be under a statutory obligation to make a declaration of interest. Until now, they effectively have not been. You think of the links that Dr Crawford patently had, through family, with Moy Park. You think of John Robinson, who had family members in the RHI scheme but was the spad in the Department for the Economy, which was administering it. You think of Mr Brimstone, who was a beneficiary of the scheme but who never recorded anything in a register of interests. You think of the evidence about Dr Crawford removing the reference in a document to the poultry industry being a cause of the spike. On a more trivial level, you think of Mr Bell and his big turkey.

Findings 310 and 212 and recommendation 40 of the RHI inquiry report all refer to the requirement for a register of interests. The system that I have suggested is that the register of interests should be held in the Department of Finance and that it should be published. Interestingly enough, New Decade, New Approach talks about addressing the issue of a register of interests, but where it falls down is that it does not require it to be published. It simply requires it to be formed. If we are in the business of openness and transparency, just as the MLAs' register of interests is declared, that of a special adviser, and, indeed, a Minister, should be published. That is what clause 10 is all about.

Clause 11 brings us to the second new criminal offence: the offence of unauthorised disclosure. Examples are multiple, such as Dr Crawford to his family, information to a brother-in-law, and all of that, and confidential information to Gareth Robinson. Remember the evidence about that, Members? There was confidential information given to Gareth Robinson for another individual. Privileged legal documents were given to Gareth Robinson. Why should that not be a criminal offence? There was the evidence that Timothy Johnston got the list of recipients of RHI via Robinson from McCormick. Of course, there are findings relating to this: findings 179 and 185 and recommendation 41. I say that we should make the unauthorised disclosure of such information

a criminal offence as a deterrent so that it does not happen.

Spads are already subject to the Official Secrets Act, but, in reality, the Official Secrets Act deals with high-level issues pertaining to national security. It seems to me that, for the sort of thing that was exposed in the RHI inquiry, there needs to be a new criminal offence as an active deterrent and as a demonstration that such a thing will not be tolerated. This has been raised with me: might that be a deterrent to whistle-blowers? I do not think that it would be, but I am more than open to an amendment that would make that abundantly clear. I am also open to an amendment that would import here, as in clause 9, the reasonable excuse defence. Those are some of the practical things. We do not need to wait a long time on them; we just need to recognise that putting them in a code is not enough. They need to be in legislation, and, by putting them in legislation, we meet public expectation and declare that we are serious about this business.

Let me take you back to clauses 1 to 5 very quickly. Clause 1(2) is a response to Mr McCormick's evidence to the inquiry. He perceived, in regard to the DUP, that there was a rank structure of spads. Timothy Cairns gave that evidence in regard to Timothy Johnson, and Timothy Johnson eventually changed his evidence to admit that there was a hierarchy. The point was adopted and seen by Lord Justice Coghlin: if a special adviser is a special adviser to a Minister — yes, their duty is to the whole Executive — then by creating a hierarchy of spads, their loyalty transfers to the top of the pile in respect of the hierarchy of spads. I think that that was the evidence. Mr Cairns, for example, felt greater deference and need to accord with the wills of Mr Johnson than maybe he did with his Minister. It is wrong to have a hierarchy of spads, other than within the Executive Office, where there is more than one. Clause 1(2) seeks to restrict any hierarchy of spads to the Executive Office.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: The Member has talked about the hierarchy of spads. Will he agree that Kim Jong-un, the supreme leader of North Korea, would have been envious of the power exercised by Mr Johnson?

Mr Allister: The Member said it, not me, but he might well be right. He said that with feeling and

maybe a little experience. *[Laughter.]* I think that clause 1(2) is important.

Clause 1(3) takes us to the issue of discipline. My proposition here is quite a simple one. If a special adviser is a civil servant, with all the benefits and privileges of being a civil servant, why should he not be subject to the discipline of the Civil Service? I remind you of a situation during the Red Sky investigation, which emerged through the work of the Committee for Social Development. Mr Brimstone, because of what had been going on, had been investigated independently by civil servants in the Department of Finance, who recommended that he should be disciplined. The Minister of the day simply said no, he quashed it and would not allow it to happen. He left his spad beyond discipline.

Mr Beggs: Will the Member give way?

Mr Allister: Yes.

Mr Beggs: Does the Member agree that, rather than facing investigation and possible disciplinary action, it gave a very stark message to others in the Civil Service when he was promoted into the Office of the First Minister?

Mr Allister: Yes, Mr Brimstone's path at that point was, yes, promotion into the Office of the First Minister, yet there was a report in the Department of Finance recommending a formal disciplinary investigation, which his Minister was able to overrule. That should not happen. If a special adviser, as a civil servant, deserves to be disciplined, he should be disciplined. New Decade, New Approach simply leaves it in the hands of the Minister. That is not, I suggest, good enough.

We need to address that by formally putting special advisers within the ambit of the disciplinary code pertaining to the Civil Service.

6.45 pm

With clause 1(5), we come to the tetchy area of salary. There was public unease, to put it like that, that special advisers were in some cases eligible for a salary above that of their Minister. Some of them could be paid up to £92,000. I note that, in the recent code, that has been reduced to £85,000 max. As I understand it, four of the spads are on £78,000. It is better not to have salaries in a political code at all, because the code is written by a Minister. It would be far better to link, and cap, the salary of special advisers to a Civil Service grade.

Indeed, I was doing a bit of research in the Library, and I came across a little booklet that looks at ministerial advisers across the world. It tells me that, in 75% of countries, an adviser's salary scale is linked to the public service's. I am talking only about the maximum. I am quite happy to leave in the code three bands, two bands, one band or whatever, but it would be far more preferable if we put in statute that there must be a statutory cap, and the statutory cap would be that of a grade 5, an assistant secretary. It is no mean salary. At present, a grade 5's salary can go as high as £80,800.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: Does the Member accept that it is perhaps not particularly useful to compare spads in Northern Ireland to those in the rest of the world? In every other jurisdiction, a Minister is like an Egyptian pharaoh: when the pharaoh dies, so does the adviser. Therefore, the average span of service for a spad in most other democracies is only three or four years. Here, we have had experience of spads for 15, 16 or 18 years, because, when the Minister changes, the party simply moves the special adviser on to the incoming Minister so that there is no volatility. Therefore, there is no reason for the exceptional salaries that some jurisdictions pay, because there is not the exceptional situation of being in a volatile position that could come and go in a very short period.

Mr Allister: It is the situation that a spad is in office only as long as his Minister is in office, but I think that the Member is making a different point, which is that, when the Minister falls from grace or moves on, the spad seems to live on, because he is moved elsewhere. It is an equitable thing to say, "Let's take this out of the hands of the politicians. They can decide how best to fix the bands, but let's put a cap on salary so that you cannot be remunerated above the level of an assistant secretary in the Civil Service". That does not seem to me to be at all unreasonable. That is what clause 1(5) is about.

Clause 1(6) is all about the fact that the evidence was very clear in the RHI inquiry that, after the passing of the Civil Service (Special Advisers) Act 2013 — the Bill that I steered through the House — which removed from office those with criminal convictions of a serious nature, the evidence was that Sinn Féin deliberately circumvented the legislation by appointing an effective super-spada, paid not

from the public purse but paid, presumably, out of party funds, and that that person, nonetheless, was able to exercise all the functions of a spada and, indeed, oversaw the rest of the spadas. That is why, in clause 1(6), I want to impose a statutory duty not just on the Minister but on the permanent secretary. The evidence from the RHI inquiry is that the permanent secretary knew that was happening, gave them a free run of Stormont Castle and simply closed his eyes to it. I want to put a statutory duty on a permanent secretary so that they:

"must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser."

We cannot have those phoney, substitute special advisers running about as special advisers, if there is going to be any order whatsoever in these matters.

I also want to put in that:

"No special adviser, directly or indirectly, shall be supervised by, directed by, answerable to, or report to any person other than the minister who appointed him".

No Ted Howell, no Wilson, just the Minister. That is an important thing to put into law, in respect of these matters.

Clause 2 deals with the numbers. The House will be aware that in statute, at present, the Executive Office can have eight special advisers: three for the First Minister, three for the deputy First Minister and one for each of the junior Ministers. Historically, before 2007, there were none for the junior Ministers. That was brought in by a change in the law in 2007. You now have eight. That is the same number as the entire Welsh Government: that is unconscionable.

I notice, so far, I think, that the Executive Office has only appointed six spadas, with three for each party. Maybe that is a recognition that it was being overdone at eight. I think four is a better number, but there will be different views about that, and if this Bill proceeds, there will no doubt be debates about where the right number lies. Is the right mechanism to reduce the First Minister and deputy First Minister's special advisers, as I am proposing, from three to one — granted that there is a junior Minister — or is it better to take away the junior Ministers' special advisers and adjust the number for the First Minister and deputy First Minister? Those are all debateable points, but the principle is

that it is really unsustainable to say that one Department in this House needs the same number of special advisers as the entire Welsh Government. The public, more than ever, are looking at us and we need to respond with sensitivity.

Clause 3 is a little bit technical. Members will recall how Mr David Gordon was mysteriously appointed as a super press secretary in the Executive Office. That was done by the then First Minister, Mr Robinson, and the late Mr McGuinness by exercising a royal prerogative power from section 23 of the Northern Ireland Act 1998. They exercised that prerogative power, without the Assembly knowing about it, to change the Civil Service Commissioners Order 1999 to give them the power to make that appointment. That was done behind everyone's back, in this House. That is not healthy or good, so I want to remove the amendment that was made, and I want, for the future, to impose in clause 3(2) a stipulation that no such change can be made in future unless a draft of it is laid before the House, and approved by the House.

Why should there be a facility to change the law behind the back of the legislative Assembly? That is what we are about — a legislative Assembly — and yet legislation was able to be changed behind the back of the House. That cannot be right and cannot be healthy, so that is why clause 3(2) is there.

