



# Official Report (Hansard)

Monday 17 October 2016  
Volume 116, No 5

# Contents

## Ministerial Statement

Intergovernmental Agreement on Cooperation on Criminal Justice Matters ..... 1

## Private Members' Business

EU Special Status for Northern Ireland ..... 8

## Oral Answers to Questions

The Executive Office ..... 25

Finance ..... 33

## Ministerial Statement

Sustainable Schools Policy and Area Planning..... 42

## Private Members' Business

EU Special Status for Northern Ireland (*Continued*) ..... 50

Domestic Abuse, Rape and Sexual Crime ..... 53

# Assembly Members

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

# Northern Ireland Assembly

Monday 17 October 2016

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

*Members observed two minutes' silence.*

## Ministerial Statement

### Intergovernmental Agreement on Cooperation on Criminal Justice Matters

**Ms Sugden (The Minister of Justice):** With your permission, Mr Speaker, I wish to make a statement regarding a bilateral meeting under the auspices of the intergovernmental agreement (IGA) on cooperation on criminal justice matters held at Lough Erne on Wednesday 28 September 2016. This was my second such meeting with Frances Fitzgerald TD, the Tánaiste and Minister for Justice and Equality, at which I represented the Executive. As I previously stated to the House, it is my intention to keep the Assembly informed of meetings held under the auspices of the agreement.

The meeting provided a timely opportunity, after our previous meeting in July, to build on the excellent cross-border relationship that the Tánaiste and I have already established. The combined efforts across the spectrum of criminal justice cooperation, particularly in the area of law enforcement, have served to protect the people of Northern Ireland and Ireland and maintain peace on this island. We know that organised crime groups from both sides of the border work together, and we know that, to successfully tackle organised crime, we must also have effective cross-border cooperation across and between government and law enforcement agencies. It was, therefore, fitting that the fourteenth cross-border organised crime conference provided the backdrop for our second intergovernmental agreement meeting.

The conference and the IGA are examples of how an effective and important partnership approach can work, bringing together complementary strands of work to enhance cross-border cooperation in relation to criminal justice and policing. The conference also provided an opportunity to launch the 'Cross Border Policing Strategy', a document welcomed by the Tánaiste and me. It aims to

build on existing partnerships between our respective police services in achieving the shared objectives of further improving public safety throughout Ireland and disrupting criminal activity. The joint strategy covers a range of policing areas, including operations, rural policing, community relations, intelligence sharing, ICT, service improvement and emergency planning.

The conference also provided a platform for the publication of a biennial cross-border organised crime threat assessment, which provides an assessment across a wide range of cross-border crime types. This is the seventh such cross-border threat assessment to be published. It compares trends and developments across both jurisdictions to highlight similarities and differences in the threat posed by certain areas of criminality.

Obviously, cross-border cooperation is not exclusive to policing. Minister Fitzgerald and I discussed other areas where excellent collaborative working is ongoing, such as the management of offenders; support for victims; knowledge exchange between our forensic services; engagement on youth justice developments; and policing of diverse communities. Five joint project advisory groups provide the mechanism by which the work in each area is taken forward. Encouraged by the progress that has been made in those areas, Minister Fitzgerald and I agreed that it would be mutually beneficial to allow the existing work streams to continue and be augmented to enable them to meet their full potential.

We also discussed the prevalence of mental health issues in society, the links to offending and the challenges that they present to our respective criminal justice systems. The Tánaiste shares my views that the justice and health sectors could achieve more by working together not only to improve outcomes for offenders and for our communities but to better support our staff in the management of offenders with mental health issues.

As Members will know, the Minister of Health and I recently visited Hydebank Wood to discuss health issues in prisons. By tackling mental health issues in prisons through a collaborative approach, we are together playing an important role in building a safer community. My Department is committed to working with the Department of Health to assist those with mental health problems. We know that poor mental health is a major factor in people offending. I was therefore pleased to have the support of Minister O'Neill in recently launching a new app, developed by the Probation Board, to help offenders to desist from crime.