In clause 4, I am saying that, if we were to reduce the number of spads, the date to do that would be the end of the next financial year, to give plenty of notice and time. Clause 4 is about providing those who are displaced and do not come back in as special advisers with their rights to a degree of compensation that is fair and reasonable. This clause and the schedule deal with that.

Clause 5 seeks to address a fundamental lacuna in accountability in the House. At the moment, Members are accountable through the standards commissioner for their behaviour and any breaches that are alleged against them in respect of their code of conduct. Ministers have a ministerial code, but there is no accountability. The last act of the House before the Assembly fell in January 2017 was to pass a motion, without division, saying that Ministers equally should be subject to the aegis of the standards commissioner. That is exactly what clause 5 seeks to do.

If MLAs are subject to the Assembly commissioner, why not Ministers? Today we have heard an announcement, "Oh, but we're going to appoint a panel". Why are we

reinventing the wheel? We have a situation where we have, or should have, a standards commissioner to deal with issues of conduct. Why not give that standards commissioner a widening of his ambit to include the ministerial code as well as the code of conduct? That would put everyone in the House on the same footing. Instead, the proposition is that we should spend £120,000 a year on three new panellists. It really is delusional.

When you go to what has been said today and what is in 'New Decade, New Approach', you see that the panel can reach a view but cannot recommend sanction. Only the party of the complained-against Minister, or the Assembly, can decide whether there will be a sanction. What is that all about, other than the optics? You will have a panel to determine what happened, but it will not be able to recommend sanction; it will hand over the matter to the Minister's party, which will decide what to do. Alternatively, if 30 Members can get their act together in the House, they could bring it to the House. That is not good enough in terms of a transparent, fulsome disciplinary process for Ministers. Clause 5 is simple and straightforward, and it sets the matter in very clear terms.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: The Member gave evidence to the Finance Committee on his Bill. There is certainly an awful lot of merit in what he is saying, but there is one issue that I think the House would wish to receive clarification on. There is a fundamental difference between a Member and a Minister. A Minister, by virtue of his or her position, has to take very difficult, and sometimes very controversial, decisions. For instance, the Minister of Education could recommend a school closure, or the Minister of Health could recommend the withdrawal of a service from a hospital, and there could be uproar in the community. The inevitability is that a complaint will be lodged to the commissioner, saying that the Minister is behaving recklessly, unreasonably and without any care for the community.

How do you prevent the system that the Member is suggesting, which has considerable merit, from being used, not as a way of controlling Ministers who are out of control, but by malcontents who simply want to use it to attack the Minister for making a decision that is well within his powers and where another Minister might well do exactly the same thing?

Mr Allister: The Member makes a good point. It is a point that was made to me at the Committee, and I have been thinking about it since. I think the answer is an amendment to insert a filter into the complaints process that provides that the commissioner must be satisfied that a complaint is not frivolous or vexatious or otherwise an abuse of the complaints process before he investigates it.

Putting in a positive filter would be a protection for MLAs and for Ministers, particularly for Ministers, who could be the object of capricious complaints such as that. If the standards commissioner has to be satisfied before he starts investigating and must continue to be satisfied throughout that the complaint is not frivolous or vexatious, that affords a protection that would be worthwhile, viable and well worth doing.

7.00 pm

I bring you back to clause 12, the last substantive clause. Its purpose is to ensure that this is not just a one-off event. It is clear to us all that there are things that need to be fixed, but, as time progresses, it will equally become clear that there are other things that need to be fixed. Therefore, in clause 12, I wish to impose an obligation that the First Minister and the deputy First Minister bring a report to the House every two years on any further proposals that there can be to improve the functioning of government. In any two years, there will, for example, be judicial reviews in which High Court judges will have criticised how things are done in various facets. Why should we not learn from that? The way to make sure that we learn from that is to have a review report and proposals every two years. I do not think that that is too onerous. It is twice a term — twice a mandate, essentially — so that the House can consider whether there are other things that we need to improve. Of course, to do that they would consult all the relevant commissioners and ombudsmen and all who are listed there.

These are sensible and rational proposals. There is nothing in the Bill that is green or orange; it is just about doing things better. MLAs may not agree with everything in it, but I hope that they believe in the general principles, in a circumstance in which the public most definitively expect change. Simply rejecting the Bill would be to defy public expectation. The other night, Mrs Foster told UTV that mistakes had been made and that what is important now is that we put in place structures to make sure that we do not do it again. This is a little part of that architecture, and the House should not run

away from that. It is not it all, but it is a start on pretty basic but necessary provisions. I commend the Bill to the House.

Mr Frew (The Deputy Chairperson of the Committee for Finance): I speak on behalf of the Finance Committee. The Committee took oral evidence from the Bill sponsor, Mr Allister, at its meeting on 26 February 2020. I thank Mr Allister for his comprehensive evidence to the Committee, and I thank Committee members for their detailed and in-depth questioning of the Bill sponsor on aspects of the Bill. It is worth informing the House at the outset that, following the evidence session, the Committee did not wish to form a view on the general principles of the Bill. Rather than rehearsing the evidence provided to the Committee by the Bill sponsor, I will confine my remarks to aspects of the Bill on which Mr Allister addressed issues raised by members during the evidence session.

Mr Allister informed the Committee that he had deliberately drafted the long title of the Bill so that it lent itself to a wide range of amendments. During the evidence session, members explored aspects on which amendments may be appropriate, should the Bill pass Second Stage.

Clauses 1 to 5 propose changes to current legislation. I will first address the Committee's consideration of those clauses. Members questioned the Bill sponsor on how the recent changes to the code of conduct and the code for the appointment of special advisers had impacted on the provisions of clause 1 and whether those changes had addressed his concerns. They also asked whether it would have been preferable to await the outcome of the RHI report before seeking to legislate for a code of conduct under the Civil Service (Special Advisers) Act (Northern Ireland) 2013. Mr Allister's view was that the amended codes were guidance and did not have the binding authority that, he believed, was required and would be provided through his Bill. He suggested that putting matters into a code rather than into legislation would not meet the public expectation of significant action being taken to deal with the issues arising from the RHI inquiry.

On the proposed cap on pay for special advisers, as outlined at clause 1(5), the Bill sponsor reminded the Committee that, when special advisers were initially appointed, the salary level was in the region of £70,000 but the First Minister and deputy First Minister subsequently agreed to raise it to £90,000, which is why he proposes to link special adviser pay to Civil Service pay at grade 5. Mr Allister

acknowledged that the action already taken by the Executive to reduce special adviser pay and introduce banding was good in that the issue needed to be addressed. However, he stated that, in addressing it through the code, rather than through legislation, there would be more scope for the cap to be removed. When questioned further, Mr Allister acknowledged that an amendment may be required to make provision to compensate special advisers who had or would have their salaries reduced.

There are six special advisers in the Executive Office. The facility exists to appoint eight. The proposal outlined in the Bill is to reduce the number of special advisers in the Executive Office to four. When questioned by Members, Mr Allister agreed that it would be open to debate and amendment as to whether four was the right number.

The proposal at clause 3 is to repeal the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016. The order makes provision for the First Minister and deputy First Minister to appoint:

"a person to provide specialised support".

Mr Allister informed the Committee that that provision had arisen as a result of the use of a prerogative order of the First Minister and deputy First Minister in the appointment of an Executive press secretary. The Bill sponsor believes that the provision should be repealed and any future amendment of that order should be made not by prerogative powers but only by affirmative resolution in the House.

There were no concerns raised in the Committee about clause 4. The clause will provide for compensation for any special adviser who loses their job as a consequence of a reduction in their number.

The Committee questioned Mr Allister in detail on clause 5, which would extend the powers of the Commissioner for Standards to investigate complaints against Ministers. There was concern that the provision could lead to large numbers of vexatious complaints relating to ministerial decisions on policy issues that may be considered unpopular. Mr Allister assured the Committee that, for a complaint to be considered valid, it would have to relate to a breach in the ministerial code and that the commissioner had the discretion to decree that a complaint was vexatious and therefore quickly dispose of it without the need for an investigation. He stated that he was considering tabling an amendment at Consideration Stage

to prescribe that a petition of concern may not be used on an issue relating to clause 5.

I will now address the Committee's consideration of clauses 6 to 11, which, Mr Allister advised the Committee, address specific issues that have arisen as a result of the renewable heat incentive scheme.

Clauses 6 to 8 deal with meetings. Members considered it important to define what the Bill sponsor meant by a "meeting". Mr Allister's view was that, where two or more people came together, it had the capacity to be a meeting. That could include any contact whatever. He suggested that, even where a Minister encountered a member of the public informally in, for example, a supermarket or a coffee shop, if departmental matters were discussed, it could have a bearing on the shaping of future policy or decision-making. That encounter should fall within the scope of the Bill. That would mean that, under clause 7, a Minister would have to make a written log of that encounter. Mr Allister informed the Committee that, although clause 7 would capture such an encounter, what he had in mind when drafting the clause was of the more serious side, where someone with a vested interest persuaded a Minister off the record that certain action should be taken. When questioned about the potential and incentive for fictitious and inaccurate claims from people who were opposed to the Minister, Mr Allister acknowledged that that could occur, but he felt that it was a question of balance between the need to address any mischief that may have occurred and avoiding any inconvenience to a Minister from having to record such an encounter.

Clauses 9 and 11 deal with criminal offences. Clause 9 deals with the electronic communication of government business via anything other than departmental systems and email addresses. Clause 11 deals with the communication of confidential government information to a third party. Mr Allister was questioned about the requirement to always use departmental systems and email addresses and the potential for that requirement to impede good and agile government. Officials acting in the interests of the Minister and the Department outside those parameters would have to do so in the knowledge that they would have to construct a reasonable excuse defence. Mr Allister's view was that there could be no prosecution unless there was a reasonable prospect of conviction and the case passed the public interest test.

Concerns were expressed about the potential for clause 11 to capture many forms of

communication with the media, including informal briefings that helped the media to do a good job in holding Ministers to account. Mr Allister agreed that, in a modern Government, there is a role for such press briefings.