The Programme for Government will undoubtedly give us the platform for working in a more joined-up way, but I am also keen to exploit other avenues for developing best practice in that area, and the IGA framework provides such an opportunity. Minister Fitzgerald and I have therefore tasked the project advisory group responsible for public protection matters with developing and taking forward an action on mental health care in prisons as part of the joint work programme for 2016-17. I am keen to make progress in that area as well as to ensure that we keep up the momentum in the other work streams. The Tánaiste and I therefore intend to review progress of the work programme at our next meeting in November, and I will endeavour to brief the Assembly on progress following our next IGA meeting. For now, I have attached a copy of the 2016-17 work programme, which was agreed at our meeting on 28 September, to the printed version of this statement. It will also be published on the relevant departmental websites following this statement.

I also wish to provide Members with an update on the joint agency task force. The fight against organised crime in Northern Ireland is continuing, and, as I reported in September, the joint agency task force, instituted under the Fresh Start Agreement, has advanced our cross-border operational response. The task force has carried out joint operations on rural crime; child sexual exploitation; excise fraud; drug-related criminality; and human trafficking. A report received at the IGA meeting noted that rural crime has remained an ongoing priority, with further operational work planned in the border areas. Human trafficking remains a concern in both jurisdictions, and a number of cross-border investigations remain active, with potential victims having been identified. Excise fraud, including fuel and tobacco-related crime, continues to be a major concern. However, as I have previously advised the Assembly, the new fuel marker appears to have led to a significant decrease in fuel laundering.

Other priority areas for the task force during its early months of operation have included child sexual exploitation, financial crime, and illicit drugs. A strategic review of its priority areas, along with additional learning, will form the basis for operational planning. The Tánaiste and I will take receipt of the formal six-month update from the joint agency task force at our next ministerial IGA meeting in November, and I look forward to reporting further successes of the task force to the Assembly.

It is also clear that problem-solving justice is an area of mutual interest across our jurisdictions and where we could learn from each other. We have tasked our officials with liaising and ensuring that learning is shared from our respective initiatives as they develop.

At the previous IGA meeting, Frances Fitzgerald and I commissioned exploratory work to allow better understanding of the key justice issues that are likely to be affected by the UK's withdrawal from the European Union. I am committed to working closely with the Tánaiste on that issue and to building on our close working relationship as the picture on the UK and EU negotiating position becomes clearer. Our common strategic goal is to achieve the best possible outcomes following the UK's withdrawal from the EU in a way that promotes peace, stability and prosperity on the island of Ireland. Now that the Prime Minister has confirmed that article 50 will be triggered by the end of March 2017, our next IGA meeting at the end of November will provide us with an appropriate opportunity to discuss the matter further.

As I have stated before, I am committed to maintaining and indeed strengthening our excellent criminal justice cooperation with Ireland. The successful cooperation between our respective law enforcement agencies and the excellent engagement between our other criminal justice agencies have undoubtedly been, and will continue to be, important drivers in maintaining peace on this island. Our ability to build on the success of this cooperation will ensure that our justice systems are better equipped to meet future challenges.

**Mr Beattie:** I thank the Justice Minister for her detailed statement. It is most welcome, as is the cross-border cooperation from policing to mental health. How does the National Crime Agency (NCA) build into that strategic intelligence sharing, particularly in the Executive's action plan for tackling paramilitary activity, criminality and organised crime?

**Ms Sugden:** I thank the Member for his question. The purpose of the IGA in itself is the cooperation between the two jurisdictions, Northern Ireland and the Republic of Ireland, on criminal justice outcomes. The NCA's approach is something that we will be looking at within the Fresh Start arrangements. The intergovernmental agreement with the Tánaiste is about cooperation between the two jurisdictions of Northern Ireland and the Republic of Ireland.

**Mr Frew (The Chairperson of the Committee for Justice):** I thank the Minister for her statement. She said that she discussed the ongoing collaborative work between the jurisdictions in a number of areas, including the management of offenders. She will know that sex crime and public protection arrangements is one of five key priorities for the Justice Committee. Will she outline how sex offenders and perpetrators, including those involved in domestic violence and abuse, are monitored on a cross-jurisdictional basis? Does she agree that this is an area that causes a lot of concern? Is further work being undertaken to improve, amongst other things, information sharing?

**Ms Sugden:** I thank the Member for his question. The cross-border cooperation that exists between the PSNI and an Garda Síochána is important in tackling a number of crimes, including sex crimes and sexual exploitation. Indeed, the information sharing that happens between the two agencies, North and South, has provided some successful outcomes in tackling that. Again, the joint agency task force is something that was agreed under the Fresh Start Agreement, and it is very much at the beginning of its work. That cooperation is something that has continued for a long time, and it is about strengthening that knowledge so that we can better tackle these types of crimes. Those crimes affect both sides of the border, and I know that the PSNI is keen to strengthen those relationships.

**Ms Boyle:** I thank the Minister for her statement to the House. Given the massive cuts to the justice budget in the Twenty-six Counties, the many closures of rural garda stations and the Chief Constable's concerns about Brexit and the impact that it could have on local policing, has she had a conversation with her counterpart about ensuring that effective policing structures are in place along the border to protect people who are in fear of crime and those who have been the victims of crime?

**Ms Sugden:** I thank the Member for her question. The IGA provides the opportunity to have a number of conversations with my counterpart the Tánaiste, Frances Fitzgerald, on these particular issues. The programme delivery groups will look at these areas throughout the year and come back to us. Crime in border areas — agri-crime and crime that happens in rural areas — is something that we are keen to focus on. Indeed, there was a strategy in place that would have followed through to this month. It is deemed appropriate that we continue that work because there continues to be a prevalence of rural crime in the border areas. I want to give an assurance that it is something that we are very mindful of. The opportunity that the border provides for criminals is something that we are also quite mindful of. It will form part of our ongoing discussions, and it is something that we have regular conversations about.

**Mr Attwood:** I welcome the report and, in particular, the appendix that outlines the work programme for 2016-17, which gives an indication of what can be done if there is the political will, North and South, for North/South cooperation.

The Minister referred to Fresh Start, the threat of organised crime and the most recent risk assessment of criminal activity on the island. If, arising from Fresh Start, there were a request from the PSNI for dedicated resources to deal with those who hold historical criminal assets — that has a real and harmful impact upon the community, North and South — would she back the PSNI in a bid for extra people and resource to go after them?

## 12.15 pm

**Ms Sugden:** I thank the Member for his question. I have conversations day-to-day with the PSNI about the resources that they need and how I can better provide them so that they can be effective in their job. If the Chief Constable wants to have a conversation with me and see how we can move forward in the areas that the Member mentioned, I am quite happy to have those conversations.

**Mr Lunn:** I thank the Minister for her very detailed report. Unfortunately, there are only three lines in it on problem-solving justice. Will she expand on what is in the report on that area? Will she reference the cooperation between the probation services, North and South, and the input that they might have into problem-solving justice?

**Ms Sugden:** I thank the Member for his question. Problem-solving justice will be a key thread that runs throughout Department of Justice work in the next five years. It is quite a critical piece of work, certainly from the perspective that it would be much better if we took a more common-sense approach to dealing with criminal issues, in a way that better facilitates victims and our courts process. The outworkings of that would be a lot savings, from a financial perspective and also in time.

There are so many great opportunities with problem-solving justice, and the Republic of Ireland has a similar mindset. At this stage, we are feeling our way through those opportunities. In my meeting with the Tánaiste, she was quite keen to hear how the work that we are doing here in Northern Ireland develops and how we can better share practices, because they are keen to take a similar approach.

As the work progresses, I am quite keen to update the House on it and see how we can share best practice.

**Mrs Cameron:** My apologies for not being in the Chamber for the beginning of the statement. I thank the Minister for what I have heard of it so far.