Mr Allister outlined why he considers the tariffs appropriate under clauses 9 and 11, and, should the Bill pass Second Stage, the Committee will consider those tariffs in detail. He indicated that he would be willing to consider an amendment to clause 9 relating to the construction of a reasonable excuse and a suitably framed amendment to clause 11 that would exempt authorised briefings. Should the Bill pass Second Stage, the Committee will consider in detail the provisions outlined in clauses 9 and 11.

The Committee did not raise any issues in relation to clause 12, which establishes a process for the First Minister and deputy First Minister to report to the Assembly every two years. Should the Bill pass this stage, the Committee for Finance will work with the Committee for the Executive Office and relevant Standing Committees to ensure robust scrutiny of the Bill's clauses.

There was a range of views in the Committee on the general principles. As I said at the start of my remarks, the Committee for Finance did not wish to form a view on the general principles of the Bill. I believe that, in most cases, it is good practice for a Committee not to form a view on a Bill, even the general principles, until it has had time to scrutinise it in detail.

Mr Principal Deputy Speaker, I now speak on behalf of my party, the DUP, and as finance spokesperson. We support the core principles of the Bill. In light of the findings of the RHI inquiry, every party and every Department has a responsibility to pursue reforms that rebuild public confidence in the governance of Northern Ireland. Sir Patrick's recommendations cover a wide range and a panoramic view of that governance: the Executive and the decisions and policies that they wish to adopt; the behaviour of Ministers; the behaviour of spads, the roles that they play and the parameters in which they operate; the interactions between Departments, Ministers and spads; the interactions between Departments and Statutory Committees; the transparency of Departments; the information that is offered to Committees; the respect for MLAs in this place as individuals, when we ask questions of Departments; the respect for MLAs as they perform an important role in the Statutory Committees; and all interactions with the public.

In some areas, this Bill may be the right vehicle to take forward systemic improvements and reforms. For others, we may need further legislation to cover all aspects of governance. I welcome the Bill sponsor's decision to name the Bill as "miscellaneous", which allows the greatest scope for amendments. Delivery for the people of Northern Ireland in a transparent and accountable way must be our aim in this place.

7.15 pm

A sustained and faithful implementation of the 44 recommendations of the RHI inquiry report is only the start. We have nothing to fear and much to gain from a better system of government, with a transparent challenge function and an accountable Executive. We can never ever go back to business as usual. We will not get a second shot at this. We need to treat the public with respect. The Executive need to treat MLAs with respect. MLAs have to do their job, which is to scrutinise through asking ministerial questions and in the scrutiny Committees, and the Departments must furnish all information to the Committees so that we can do our job. Committees are not only here to scrutinise Departments but they are here to support and advise. If there are measures whereby spads can behave badly, whereby Ministers can behave badly, and a Civil Service that is not fit for purpose, well really, the Committees might be the last defence. It is important that we get this right.

I could go on about the failures, at departmental and Committee level, that I have witnessed as an MLA, but this probably is not the time, and there will be many people wanting to speak about this Bill. We should and will revisit it.

I hope that the Bill can be used as a vehicle for change, and that we can change the practices that we have had to live with regarding spads: their appointment, their behaviour and the input that they have had into departmental offices. I hope that Members seek ways to amend the Bill to widen its scope and to bring in a panoramic view of governance that allows us to make tangible changes so that we can better serve the public.

There is absolutely no doubt that the Executive must bring forward a reform Bill to pick up all the other aspects — the panoramic view — that this Bill will not. Such a Bill should come sooner rather than later so that we can introduce reform as quickly as possible. We have had three years of wasted time and opportunity in this place. We have two years to make it right. Let us get our skates on.

Mr O'Dowd: Apologies to the House for my not being here for the entirety of the debate. I have been at a Business Committee meeting and an Assembly Commission meeting to discuss recent events.

I will not speak for too long. I will set out my party's position on this Bill. We will not support it. We will not divide the House tonight. Many of the clauses are unnecessary, and I do not think that a private Member should introduce this legislation. Mr Frew talked about the Executive introducing a reform Bill. If there is a requirement for legislation, it should be brought forward by the Executive, not by a private Member from any of the Benches.

Mr Frew: I thank the Member for giving way. Did the Member hear me when I said that MLAs should get respect? He knows fine well that any Member can bring legislation to this House. For him to reduce that in some way, compared to the Executive, is a very bad and telling thing.

Mr O'Dowd: The Member needs to have a conversation with his party leaders in that regard.

The Bill is unnecessary in many regards. It may catch newspaper and media headlines in that we are going to send people to jail, but do we really believe that, in the circumstances that Mr Allister is setting out, anyone will end up in jail? I do not believe so. Is it necessary to send someone to jail? Not in the circumstances that he set out. However, already, if special advisers or, indeed, Ministers break the law, they can and should be sent to jail, if that is the sentence decided by a court of law.

The findings of the RHI report show that there are many areas where we do not need new governance or legislation. No one should have to be told by a piece of legislation, a new governance rule or another piece of bureaucracy that you should not leak emails to your neighbours, cousins, brothers and sisters to give them financial advantage in some government scheme.

Mr Wells: Will the Member give way?

Mr O'Dowd: Sorry, where did that come from? Yes.

Mr Wells: The Member makes an interesting point. I hope that, during his speech, he will provide us with a detailed explanation as to who Mr Pádraic Wilson and Mr Howell were. In that case, it was not a question of leaking information. The information was automatically

sent from DETI and DFP to Connolly House, where these two gentlemen, who were not spads and not subject to any of the controls in the code, weak as they were, seemed to have the final say in everything that any Minister of his party decided upon. I am flagging this up because Members' opinion on this Bill will be very much flavoured by an explanation as to what exactly was going on there, why it was needed and why his Ministers were, not leaking stuff, but automatically referring everything to those two gentlemen.

Mr O'Dowd: Mr Wells has put two and two together and got five. One of the reasons why he sits on the side Benches is that unelected executive members of his party put him there. They are unknown to many of the public, but there are people who sit on the DUP executive who are not elected to public office. However, they have every right to be there, because they are party representatives. They have been elected by the membership. They have authority to be there from the party membership. Every party in the Chamber is the same. There are previous chief executives of the SDLP who were unelected public figures, but they were elected by the membership. In some cases across the Chamber, some people were appointed to paid posts. When Mr Wells refers to "the two gentlemen", that is who they are. They are elected officials in Sinn Féin. However, neither of those two gentlemen received emails to alert them to a very lucrative scheme so that they could profit.

Mr Wells: Will the Member give way?

Mr O'Dowd: No, I will not give way again.

The two members — the two people he referred to — were actually involved in trying to resolve the mess made elsewhere, because the RHI debacle was conceived, born and reared within the DUP.

Mr Storey: Will the Member give way?

Mr O'Dowd: No, I will not.

It was conceived, born and reared within the DUP. You can try and twist it, turn it and move it, and do all those sorts of things. Mr Wells referred to two gentlemen. The other day, I heard someone in the media say, "Nobody knows who these men are." These men have met Prime Ministers, presidents and taoisigh. They are well known.

Mr Wells: We do not know who they are.

Mr O'Dowd: You do not need to know. Jim, if you want, the next time you are in the canteen, I will introduce you to them. I will bring you over and say, "Jim, Ted" — *[Interruption.]*

Mr Principal Deputy Speaker: Order. First, Members should not make remarks from a sedentary position. Second, all remarks should go through the Chair.

Mr O'Dowd: As I said at the start, I am not going to speak for too long. My opinion, and that of my party, is that Mr Allister's Bill is unnecessary. If there is to be legislation, it should come from the Executive, and that legislation should be stringent and strident in building public confidence around our policy-making and politics.

Mr Storey: Will the Member give way?

Mr O'Dowd: No, thank you. As I said earlier, the RHI report flags up the things that will happen if anybody acts in the manner in which the people who were working with Members from the opposite Benches acted. If you want honesty and scrutiny within the organisation, policy-making and legislation, you have to have credible people. That is key as we move forward.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I make these opening remarks in my role as Chairperson of the Executive Office Committee. A number of weeks ago, the Committee received a briefing from Mr Allister on the principles of the Functioning of Government Bill. Mr Allister outlined the three strands of the Bill. The first strand deals directly with some of the issues that were rehearsed during the progress of the RHI inquiry. Obviously, that report had not been published at the time of the briefing. The second strand deals with the changes to the law to address the number of special advisers in the Executive Office, amongst other related matters. The third strand establishes a rolling review of the functioning of government.

While a range of issues were covered during the question and answer session that followed the briefing, members spent considerable time discussing the lack of consultation on the Bill and the timing of its introduction. When asked about the lack of consultation, Mr Allister informed the Committee that he did not feel that there was a need for further consultation on the Bill's provision. He advised the Committee that he had carried out a consultation on various issues around special advisers in the course of drafting a Bill that he introduced in 2015 and

that some of those provisions are contained in this Bill. He also told members that he drew on the well-publicised issues arising from the evidence given to the RHI inquiry to inform his drafting.

Mr Allister went on to outline the two routes that can be taken to introduce a private Member's Bill: one where you draft the Bill yourself; one where you get the Bill Office to draft it for you. He informed the Committee that he was not obligated to carry out a formal consultation as he had drafted the Bill himself. He simply presented it to the Speaker's Office and, because it was legally competent, it was able to be moved forward.

Mr Storey: Will the Member give way.

Mr McGrath: With pleasure.

Mr Storey: The Member may or may not be able to provide clarity, or maybe Mr Allister could supply it to me, but what is the legal position with regard to a statutory requirement for either an eight- or 12-week consultation period? Is there any requirement in statute on that, or is it solely at the discretion of the House?

Mr McGrath: I thank the Member for his intervention. I am not going to pretend to be an expert on the legal process of private Member's Bills, but I am sure that Mr Allister will take the opportunity to respond to that, given the remarks that we are making.

If Mr Allister had gone down the route of not drafting the Bill himself, a consultation process would have been necessary.

In relation to the timing of the Bill, some members questioned whether it would have been prudent to wait for the outcome of the RHI inquiry to ensure that the Bill, as introduced, covered most, if not all, of the issues raised. In response, Mr Allister acknowledged that he was confident that he could second-guess the outcome of the RHI inquiry. That was why he drafted the long title of the Bill to make it as wide as possible. His idea was that the Bill could accommodate amendments to address any additional issues that were raised in Sir Patrick Coghlin's report.

The new ministerial code that has now been published, but was not at the time, was also raised. It was highlighted that the changes to the code would likely go further than the proposals contained in the Bill. As we now know, the new ministerial code and guidance

have been significantly strengthened, and an independent panel will be established to rapidly investigate alleged breaches of the ministerial code. Whilst Mr Allister made the point that a code is only a code and can be unmade as quickly as it is made, further doubt was added to the timing of the Bill's introduction.

7.30 pm

Following an in-depth discussion, there was unanimous agreement amongst members that the status quo was not an option. Members agreed with the principle of change and felt strongly that action needed to be taken not just to restore public confidence but to improve the functioning of government. There was, however, some disagreement on the right vehicle or vehicles to do that. Some members felt that now was not the right time to consider the general principles of the Bill, while others offered their support.

As I have mentioned, there were concerns over the timing of the Bill. The question was asked on numerous occasions why the Bill was introduced in advance of the publication of the RHI inquiry report. Introducing it in advance of the publication of the new ministerial code was also questioned.

In the end, members could not reach consensus on whether the Committee should form a view at that juncture on the general principles of the Bill. Subsequent to a Division, the Committee agreed to consider the general principles following the publication of the RHI report. Unfortunately, the Committee cannot be afforded that opportunity because the Bill is having its Second Stage today, in advance of the next Committee meeting.

I wish to speak now in my capacity as an individual MLA. While I am aware of the threat posed to our way of life by the coronavirus, I wish to begin by acknowledging the great work that is taking place in communities across Northern Ireland, with people pulling together to help one another in the difficult and dark days ahead of us. Alas, the work of this Chamber goes on, and I wish to make a few comments about the Bill.

The RHI report was discussed earlier today, but we cannot downplay the link between that report and Mr Allister's private Member's Bill. Given that the report of the RHI inquiry was released on Friday and many of us are still digesting it, I recognise that Mr Allister's Bill seeks to address some of the issues contained in that report. There are, perhaps, lessons to be learned that were not raised in the RHI report.

The fundamental flaw in the RHI scheme was the lack of accurate information.

When directives are given to civil servants from a special adviser, they should have a note explaining explicitly that it is a directive to be given by the Minister, as opposed to that adviser. Are we, as an Assembly and an Executive, giving due consideration to the overall special advisers' code of conduct? Special advisers have an obligation to their Minister, but maybe it could be considered that it should be to the Assembly or to the Executive.

The issue of whistle-blowing is linked to the report, and we need to ask ourselves whether we take it seriously enough. For instance, what should happen if a whistle-blower were to approach us as individual MLAs? Do we have the capacity and knowledge to deal with that, and where should that information go?

Mr O'Toole: Will the Member give way?

Mr McGrath: Yes, of course.

Mr O'Toole: Perhaps the Member will reflect on the issue of journalistic briefings — it is something that the Bill author has given some thought to — that may be off the record but are not malign. Some of the clauses of the Bill should not capture that kind of fruitful interaction between whistle-blowers or people in the course of their jobs in the media.

Mr McGrath: It is a valid point. If we record absolutely everything, it could frighten off whistle-blowers who may not want to come to you and detail some things. Whilst we have concerns about things that are off the record, there needs to be some capacity for off-the-record conversations, certainly in the context of whistle-blowing.

A point that was raised earlier and I raise again is whether special advisers' employment should be term-limited. The current code of conduct states that a special adviser's employment ends when their Minister ceases to hold office. I will not rehearse the eloquent remarks that were made earlier about that.

These are the questions that all of us have to address. We have big, deeply systemic issues that need to be addressed in the functioning of our Government. While Mr Allister's Bill attempts, in theory, to address the matters raised, it poses more questions than answers, with one of the most questionable aspects of the Bill being the criminalisation of special

advisers. There are many questions that need to be answered and clarity sought at Committee Stage. At this point, we cannot support or reject the Bill, but we will have our perspectives at Committee Stage.

Mr Beggs: I give broad support to Mr Allister's Functioning of Government (Miscellaneous Provisions) Bill. Its timing is fortunate, coming just after the publication of the RHI inquiry report. Earlier, I was astounded when I attempted to make an intervention after Mr O'Dowd asked whether there was a need for legislation. After the publication of the RHI inquiry report, which exposed the many failings and the dysfunctional nature of the Executive, a senior MLA asked whether there was a need for legislation. Clearly, we need to improve the situation. The current codes have not been working, have not been applied and are not strong enough. There is much merit in what is proposed. The Assembly has to thank the Rt Hon Sir Patrick Coghlin and his team for their report. The Bill actually carries out many of its recommendations. It addresses many of those areas.

In the explanatory and financial memorandum that accompanies the Bill, policy objective b) states:

"special advisers are subject to the processes and procedures of the disciplinary code operative in the Northern Ireland Civil Service".

I was on the Committee for Social Development at the same time as Mr Allister. The Committee eventually managed to extract the fact that there had been an inquiry into the behaviour of a special adviser and, using our legislative powers, demanded access to papers. Eventually, we got a heavily redacted report that recommended that there should be formal disciplinary action. However, that needed the approval of the Minister, and the Minister at that time, Mr McCausland, blocked it. Clearly, there is a failing when, at present, a Minister can prevent a special adviser from being subject to the normal Civil Service code of behaviour that would be expected of someone in the Senior Civil Service. Clearly, we need change.

Then, there is the issue that special advisers should be accountable to the Minister. We have discovered a hierarchy of special advisers and learned about how that complicated arrangement caused internal issues and delays and may well have cost millions of pounds to the public purse. Spads were not accountable, nor were they, on occasion, formally or properly appointed by their Minister. A new process had

been determined, and their loyalties seemed to lie elsewhere than to their Minister. That, in itself, caused problems.

Policy objective d) aims:

"to restrict the remuneration of special advisers".

I thank the Research and Information Service for its briefing paper, which is available in the Assembly Library. It compares the annual cost of special advisers to those of other devolved regions and the UK Government. The last time that figures were presented for all the devolved regions was in 2014-15, so those are the figures that I am quoting. At that stage, Northern Ireland had 18 special advisers, costing over £2 million; Wales had nine, costing only £600,000; and Scotland had 14, costing £950,000. Why should special advisers to the Northern Ireland Government cost twice as much as those of the Scottish Government, who have to account for a much larger budget? Surely, it should be much more proportionate to the size of the budget. We have many more special advisers. I accept the fact that we have nine Departments and nine Ministers and therefore each Minister will need a special adviser, but do we really need up to eight special advisers in the Office of the First Minister and deputy First Minister, especially when anyone who investigates recent behaviour will find out that they may have contributed to the problems rather than helped to provide good governance in Northern Ireland?

Mr Buckley: I thank the Member for giving way. I listened to the point that he and Mr Allister made where he equated the number of spads here to the number working for the Welsh Government. Does the Member agree that that is not a fair representation? He is comparing pears with oranges, given that our circumstances — an involuntary coalition — are unique.

Mr Wells: Will the Member give way?

Mr Beggs: I will give way briefly.

Mr Wells: Does the Member accept that there have been coalitions in other devolved Administrations in the United Kingdom — at one stage, in Scotland and Wales — yet they did not need to have extra spads to manage the situation?

Mr Beggs: You can create a need for many more spads. You create a hierarchy by

appointing so many spads. In doing so, you create that power base whereby they try to over-intervene in other Departments. I question the need for the current three, never mind four. Why do we need so many spads? What do they add to the process? Things might even run more smoothly if there were fewer of them in the Office of the First Minister and deputy First Minister. Certainly, there is merit in reducing their number. Remember that this is public money that is not being spent on our schools or our health service. We spend an extra £1 million on spads in Northern Ireland compared with Scotland. I would much rather that that money be spent on front-line services. The number of spads that we employ is a problem.

Looking down the list of the Bill's policy objectives, I see that objective e) is:

"to impose a statutory duty on a departmental minister and Permanent Secretary to ensure no person exercises the functions or enjoys the privileges of a special adviser other than the duly appointed person".

We have heard reference to Ted Howell and the infamous quotation from the former Finance Minister in an email that was brought out in the RHI inquiry:

"Would you be content if I were to sign off the business plan on Wednesday afternoon?"

This is the Minister of Finance in the Northern Ireland Executive, who is looking after all our public money, has inside briefings and knows the pressures, and he is asking of someone who is not a Minister — a party official, but an unknown person as far as I am concerned — "Can I do this?". When Ministers take the oath of office, they swear to act on behalf of the public, and that has been overlooked. We need to get back to Ministers acting on behalf of all the people of Northern Ireland and not seeking to exercise their decisions only when they get approval from party apparatchiks.

Mr Frew: I thank the Member for giving way. He hits an important note in the debate. The PSNI's 2015 assessment stated that the Provisional IRA army council was still overseeing both Sinn Féin and the remaining structures of the terror organisation, the Provisional IRA, with an overarching strategy. We then learn from the evidence of the RHI inquiry that Sinn Féin Ministers were under instruction from people who were not accountable or democratically elected. Surely

that sends shock waves through the democratic world, in this place and outside.

Mr Beggs: I agree entirely with what the Member says. When you add that information to what we saw happening, that causes great concern for the democratic process.

Mr O'Dowd: I thank the Member for being gracious and giving way when I did not do so earlier.

I have two points to make. He refers to the then Finance Minister seeking permission and suggests that he was not acting in the interests of all of our society. I think that the business case that he refers to related to the reduction of the costs of RHI.