The Minister will be aware that the most recent Prisoner Ombudsman reports relate to a death in custody and a very serious case of self-harming. What can be done in cooperation with the Republic to ensure that the mental health issues experienced by prisoners in particular are being properly addressed? Also, given that we are obviously dealing with a workplace that is very traumatic daily, what help can be given to prison staff over and above the normal six Carecall sessions provided by the Civil Service?

**Ms Sugden:** I thank the Member for her question. This is not the first time that we have addressed mental health issues in prisons. We have done so from the perspective of prison officers and prisoners. The Tánaiste was quite keen to raise the issue from her perspective of prisons in the Republic of Ireland. It is no great secret that mental health has a big impact on our criminal justice system. We should be looking at how we can better support prisoners, and prison officers in their jobs, so that we can have the best outcomes, which are safer communities.

In the intergovernmental agreement, we instructed our officials to move forward on considering the mental health issues that we are finding within prisons to see how we can

better facilitate them. That will require a lot of cross-cooperation with my Executive colleague in the Department of Health and her counterpart in the Executive in the South.

At this stage, we are very much beginning to recognise the problem of mental health right across Northern Ireland but, particularly, in prisons. The narrative around it has been positive in the sense that perhaps this is the way of finally addressing it. I am quite keen to see what the best approaches are moving forward. That cross-cooperation, North and South, is a great way to learn from one another and see how we can both put in place best practice on this island.

**Mr Kearney:** Go raibh maith agat agus mo bhuíochas leis an Aire as an ráiteas chuimsitheach seo. Thank you, Minister. Last year, the UN Economic and Social Council noted that domestic violence is pervasive in Ireland, North and South. In the absence of consolidated legislation in both jurisdictions and given the similarity of domestic violence patterns, North and South — in fact, it is estimated that up to 70,000 women in the Twenty-six Counties are the subject of domestic violence, and you are very familiar with our patterns of crime here in the North — will you give us an update on any discussions that you have had with the Minister of Justice and Tánaiste in the Twenty-six Counties in relation to addressing the gaps in legislation, North and South?

**Mr Speaker:** That question is outside the matters in the Minister's statement, so it is up to the Minister to decide whether or not she wishes to address the question.

**Ms Sugden:** I am more than happy to answer the question, Mr Speaker. The Member has rightly identified one of the biggest issues that we face in the criminal justice system and in wider society. Indeed, at our second meeting, the Tánaiste and I had a discussion around the impact of domestic and sexual violence and abuse across Northern Ireland, and she was keen to know that this is one of my overarching priorities in the next five years and how we address it in the North.

As the Member so rightly put it, it is estimated that there are up to 70,000 victims across the North and South of Ireland. Those are only the ones that we know about. In Northern Ireland, it is around 28,000. To me, it is probably one of the worst types of crime because it does not discriminate. It happens to both genders, all races, all backgrounds and all religions. We

need to tackle it by trying to get to the root cause. It is not just about tackling domestic violence in itself; it is about the wider societal impacts that occur when we effectively address it. That, for me, from a justice perspective, is how many people we are finding in the criminal justice system who have had some association with or direct impact from domestic and sexual violence and abuse.

The Tánaiste and I are really keen to work together on this particular issue. There will be certain areas of work that she will be involved in that Northern Ireland can learn from. Equally, as I mentioned last week in the local press, I am committed to addressing that, even from a legislative perspective. The Republic of Ireland will be keen to see how that plays out here, so that they can see if they can implement something similar in their policy.

**Mr Douglas:** I thank the Minister for a very comprehensive report this morning. I welcome the focus on problem-solving justice. Did the Minister have an opportunity to highlight the Londonderry court's problem-solving model on domestic violence? Does she have any plans to roll that out across Northern Ireland?

**Ms Sugden:** I thank the Member for his question. Yes, indeed. The pilot scheme that has been run in Derry Magistrates' Court around the special listing arrangements for domestic violence has been very positive. To fully realise the wider impacts of that type of court, we are enhancing those arrangements to see if it is something that we can roll out across Northern Ireland. The very essence of the problem-solving justice court is that it better supports victims in this instance so that they will perhaps attend court and give evidence that might eventually lead to a conviction of the perpetrator.