Surely reducing the cost of the RHI scheme to the public purse was acting in the interests of the public, regardless of colour, creed or class.

In relation to Mr Frew and this much-misquoted quotation from a report, the actual quotation refers to most IRA members believing that the IRA army council was directing. I do not know how they came about that. Did they send out a questionnaire and say, "Fill in this questionnaire, return it and you might win a weekend in Paris". It is the most ludicrous piece of evidence-gathering that I have heard of in all my life, but Mr Frew will hang to it because he does not want attention drawn to where it belongs. They conceived it, they reared it: it is their problem.

7.45 pm

Mr Beggs: The Member indicated that the legislation referred to in the email from Mr Ó Muilleoir to Mr Ted Howell was to reduce costs. My question is this: why was he asking someone else whether he could do it? Why does a Minister of the Northern Ireland Executive have to ask someone else, "Can I do it"? What would he have done if he had said no? If he had said no, would he have left it for another couple of weeks? Bear in mind that there were already delays from both the DUP and Sinn Féin sides, all of which cost the public purse money.

Mr Frew: Will the Member give way?

Mr Beggs: Yes.

Mr Frew: We are getting into quotes tonight, which, of course, we should. The most senior civil servant in the Finance Department, Mr

David Sterling, believed that the then Finance Minister may have been "acting under instruction". On 21 January 2017, David Sterling sent a text message to his fellow permanent secretary, Andrew McCormick. Mr Sterling said of his Minister:

"I can't say whether the will is there and wonder whether he knows himself. He may be acting under instruction".

Mr Beggs: I turn to some other aspects of the Bill. I am looking at clause 6 on records of meetings. This should not have to be stated but, in Northern Ireland, it clearly does because of the way that some of our Executive Ministers have behaved. They avoided keeping records in order to avoid the Freedom of Information Act or whatever. The Civil Service's general instructions or requirements would have been to follow the good practice of keeping minutes, but clearly that was not done. There is a need to put it into legislation to remove that wriggle room, ambiguity and bad practice that came into being over the years under the DUP and Sinn Féin's direction and leadership of the Northern Ireland Executive.

On records of contacts, Ministers should not meet other parties to discuss departmental business without it being logged and a record established. Clearly, that should happen. A civil servant should be there to ensure that everything that was discussed is recorded and is appropriate.

On use of official systems, we have heard how Minister Bell did not use his official system. There are issues of cybersecurity there. Will someone with outside financial interests somehow hack it and gain access to it? It is a much less secure system than would be provided by government. There is then the whole issue that it does not create a trail and, therefore, the Ministers involved could avoid leaving any trail of their actions should they happen to be inappropriate.

On a register of interests, it is very apparent that special advisers should register their interests. I agree, Mr Allister, that it should be a public record. If it had been a public record, someone may have decided to take a look. They may then have made a complaint if they knew that someone had not divulged their interests on a register. We have to register our interests, and we do so diligently to keep ourselves right. Just as it applies to us, spads should have to follow suit and sign a register of interests, and that should be in the public domain.

I am looking for more information on the issue of whether there should be criminal offences. I can see that, if there were to be a criminal sanction involved, it would certainly concentrate the minds of those who have bypassed codes in the past and have avoided using appropriate means of communication. That is worthy of further investigation, and it should be brought out more at Committee Stage. It has much merit, and I do not know how else we will achieve our objective, but I look forward to hearing more about this, so that, if there is to be a criminal sanction, it would be set at an appropriate level. I am sure that, if it were there, senior civil servants who were aware of inappropriate actions being taken would take action to protect themselves. Equally, if they were to become subject to possible criminal investigation, Ministers and spads would be much more particular to avoid inappropriate actions.

As I said at the beginning of my comments, we are very fortunate that the Bill is coming shortly after the RHI inquiry report. Many of the proposals in the Bill address many of the issues that have been highlighted by the inquiry and provide solutions to them. I consider many of them to be appropriate, and, if this comes from the bottom up, from a private Member's Bill, from amendments at Committee level and, ultimately, from the Floor of the House, it will have much more respect in the Assembly and the Executive than something that is top-down and imposed. There is much merit in what is being proposed, and I give Mr Allister my best wishes as his Bill proceeds through the Assembly. I look forward to it being back here.

Mr Muir: Earlier today, we debated the RHI report, and the tone of that debate was perhaps much better than the tone of the debate this evening. I am disappointed at the tone of this debate. Northern Ireland is facing a public health emergency and an economic crisis —.

Mr Wells: Will the Member give way?

Mr Muir: Yes.

Mr Wells: I have been in this Chamber for nearly 26 years. In comparison with many of the debates that I have witnessed, going back as far as 1982, this debate has been good mannered and well behaved. He has not seen a bad debate in this House. When he does, he will recognise it, but there is nothing here tonight that would shock anybody who has been watching this Chamber for more than the last five years.

Mr Muir: Thank you very much, and I take the advice from my learned friend, but we are facing very different times in Northern Ireland at present, and people are looking to the Assembly for leadership.

I thank the Member for bringing forward his Bill, and I understand that my colleague Kellie Armstrong, who is not here at the moment, has previously engaged with Mr Allister on it. We will continue to engage with him. It will not be surprising to anyone that the Alliance Party believes that it has been championing a number of the issues in the Bill, such as openness and transparency — they were integral to the negotiations that led up to the restoration of devolution as part of New Decade, New Approach.

In the past three years, we did not have devolution here and the behaviour of the previous Executive shattered public confidence in democracy and in these institutions. Whether through inaction, wrong action or complete ignorance, we saw scandals emerge over time, such as Red Sky, NAMA and RHI. This is our opportunity to rebuild trust and to secure long-lasting confidence in these institutions.

During the debate on the RHI inquiry report that was released last Friday, we were able to consider some of the issues, and, in due course, once we get through the crisis that we are experiencing, we will hopefully be able to consider those issues in a bit more detail and consider how we take forward the recommendations arising from that report.

Holding government to account is a fundamental foundation of democracy, and the idea that accountability should be set aside, ignored or completely mislaid has shown us the need for action to ensure that all those at even the highest level of government are held accountable. We need only look today, and in recent weeks and months, at the actions of Dominic Cummings, the special adviser in Downing Street, to see why we need to take action and see that people are held to account. There is no doubt that people across Northern Ireland have —

Mr Wells: Will the Member give way?

Mr Muir: Yes.

Mr Wells: The Member will be interested to know that Dominic Cummings, who we accept is the special adviser who wields the second-highest degree of power of any adviser in

history, earns considerably less than what many of our spads were getting before 2017.

Mr O'Toole: He does more damage, I am afraid, than the spads who were here.

Mr Muir: My colleague from South Belfast has answered the intervention.

People are expecting action as a result of the RHI inquiry report, and that must include action on special advisers. It is, however, important to know that the majority of special advisers carry out their work with professionalism and integrity. Nonetheless, we must address the concerns and implement additional measures to ensure that there is appropriate scrutiny and accountability in their role.

I move to the specific measures contained in the Bill. As I said, there are many elements with which we can agree, but there are some on which we have concerns. The elements that we welcome are matters that we raised in the negotiations, and, for us, the inclusion of the recording of minutes taken at meetings attended by the Minister with departmental officials, or between Ministers and non-departmental personnel, is a small step but an important one.

The taking of notes and minutes of meetings where very significant decisions are taken is a small but key thing that we should be doing already, and the implications of when that did not happen came out very clearly in the RHI inquiry report. The presence of civil servants in such meetings is another obvious step, and we believe that this would put in place necessary measures to ensure continuity of accountability. We feel that the idea that special advisers would engage in discussions and meetings without the presence of civil servants, who, on many occasions, have the expertise on and know the background to what is being discussed, needs to be addressed.

We have also as a party been supporting and pushing for a code of conduct. I understand the concerns in relation to a code of conduct, but we think it is important that that be in place.

We also believe in a reduction in the number of special advisers, but we think that it is important to clarify to whom the special advisers in the Executive Office are accountable to, whether it is the First Minister and deputy First Minister or the junior Ministers. It is important that that is clarified.

The Bill does go some way to bringing special advisers in line with the Civil Service, and we

must acknowledge the reality that the role of a special adviser in providing political advice to the Minister is unique. However, their role should be brought in line with the Northern Ireland Civil Service code of ethics, ensuring that they are held to account.

As I have said before, the Alliance Party does have some concerns about the Bill — for example, the criminal liability elements. We are willing to work with the Member on that, and we support the Bill at this stage.

Mr Wells: I said in my last contribution to the debate on the Budget that the Assembly was in the last chance saloon and that the public perception of this body is at an all-time low. When this Assembly fell in 1970, there were 100,000 people protesting outside at the bottom of the steps. When it fell in 1986, there were 3,500 people protesting against its closure. When it fell in January 2017, there was one man and his dog, and the dog was a conscript. That indicates to me the level of approval of this institution.

We have just had the release of the RHI inquiry report, and I was present on Friday for that. What did it say? It said that the First Minister was entirely open and honest, and that is correct; she was. It said that neither she nor any other Executive member made a single penny out of the RHI debacle, and that is true. However, what it did show is that the First Minister and many other Ministers in this Chamber were very, very badly let down by their special advisers. The question I have to ask is whether, had Mr Allister's Bill been law from 2014 onwards, we would have had the RHI debacle. Would we have had the crisis that this Chamber and the Executive faced? I believe that we definitely would not have. Indeed, you will remember that Mr Allister raised his concerns in 2013.

8.00 pm

Mr Frew: I thank the Member for giving way on the point about whether it would have taken place. I believe that it would have done because the Bill only fixes one part of the panoramic view of governance. You would still have a dysfunctional energy branch, and you would still have senior authority in the Civil Service not chasing down the detail. I do not believe that the Bill would have solved that issue, and nor will it do so in the future. Even with this Bill, if it gets support at its further stages, we will still need wider, holistic reform of governance in Northern Ireland.