We are also potentially looking at a potential perpetrator programme. One of the biggest challenges in tackling domestic abuse is the reluctance of victims to come forward because it might lead to a prosecution of the perpetrator. We are trying to see how we can best satisfy the victim. From my perspective, the victim of domestic abuse has to be front and centre. The Tánaiste was quite keen to hear about the work that we are doing in Derry and how we will roll that out across Northern Ireland if, indeed, that is deemed to be the most appropriate thing to do.

To come back to your original point, problem-solving justice is a really positive way of looking at our criminal justice system, first and foremost for the public service that it provides and also

for the savings in time and money that we will realise through it.

**Mr Beggs:** I thank the Minister for her statement. In it, the Minister highlighted that financial crime is one of the issues for priority action by the joint agency task force. There has been significant concern regarding the NAMA allegations that have come to light, whether it be the £40,000 cash highlighted in the BBC 'Spotlight' programme or, indeed, the £6 million in an offshore account. Were there any discussions about this very significant case, which has potential implications in Northern Ireland and the Republic of Ireland? Were there any requests for changes or cooperation —

**Mr Speaker:** The NAMA issue is not in the Minister's statement. We are asking questions on the Minister's statement as presented to the House today.

**Mr Beggs:** In conclusion, can the Minister advise whether, as a result of NAMA, there were any discussions at the joint agency task force, which —

**Mr Speaker:** It is for the Minister to decide whether she wishes to answer the question.

**Ms Sugden:** As I am sure the Member knows, the NAMA issue is the subject of an ongoing investigation, so it would be inappropriate for me to comment. However, he raises the issue of financial crime, which I am quite happy to comment on.

From a cross-border perspective, financial crime is damaging to businesses north and south of the border. There is a focus from the PSNI and an Garda Síochána to see how they can better tackle it. I actually visited the cybercrime unit within the PSNI this morning. This is an issue that is perhaps under-reported, and the impact it is having on businesses north and south of the border is worrying. There is a keen focus on it and an opportunity to tackle it in some way, but we need to get on the front foot with it, as criminals tend to be quite far ahead in their approach to cybercrime.

It is important that we maintain the discussion, particularly with the various stakeholders. Businesses are quite reluctant to come forward because of the reputational issues in these types of crimes. The Assembly and the Dáil in the South can see how we can better support businesses so that they are confident in coming forward. Financial crime in all its varying degrees will have an impact on our wider

economy as much as on individual businesses. I think it is something we need to have a keen focus on, and the Tánaiste and I are quite happy to provide that focus.

**Lord Morrow:** I thank the Minister for her statement. In it, she said:

*"Human trafficking remains a concern in both jurisdictions."*

I am aware that new legislation is at a fairly advanced stage in the Dublin regime. Were there any discussions on this new legislation? How supportive is an Garda Síochána of it?

**Ms Sugden:** I thank the Member for his question. The Member will know more than anyone in the House about the impact of human trafficking north and south of the border. In Northern Ireland, we have had a keen focus on it, and we are happy to share that information with our counterparts in an Garda Síochána. Human trafficking seems to be on the increase. I have been told that, in 2015-16, we had 59 potential victims of human trafficking recovered in Northern Ireland, which was an increase on the 46 we saw in the previous year. There is a lot of conversation between both jurisdictions, because the border provides an opportunity for those people who are trafficking victims north and south of it. We need to better understand this so that we can approach it in the right way for the victims.

A lot of the crimes I talked about in the statement — financial crime, cybercrime and particularly human trafficking — are a means to an end a lot of the time. Once we capture one sort of criminal conviction, it leads to others, and in a lot of cases, it is in human trafficking. It is something that we need to be mindful of, and the joint agency task force with an Garda Síochána, the PSNI and the other agencies is a mechanism to allow that. It all leads to one bigger picture, and it will not be treated in itself. It is important that the joint agency task force has a number of areas that connect with one another.