Mr Wells: I accept much of that. Indeed, Mr Allister suggested that this is only one part — he says a small part; I see it actually as a major part — in the overall reconfiguration of how we govern ourselves in this part of the United Kingdom. There is no doubt that there is a requirement for root-and-branch reform, but I am somewhat surprised that one of the major parties, led by Mr O'Dowd, is suggesting that it will oppose even this tiny step forward in protecting people's beliefs in this institution.

By the way, I should have said, when I mentioned Mrs Foster, that I hope that all those who passed thousands of very nasty, evil comments about Mrs Foster three years ago will now have the decency to apologise for what they said, because, clearly, there was an awful lot said that was based on innuendo, false information and downright untruths. I would like to think that the First Minister's postbag will be full of grovelling apologies from those who condemned her when, in fact, the report indicates that she had behaved honourably. I still emphasise that she was very, very badly let down by the spads.

I mentioned earlier that I have been in the Chamber for about 26 years, and I have lots of experience of working with spads. There are spads, and there are "speds". There are special advisers, and there are special enforcers. That is a problem that we had for many, many years. I have experience of spads and "speds". At this stage in the debate, it would be totally improper for me to name any individual who cannot be here to defend themselves. Let us take a mythical Department that has a spad and a "sped" who are both earning £92,000 a year. One is a solicitor — very able, very intelligent, very helpful — who certainly does not see it as his role to enforce anything; instead, he acts as a conduit between the Minister and his party and other MLAs. On the other side, there is the "sped". He is on £92,000 a year, and let us suggest that he is an accountant who is very able and very intelligent. However, he regards his role as the enforcer — the "sped" — and he exercises power that has never been seen in a western democracy before. Certainly, even Dominic Cummings — we have heard about the power that he exercises in 10 Downing Street — would be envious.

Mr Principal Deputy Speaker: Mr Wells, I have just been informed that they are having difficulty picking you up. Do you want to move slightly closer to a microphone, as that will aid Hansard to put your thoughts into the record?

Mr Wells: Mr Principal Deputy Speaker, that is the first time in my life that somebody has said

that they are having difficulty picking me up. They might not have agreed with a single word that I said, but they certainly heard me, so there is always a first.

As I say, we are continuing with this mythical situation of a spad and a "sped", both of whom are on higher salaries than many of the Ministers in the Executive. One of them exercises the proper spad role and is universally liked in the Assembly, and then we have the "sped" who exercises an enforcement role. In fact, the "sped" exercises a role that is a mixture of chief executive, special adviser and Chief Whip.

Mr Beggs: Give us a clue.

Mr Wells: I certainly will not be naming them. I do not want to reveal anything.

The "sped" could exercise power and would often arrive at a timorous, fearful Back-Bencher saying that he had the power of his Minister behind him. That did not happen in just one Department. As an obscure Back-Bencher from South Down, I certainly received many visits from "speds", who made it very clear to me that they were not coming within their own right but that they were coming to enforce the view of their Minister. I never knew whether the Minister knew anything about their visits — I do not know — but that certainly gave them a power that was well beyond their position. That should never have happened. A spad should never have been a "sped", but we allowed a situation to develop where they could do exactly that.

On the other side, in another mythical Department, we had a situation where very powerful, highly paid spads — no doubt "speds" as well — were liaising between Back-Benchers and the Ministers. However, there was a further step: every decision, as was confirmed by the RHI report but which Mr O'Dowd is very shy about explaining to us, had to be referred up to Connolly House, where Mr Howell and Mr Pádraic Wilson had to give the OK. Those "speds" — of course, they were super-spads because they had control over all the spads in Mr O'Dowd's party — were not accountable to anybody. We all remember —

Mr O'Dowd: Will the Member give way?

Mr Wells: Yes, I certainly will. Unlike you, Mr O'Dowd, I will give way.

Mr O'Dowd: You are very gracious, Mr Wells, as your reputation before you is known. During the time that he refers to, the Assembly was on

the verge of collapse. We were in the middle of a political crisis. My party set up a management group, which was made up of senior political officials, who were widely experienced in negotiations in the peace process, in an attempt to save the institutions. I will introduce you some day in the canteen to both gentlemen, because I think that the three of you would get on very well together. They were part of that group in an attempt to save the institutions and clear up the mess that had been made elsewhere.

Mr Wells: That certainly brings a whole new meaning to the phrase "the enforcer". I have to ask: why could no decision be made by the shy, retiring then-Finance Minister, Mr Máirtín Ó Muilleoir? Why could he not make any decision without getting Mr Wilson and Mr Howell on board? That indicates to me that they had a level of power. You criticise other parties — I was using only a mythical example of another party — for having a super-spad, when you had two. At least the spads in the other parties were accountable to the code of conduct.

Mr Frew: Will the Member give way?

Mr Wells: Certainly.

Mr Frew: On the point about being under instruction and seeking advice from outside people, it would be interesting to know what expertise those individuals had of an RHI scheme, or any sort of incentive scheme for that matter. Does that tell us that there was nobody in a ministerial post in Sinn Féin who could have read anything to gain expertise?

Mr O'Dowd: *[Interruption.]*

Mr Wells: On Thursday night, the Executive made an important decision about coronavirus. Everybody, including his Ministers, agreed to that policy, which was directed by Michael McBride, the Chief Medical Officer. Were Mr Howell and Mr Wilson consulted on that policy? Did they instruct the Sinn Féin Ministers on the Executive to change their view very rapidly by Friday morning?

Mr O'Dowd was Education Minister for many years. He was certainly a more acceptable Education Minister than his predecessor, but that would not be hard. Did he, during his time as Education Minister, refer any decisions up to the super-spads in Connolly House? What if there were an inquiry today on his actions as Education Minister? He is shy and retiring as well. Was he complicit in going with a begging bowl to Connolly House, and saying, "Please,

Mr Howell, please, Mr Wilson, is it all right if I make this decision on this school?". Was that regularly happening?

That structure came in after Mr Allister's Act in 2013 because he stopped Sinn Féin employing people who were clearly undesirable as spads. It was brought in to circumvent that legislation; effectively, Connolly House had two super-spads who made all the decisions. I notice that he is not very quick to come to his feet say whether those spads were making decisions for him in his role as Education Minister. Were they?

Mr O'Dowd: Will the Member give way?

Mr Wells: Yes.

Mr O'Dowd: The debate is straying in a direction that is totally opposite to the Bill. Let me be clear: I have already answered that question. The political group was set up as a result of the political crisis in December 2016. There was no group there beforehand, where I or any other Minister went to seek permission.

I have to say that it is not in my nature to seek permission when I am asked to do a job: I do the job. By the way, one of the things that I found benefited me in doing my job was to read the legislation that I brought to the Assembly. I always felt that that helped when I was doing my job. Other Ministers had a different way of doing things, but I read the legislation that I brought to the Assembly and knew what it was about.

The answer to your question is no, because the group was set up specifically to deal with the political crisis that was there. I believe, a Phríomh-LeasCheann Comhairle, that we are straying off the subject.

Mr Principal Deputy Speaker: I remind Members that we should try, insofar as it is possible, to stick to the subject matter. By the same token, I am loath to suppress debate or stop Mr Wells when he is in full flow.

Mr Wells: I noticed that the honourable Member for Upper Bann did not answer the question of whether, on Thursday night, the "speds", or spads — Mr Howell and Mr Pádraic Wilson — had any input into the complete reversal/volte-face/U-turn that happened on the very serious issue of the coronavirus.

Mr O'Dowd: I am happy to answer, if the Member will give way.

Mr Wells: Yes.

Mr O'Dowd: The answer is no.

Mr Wells: That is good to know.

We have also noticed from the RHI inquiry that, apart from the mythical example that I used and the actual example of what was going on in Connolly House, the behaviour of some of spads is something that totally undermined public confidence in the whole system.

I know Andrew McCormick very well. Andrew McCormick was the permanent secretary in the Department of Health when I was Chairman of the Health Committee. We worked well together. I found him to be a totally honest, principled, hard-working and decent man, and I certainly trusted every piece of advice that I got from him. Many's the time we had discussions, and he was able to direct me on to perhaps a different path as Chair of the Committee, because I was able to understand where he was coming from as permanent secretary, and there were times that we disagreed. At any stage in my career as a Minister, had I deliberately attempted to undermine my permanent secretary by leaking information to the media that was clearly meant to deflect blame for a particular policy away from me towards him or other civil servants, and that had become public, I would have resigned on the spot. You simply cannot undermine the relationship between the permanent secretary and the Minister in that way and have any credibility. If I had discovered that any special adviser had been complicit in trying to undermine the permanent secretary, I would have expected that spad, or "sped", to resign immediately.

You had the grotesque situation, which was mentioned not so much in the report as it was in the evidence, of the permanent secretary of one of the most important Departments in the Government of Northern Ireland rushing into the office panicking because the 'News Letter', through Sam McBride, had obtained leaked information. He was telling the Minister and the special adviser of his angst and of how concerned he was, because there was the potential to name civil servants in follow-up articles, which happened. It was grotesque for those two individuals to sit and sympathise with the permanent secretary when they knew that they were entirely responsible for the leaking of that material. Moreover, I notice that they did not pay the correct postage, which, I suppose, is a level of incompetence.

In any other organisation anywhere in private industry, would those responsible for such acts be allowed to continue in employment? Absolutely not. It is those sorts of activities that have undermined, fundamentally, public confidence in the spad system.

Members have asked whether there would have been any difference had Mr Allister's Bill been on the statute books. I would have thought that if those individuals had known that, were they discovered, they could face a custodial sentence, they might have acted rather differently. More importantly, did they realise that, if they had been discovered and the case went to court, the full antiseptic of sunshine and publicity would shine on their acts and that they would have to defend themselves in open court? That would have acted as a deterrent even if they were not convicted. It will be an interesting argument when we come back for Consideration Stage whether a custodial sentence is commensurate with the crime. I can see arguments on both sides, but such were the consequences of the actions of spads from various parties, so serious was the way in which they were acting, and so serious were the implications for this society and Northern Ireland that I believe that a custodial sentence is correct.