### 12.30 pm

**Mr McPhillips:** I thank the Minister for her statement. I note that, on the topic of Brexit, you and your counterpart have commissioned exploratory work on the key justice issues. Can you provide us with some detail on this now? Will you also lodge in the Library the details of the explanatory work that is being done? Can you also explain what is going on between the

PSNI and the gardaí in respect of Brexit issues?

**Ms Sugden:** I thank the Member for his question. Brexit will have a huge impact when it happens next year. Indeed, my Department, along with its counterpart in the Republic of Ireland, is keen to better understand the justice implications of the United Kingdom's withdrawal from the EU. It is important to remember that the Republic of Ireland did not have a say in the UK referendum, but the impact of Brexit will certainly affect it. That is why I think there is an opportunity, through my formal arrangement with the Tánaiste in the Republic of Ireland and through the intergovernmental agreement, to have a close working relationship and to better understand those implications. For example, we want to ensure that the common travel area continues to operate in a way that promotes peace, stability and prosperity right across the island and that the border is not altered in any way. That would cause unnecessary barriers from an economic, social and human perspective.

It is something that is ongoing. The Prime Minister's statement that she will trigger article 50 at the end of March next year provides a very keen focus. Indeed, at our first meeting in July, at the meeting in September and at the meeting that we will have in November, this is at the forefront. There are a lot of practical implications of Brexit, particularly around the criminal justice space, and we want to ensure that we can maintain some, if not all, of those so that we will not have any difficulties when article 50 is triggered.

**Mr Ford:** I thank the Minister for her statement and for the publication of the programme for work. To follow up on Mr McPhillips's point, the statement referred to exploratory work to be commissioned between the two Departments on the issues affecting the justice system in the event of the UK leaving the EU. Will the Minister give a firm commitment to publish that research? Will she also give a commitment to publish any research that has already been commissioned in her Department and make that fully available, particularly on the dangers of losing the European arrest warrant that was so nearly lost two years ago? On that topic, can she give us some information on the item highlighted under the public protection project advisory group and what opportunities she thinks there now are to explore European Union funding?

**Ms Sugden:** I thank the Member for his question. The implications of Brexit are wide-

ranging. This will not be an easy transition and, certainly from a Justice Department perspective, there are a number of mechanisms that we are quite keen to ensure we hold on to, including, as the Member mentioned, the European arrest warrant. I will give a very basic outline of what that is. It is based on the principle of mutual recognition of judicial decisions, which simplifies the administrative system and reduces the capacity for delay. That is an important mechanism. The Member rightly points out that that was nearly lost a couple of years ago in one of the pre-Lisbon treaties. The UK Government decided to opt out of a number of measures, including the European arrest warrant, but very quickly realised that they had to opt back in.

We need to put our best foot forward on Brexit. Indeed, my Department was looking at the potential implications even before the outcome of the referendum was realised. Any of the work that we are doing is a matter of progress and, in order to put the best foot forward, we will do what we have to, including me maintaining the strong relationship that I have with my counterpart in the Republic of Ireland — and, indeed, the east-west connection. I have had a number of meetings with the Secretary of State and officials in the new Brexit Department of the UK Government. It is something that we are all working towards, and I do not think that anyone could accuse us of not having a focus on it. Perhaps they are not aware of that detail but, from my perspective, I am keen to see how we can put Northern Ireland at the heart of all this and put our best foot forward.

**Mr McNulty:** I thank the Minister for her statement. In it, she referred to the issue of mental healthcare in prisons and the work that she is doing with the Minister of Health in the North and the Minister for Justice in the South. Will she outline the shape of the discussions that she is having with the NIO in relation to provisions for those with mental health trauma arising from the conflict as part of current legacy meetings? Is she having a similar discussion with the Minister for Justice in the South, given that there are people in Ireland, North and South, who are victims and survivors of the conflict?