8.15 pm

I raised with Mr Allister the one concern I had. He gave evidence to the Finance Committee. We tried to pick holes in his argument — I hope that they are all hearing me now, by the way — but he was able to answer them all. There will be people in the Chamber who oppose the Bill, not because it does not have considerable merit but because it is sponsored by Jim Allister. There are people in this room who, if Jim Allister argued that swans were white and crows were black, would put down an amendment to say that was untrue because it was him. Simply because Mr Allister is sponsoring the Bill does not mean that it is without considerable merit.

I raised with him the issue that I have concerns about. I think that I hold the record in the Chamber for the largest number of referrals to standards and privileges, all of which failed and failed miserably. Some failed at the Committee and others failed because my then party had the good sense to put down a petition of concern to protect my integrity. None of them have ever stuck to me.

Mr O'Dowd, I am sure, would remember that, during his time as Education Minister, he had to make some terribly difficult, wisdom-of-Solomon

decisions that were not popular in certain constituencies. He had to, quite rightly, amalgamate some schools in South Down. That had to be done because numbers were decreasing and there was no other option. Whilst publicly we may have condemned him as wrecking the education system of my constituency, privately there were people saying that that was the right decision.

The difficulty with those sorts of decisions is that the malcontents who do not accept the decision might simply refer the Minister to the Commissioner for Standards. Therefore, I agree with Mr Allister that there has to be some filtering mechanism to ensure that vexatious or false accusations are not permitted. Under the old equality legislation, there was a filtering mechanism. There were people alleging religious discrimination even though they were Protestants, the employer was a Protestant and everyone who was interviewed was a Protestant, so there could not have been. Therefore, there was a filtering mechanism to ensure that that did not happen, and we will probably need that with this legislation. Without it, I would be fearful that, instead of being deluged with complaints about Jim Wells, the commissioner would be deluged with complaints about various Ministers, particularly those who have to make the really difficult decisions, namely the Health Minister and the Education Minister. Other Departments generally get away scot-free from numerous complaints.

For instance, if Robin Swann made the decision to remove an essential service from a rural hospital because he could not get clinicians to carry out the role, there would be 20,000 on the streets, demands for his head and, inevitably, people who, using this legislation, would make a formal complaint. That ridiculous situation would happen daily.

I am glad that Mr Allister has taken that on board and indicated that he is prepared to amend the legislation. He was a paragon of moderation and sense in the Committee. Any time an issue was brought up, he said, "Yes, I would be prepared to accept an amendment on that". There is a lot of reasonableness here.

Mr Storey: He has mellowed.

Mr Wells: I do not think that he has mellowed; it would be an insult to say that Mr Allister could ever mellow. I was with the Finance Committee, so I did not hear what he said to the Executive Office Committee, but he understood when reasonable points were made.

It is just unfortunate that Mr O'Dowd has stood up here tonight to represent 27 MLAs. In a very brief statement, he said, "We're against it". They are against it because the Executive did not propose it. He is a veteran of this place — he has been around here since the Boer Wars — and he knows that the reason why that would not work is that his three Ministers on the Executive could veto the Bill, meaning that it would never get out of the Executive. He knows that, and that is the very clever plan that he had to kill it stone dead.

There are Bills, documents and consultations lying in the Executive that will get absolutely nowhere because either one party or the other is using its veto, through its three Ministers, to ensure that that is what happens. He knows that that is what would have happened had this Bill been sponsored by the Executive. In my opinion, he is too clever by half. I believe that, with amendment — and not very much amendment — this Bill will start us on the road to recovery so that people will start to have confidence in this institution.

At the minute, we are held in the same high esteem as drug dealers and armed gangsters — and no doubt that will stimulate a writ from armed gangsters saying that to compare them to MLAs is impugning their integrity. There is absolutely no doubt: we are the lowest of the low. We are beneath estate agents, solicitors and bookies. You name it, we are beneath it, and deservedly so if you read the RHI inquiry report, which certainly did not paint us in a good light.

We have an opportunity. We have two years, because do we dare to go before the electorate in 2022 having not put our house in order? People ask whether the RHI inquiry was worth £7 million. It shone a light into so many aspects of where we have got this wrong.

Mr Storey: I thank the Member for giving way. Will he also accept from me that we have had all this talk from the party opposite over the last number of days — I am glad that the Member is in the House — about "moral corruption"? It really does beggar belief that he had the audacity to say that, as he comes from a party whose history is littered with the victims of a terrorist campaign. I have known the Member long enough, and I have worked with the Member, and I was extremely disappointed in the comments that he made. He has not yet been big enough to apologise for the disgraceful comments that he made. If I had made those comments, despite the current crisis, those Benches would have been filled with Members calling for my resignation.

My point to the Member is this: RHI was a convenient cover, because ultimately Sinn Féin had made a decision in Connolly House to bring these institutions down. The context of RHI was that Sinn Féin had a bad day at the polls, it was getting grief from its own community about not "putting it up" to the DUP, and a host of other things. It was a convenient issue for Sinn Féin, which it was complicit in. It was asleep at the wheel in holding this institution to account. Therefore, they cannot just put all the blame on one particular party in this House.

Mr Wells: RHI was the excuse rather than the reason for Sinn Féin after that famous meeting in the Felons Club, where it was made very clear that the DUP was running rings around the Front Bench of Sinn Féin, and therefore it had to get out. RHI suddenly came along, and Sinn Féin used that as the excuse to get out; it is as simple as that.

Mr Principal Deputy Speaker: Order, Members. This is now veering far from Mr Allister's Bill. I try to be fair with people, but it is important that our comments are directed towards the content of Mr Allister's Bill.

Mr Wells: Mr Principal Deputy Speaker, I certainly got away with more than I expected there. *[Laughter.]* Me lambasting Mr O'Dowd will look very well in next week's 'Mourne Observer'. That is where the vast majority of the material in this Chamber ends up: in the local newspaper, and certainly he is a figure that is not particularly loved in some parts of Killeel and Rathfriland. I am disappointed that Mr O'Dowd, who is normally very verbose, long-winded and articulate, has not taken the opportunity to explain — and neither have his Committee members — what is going on. I think he is against it because Mr Howell and Mr Padraic Wilson have told him that he is against it. I would not be surprised if they had actually written his short missive here this evening.

I wish this Bill well. I happen to be on the Committee that is dealing with this particular issue. I am looking forward to it, and it is quite clear that the vast majority of Members here tonight are in favour. As we know, a petition of concern cannot be used to block the Second Reading of this Bill. I suspect that, even if Sinn Féin had wanted to do that, it could not find a second party prepared to sign to get the 30 signatures. We will now go into the scrutiny of this Bill. I hope it comes out of that scrutiny largely unamended, because after talking to many Members privately, I know that they think this is an excellent piece of legislation that is well thought through. I wish it all the best.

Miss Woods: I rise in support of the principles of this Bill, and of the possible amendments which have already been addressed. I look forward to engaging with Mr Allister on the Bill, especially on the issue of whistle-blowing.

The Executive parties made commitments in the NDNA, one of which was to establish a subcommittee to consider the findings of the RHI inquiry report, which, as we know, was released on Friday past. The Committee would propose reforms beyond that published in the 'NDNA' document, and I look forward to learning the terms of reference for this group, who will be a member of it, and what the recommendations will be, further to Friday's report. However, this is long term, and we do not have any details on it yet. It is really important that legislation like this is brought forward.

As we know, the Finance Minister has already reduced the salaries of spads, introduced a new code and altered somewhat how spads are appointed. However, this lacks any independent enforcement mechanism and leaves many more unanswered questions about the process, as it is not transparent and the decision to hire ultimately rests solely at the Minister's discretion. Do we honestly think that this is the correct way of hiring people, at such expense to the public purse, given their role in advising Ministers? There would also be room for appointing extra commissioners to investigate breaches of the code and the spad code. In effect, we would be hiring more people, paying more public money for investigations into people that could be done by the Commissioner for Standards, which is something that the Green Party has been calling for since 2015. Is there any need for further duplication of work at further cost?

What of this code? It is not on any statutory basis, so where is the enforcement? "A code is a code", as we have heard, and we know from previous experience that these codes can be broken and have been broken. Legislation, on the other hand, is binding.

In January 2017, the Green Party's motion on ministerial accountability was passed, and I am very supportive of my colleague Mr Allister in bringing this into effect in clause 5. We need an independent, open and transparent process for investigating Ministers and their staff and, if required, especially spads. Given the closed-off nature of their appointments and the lack of public scrutiny, people will very reasonably expect that Ministers and staff should be held to account by an independent investigator, just as

MLAs and councillors are, should any allegations arise.

Minister Murphy's written statement, received this afternoon, is timely, in that there are new codes for Ministers agreed, but again this leaves it all up to personal responsibility that the highest standards should be expected and upheld. Of course they should. There is no question about that. I further welcome, in the statement, the establishment of a panel to include the Commissioner for Standards. Who else is on this panel? How are they employed, to whom are they responsible, and how are they being appointed? It just begs further questions.

This Bill is required. It is timely and has advantages. I will not go into the issues that the RHI inquiry has brought up or the whole RHI experience. We briefly discussed this today, and it is not the time to rehash what has already gone on. We know what the issues are.

If RHI has taught us anything — it has and will continue to teach us a lot — about the way in which government works, and, importantly, does not work, we must restore confidence in politics in the eyes of the public.

We support the principles of Mr Allister's Bill.

Mr Carroll: This debate is particularly pertinent and important, given that we talked earlier today about the latest scandal to bring this place to its knees: the RHI scandal. In that, the roles of spads and their Ministers were heavily criticised and their actions deemed incompetent.

It is ludicrous, for example, that, during the whole RHI scandal, Arlene Foster was deemed accountable for the actions of her spads but not responsible. For too long, this place has been run behind closed doors by those who have no elected mandate, who do not have to state their agenda on the record, and who will not face the consequences of their actions, scandal after scandal, from Red Sky to RHI and many in between.

That is by no means to let Ministers off the hook. Ministers were supposed to oversee the activities of spads and civil servants and have a basic understanding of what was going on in their Departments, but they did not. There can be no doubt that if some of the measures in this legislation had been brought in before RHI, the scandal might have proceeded very differently.

We are told, or are led to believe, that all is to change; openness and transparency are now

key and that sustainability has been written into the new deal. I, for one, am sceptical. I smell a rat. I have so little faith in the two big parties of these institutions to lead the charge in ridding this place of backroom dealings and stitch-ups that I was unsurprised to learn that our new Finance Minister, in his first days in the role, had removed some of the measures that would ensure transparency around the hiring of a spad.

I was unsurprised to learn that Conor Murphy made it so that Ministers can select whomever they want as their spad regardless of merit and without any prescribed process to ensure transparency, but I am left with no less of a bad taste in my mouth. 'New Decade, New Approach'? I do not think so.

8.30 pm

There is a long way to go before we have measures in place to stop the serious misdealings that we saw in the RHI. Even then, I will not be in the least convinced that those running this place are interested in taking those measures on board. Where there are measures that attempt to make positive changes to the working of the Assembly, we will back them to ensure the fairest possible system for those who elect us to represent them, but, when a system is as fundamentally flawed as this, I am not convinced that any sticking plaster or tightening around the edges will go far enough to root out the rot at the heart of this place. I am happy to support the Bill's Second Stage.

Mr Allister: I am grateful for the contributions and the general indication of a fair wind for the principles of the Bill. I do not expect everyone to be bowled over by every clause, but, if Members, on balance, can see wisdom in the general thrust of the Bill, that is a good start. I look forward in the further stages, as they arise, to debating the detail of the Bill.

I will not overly detain the House, but I would like to deal with a couple of issues. On behalf of the Committee, Mr Frew — he is not here any more — drew attention to the fact that the long title of the Bill is deliberately drafted with a wide ambit so that it lends itself to being a vehicle for further amendments. I do not claim to have thought of everything that needs to be done in the sort of functioning that the Bill addresses, but, with the long title, the Bill can be amended to make it better as we go along.

A recurring theme with some Members was whether we needed a criminal sanction. The best testimony to good legislation with a

criminal sanction is that it never needs to be used; it is the existence of the deterrent. I do not want to send spads, Ministers or civil servants to jail, but, given what has happened, given the capricious leaking of documents, the deliberate hiding of material through private emails and the advantage sought to be levered to family members by leaking documents and given that the old codes, which already said that you should not do that but must behave with integrity and honesty and respect confidentiality, were patently not enough, a new code that simply repeats that will not be enough. That raises this question: do we not then need legislation that says, "If you do that, you break the law. If you break that law, there is a risk, upon conviction, that you could go to jail"? I think that that is a necessary deterrent. That is why clauses 9 and 11 contain that ultimate deterrent. I look forward to debating further with Members the necessity for all of that, the proportionality of that and whether clause 11 could discourage whistle-blowers, as has been suggested. I do not think it would, because it says:

"it shall be an offence for any Minister, special adviser or civil servant to communicate, directly or indirectly, confidential and/or commercially sensitive information to any natural person or legal entity for the financial or other potential benefit".

A whistle-blower is not blowing the whistle for "financial or other potential benefit". However, it would be a useful safety net to amend that clause to say that it shall be a defence to any charge herein to show reasonable excuse or that the person was acting in the public interest. That is the catch-all for whistle-blowing: acting in the public interest. If people are concerned about that, I am more than content to see that added to clause 11. That would be a useful enough addition.

I will not deal with everyone's contribution, but I will deal with a few of the points. Mr O'Dowd said that this should not be a private Member's Bill. You could probably say that about most private Members' Bills, if you think that the Executive are the fount of all knowledge and have the capacity and the right to legislate. Yes, they do, but it is not exclusive. We are a legislative Assembly. We are here to legislate. Therefore, it would be wrong for us, as legislators, to say simply that, without dealing with the content of the Bill, it should not come by this vehicle. Maybe the problem was that it was the wrong private Member; I do not know.

Mr Wells made the poignant point that, if it had to come through the Executive, Sinn Féin and the DUP equally had a veto to block any legislation. Hence the reason —.

Mr O'Dowd: I thank the Member for giving way. There is agreement among the Executive parties that we need to introduce stringent regulations or rules in relation to the points raised in the RHI report, implement the recommendations of the report and regain public confidence. There is already momentum in the Executive to bring forward change. That may include legislation. That is why I said, "If legislation is required". I note that the RHI report does not refer to legislation, but it may require legislation.

I used to say, when I was Education Minister, that, when a Minister brought a Bill to the Floor of the Assembly, they lost control of the Bill. It becomes the Assembly's Bill. It is no longer the Executive's Bill as such, so, if the Executive bring forward legislation, the Chamber decides the final shape of that legislation, as it should. It is not Executive legislation when it comes into the Chamber. The Assembly takes control, and it decides what it looks like at the end.

Mr Allister: I acknowledge that, for good reason, the Member was not present when I opened the debate, but the first thing I said was that I totally recognised, out of the RHI report, that there were many things that only the Executive could consider and do. I am not here to usurp their role. There is reform in the Civil Service. There are all sorts of things pointed out in a multitude of recommendations, but there are some things that are so patently, blindingly obvious: we need to have a requirement for minutes; we need to have a register of interests; we need to stop people leaking documents. There should not have to be a lot of debate, and the Executive should not have to ruminate over any of that. If there are things that we can do now, let us get on and do them. If the Executive have other things that they, in a more considered, long-term fashion, have to do, let them do it, but that is not a reason, I respectfully suggest, for not doing what urgently needs to be done.

Mr O'Dowd also suggested that the Bill was unnecessary and we could, effectively, do all this in codes. Apart from the fact that the codes we have had some of this and did not count for a row of beans — that is why you need it in legislation — I remind Mr O'Dowd that, if his party had had its way, we would not have even statutory codes. Statutory codes — a code of conduct for special advisers and a code of appointment for special advisers — came about

in statute only through sections 7 and 8 of my first special advisers Act.

Who voted against those clauses?

Mr Wells: Sinn Féin.

Mr Allister: Sinn Féin. Here is that party telling us that all of this could be done through codes, yet its Members are the very people who did not want codes in the first place. When it is obvious that those codes have deficiencies and have neither deterrents nor impact, they nonetheless say, "Let us do this just though codes".

Mr Storey: Will the Member give way?

Mr Allister: Yes.

Mr Storey: I accept the point that the Member is making, but will he accept that what happened subsequent to the introduction of his Act was that the party opposite found other ways in which to employ the same people, via another vehicle? Should consideration be given to that issue so that, if one door is closed, another opportunity is not opened up for the party to do something else?

Mr Allister: That is absolutely right. As I was going through the Bill, I drew attention to clause 1(6), which places a statutory obligation on a permanent secretary. It states:

"a permanent secretary must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser."

The evidence in the RHI inquiry was that the permanent secretary in Stormont Castle turned a blind eye to the fact that a party super-spade, who oversaw the regular spades, had the run of the place and that that was being facilitated. In an attempt to close down that circumvention, I want to make it emphatic that that cannot and must not be done. There is no better way in which to pull not just civil servants but everyone into line than by having something in statute so that not to do it is unlawful. Civil servants, if nothing else, are creatures who naturally and properly want to obey the law. If we put an obligation on a permanent secretary not to facilitate those phoney super-spades, there can be a fair expectation that that is what will happen.

Mr Storey raised another point. His intervention reminded me of his earlier intervention. He asked the question — I think that it was him — about the consultation requirement. My understanding is that for this Bill, because I drafted it myself, there was no obligation on me to consult, although I did consult on the first several clauses of my 2015 Bill. Where the Executive bring a Bill, there is a guidance requirement for consultation. It will be interesting to see, for example, whether that is met for the language legislation that is coming. I do not think that it has been met yet. There is that requirement for Executive legislation. However, the particular circumstances of my Bill mean that there was no such requirement.

I thank Mr Beggs and others for their general level of support. I think that I have dealt with the points raised about whether a criminal sanction is needed. Clearly, that will be a live debate as we go forward. Mr Muir, the SDLP and others raised the matter. I will happily address those issues further down the line.

I want to acknowledge what Rachel Woods said. The inspiration for clause 5 is indeed Steven Agnew's motion, which was the last motion passed by the House in January 2017. It was a very simple but compelling proposition: if we have a Standards Commissioner who looks at MLAs, he should look equally at MLAs who happen to be Ministers under the ministerial code. Why are we reinventing the wheel when we have that mechanism? All that we need to do is add the ministerial code to his ambit. That is reasonable and sensible.

8.45 pm

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: Will the Member deal with an issue that, perhaps, has not been raised? I was one who benefited from it, as did several other former DUP Ministers. It is that, when a report was brought from the Standards and Privileges Committee admonishing an MLA or a Minister — well, it had to be an MLA — for his behaviour, a petition of concern was tabled immediately before the debate. That meant, of course, that it required cross-community support. Is there anything in the Member's Bill that would prevent that happening or would that require an amendment?

Mr Allister: The answer is that there is nothing in it yet, but since that point was raised with me at the Finance Committee, I am favourably

disposed to an amendment that would say that a petition of concern may not be used in respect of a report from the Standards and Privileges Committee. The Member may have had the benefit of that in the past, but I am not sure that it was good procedure. It is something that the House would need to look at because it is, maybe, a step too far in affording a party the right to throw a protective shield — a human shield — of fellow Members around that individual, whether they are a Minister or a Member. That is something that will probably give rise to debate, if and when we get to that point.

I am grateful for the time that I have been given, and I am happy to leave my remarks there. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA 01/17-22] be agreed.

Adjourned at 8.46 pm.

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

✉ **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

✉ **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)

[880]