**Ms Sugden:** I thank the Member for his question. Yes, indeed, there has been a focus from me and the Tánaiste on the mental health issues that we have in the criminal justice system. Indeed, it seems that a lot of those who come into the criminal justice system have had some sort of trauma in their lives, which has led either to an addiction or a mental health

issue. The way to tackle that is to strip it right back almost as a preventative measure so that we find fewer people coming into the criminal justice system. I almost want to make myself redundant, in that if we were to tackle mental health issues earlier in life, even in other areas such as domestic violence that I have talked a lot about in the past week, it will stop people coming into the criminal justice system and, unfortunately, into custody. I am glad to say that my colleague on the Northern Ireland Executive, the Minister of Health, recognises the issues with mental health in prisons. As I have reiterated to Members time and again, it is not just prisoners but prison officers.

One of my biggest realisations since becoming Minister is that there is a legacy of mental health throughout Northern Ireland because of the impact of the Troubles. The Troubles in Northern Ireland were quite a significant thing, and I think that we are starting to see the outworkings of that now, particularly in people who find themselves at retirement age and perhaps having more time to think about those issues. We have to have quite a holistic approach. It will not be just the Minister of Health and I who will do that; there will be a focus right across the Executive and, indeed, the Assembly, and I appreciate the debate that we are having on the issue.

The Tánaiste, who is also my counterpart in the Republic of Ireland, also recognises that issue. It might not necessarily be from a legacy perspective — mental health issues come from a number of perspectives — but we recognise that mental health is an issue in our prisons and something that we are all keen to address.

**Mr Allister:** In the aftermath of the Máiría Cahill case, Frances Fitzgerald said that she was minded to establish a cross-border inquiry into allegations of sexual abuse by members of the IRA. At the time, your predecessor said that the time was not right because the Keir Starmer review was under way. That has long since finished. Has the Minister ever discussed that issue with her counterpart or has it simply been swept under the carpet?

**Mr Speaker:** I remind the Minister and the Member that that matter is not in the Minister's statement. It is for the Minister, who has made a very detailed statement of five or six pages, to decide whether she wishes to address it in her remarks.

**Ms Sugden:** Thank you, Mr Speaker. I also thank the Member. I can confirm that the

Tánaiste and I have not had a conversation about that case.

**Mr Speaker:** That concludes questions to the Minister on her statement.

**Mr Allister:** On a point of order, Mr Speaker. For the information of the House, the previous ruling from the Speaker was that, if a person was not present at the start and for all of a Minister's statement, they would go to the back of the queue in terms of asking questions. Will you indicate if that previous ruling has been revoked?

**Mr Speaker:** I will take a look at the point that you have raised, Mr Allister.

## Private Members' Business

### EU Special Status for Northern Ireland

**Mr Speaker:** The Business Committee has agreed to allow up to one hour 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Before we begin, I advise Members of the need to take care in their contributions today. I am sure that you are all aware that there are active legal proceedings on certain matters related to the EU referendum result. I do not want to inhibit discussion on the motion, which clearly relates to a matter of public interest, but in accordance with my responsibilities under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contributions that might prejudice the outcome of those proceedings. Members who deliberately flout the sub judice rule will be asked to resume their seats.

**Mr Eastwood:** I will try my best to take your advice, Mr Speaker. Feel free — I am sure that you will — to pull me up if I do not.

I beg to move

*That this Assembly notes the current public concern arising from the European Union referendum vote; endorses the proposal of the Irish Government and others that there should be legal recognition of the unique status of Northern Ireland and the circumstances on the island as part of the arrangements to leave the European Union; believes that this is one mechanism that can safeguard the interests of the people of Northern Ireland, including future access to European Union funding opportunities; and calls on the British Government to fully endorse, and to negotiate for, this outcome in discussions on leaving the European Union.*

Brexit is the biggest issue that has faced the Assembly and this part of the world for a long time. I believe that it will affect this island and these islands more than any other issue and, unfortunately, in a very negative way. We tried to make the arguments during the referendum campaign. Some were, unfortunately, not prepared to listen, but 56% of people in the North of Ireland did listen and supported the European Union and our membership of it. It is

unfortunate that some could not hear what our electorate said.

We have tabled this motion to try to inject some urgency into the Assembly and, hopefully, into the Executive. It is not good enough to protest passionately on the streets while sitting quietly in the Executive. It is not good enough to tell us that there will be tremendous opportunities from Brexit without actually telling us what they might be. It is definitely not good enough to send a letter to the British Prime Minister in August and then patiently wait for a reply; I do not think that we have got one yet. We should be kicking the British Prime Minister's door in to ensure that the interests of the people of Northern Ireland are protected. I do not hear anything coming from the British Government that would give us any confidence that people here are at the top of their agenda.

We said, after the referendum result, that we would use any legal, parliamentary and diplomatic options that we had to try to protect the will of the people here. You have already referred to the court case; I will leave that with the judge. We have also been hard at work using our contacts in the Party of European Socialists, our sister parties right across Europe, to try to make sure that the issues of the North of Ireland are front and centre, because we have no confidence that anybody else is doing that.

We have heard the words coming out of the Tory party conference, and I do not think that any of us are filled with confidence that a success will be made of this. It is very interesting to note — I do not know how many times I and others have asked him — that our Economy Minister cannot tell us what way he voted in the referendum. I think that he should just be honest because he is with the 56% who voted to remain in the European Union. It would fit him a lot better to tell us that once and for all.

It says something that the Economy Minister understands that we are better off in Europe. I just wonder what happened to the rest of his party.

#### 12.45 pm

The British Treasury, which is beginning to implement Brexit, has told us that a hard Brexit will cost the British Exchequer between £38 billion and £66 billion a year. What will that mean for Barnett consequential and the Executive's already tightened and straitened financial opportunities? What will that mean for

us when it happens? People need to understand that, no matter how many glasses of champagne are poured, the British Tory party has no interest and does not care one jot for people in Northern Ireland. I am surprised that people have not learnt that lesson.

Since this happened, we have made it clear that our job here is to stand with the people who voted to remain in the European Union. Our job here is to protect their interests, not the interests of people anywhere else, not the interests of people on a different island or in a different jurisdiction. Our job is to protect people here. That is why we have to ensure that we maintain the four freedoms on the island of Ireland. That is why we have to ensure that our people have the right to move freely around this island and around the European Union. That is why we have to ensure that our businesses can trade freely without tariffs, borders or any impediments to business and growth around this island and the European Union.

That is why we clearly believe that, whilst the new mantra of the British Government is "We will not return to the borders of the past" — I think that that is the line that they keep trotting out — we need to ensure that we explain to people what that actually means. People who argued for Brexit need to be more honest about what that means. If we are not to have a border like we had in the past and if we are not going to control our border at Bridgend, Newry or anywhere across this island, where will we control it? My strong belief is that the only practical place and the best place to control the border into Britain is at Stansted Airport, Heathrow Airport or any port that you want to name, because it will not be possible to do it here. We should not tell the —

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

**Mr Eastwood:** Go ahead.

**Mr Allister:** Is that not precisely the outcome that would flow if the Member had his way? He is insisting on this special status, which, effectively, would keep Northern Ireland within the EU, and the border, in consequence of that, would be moved to Stranraer. I can understand that, as a nationalist, that is his goal, but is that not really the underlying thrust of why the Member is so anxious to keep Northern Ireland in the EU: he knows that that moves the border to Stranraer, whereas this United Kingdom has voted to leave, and this United Kingdom, when it leaves, will have its single land border with the Irish Republic?

**Mr Eastwood:** I thank Mr Allister for his intervention. As usual, he always hears what you are saying. He listens very carefully, and he has picked it up. It is unfortunate that those who, like him and others in the Chamber, argued for Brexit could not see this coming before the referendum result. He is absolutely right. If our job is to protect people here, we have to protect their ability to move and do business around the island and into the European Union. That should not be negotiable by anybody. Confusion reigns across the Chamber. Some of the DUP spokespersons seem to be saying exactly the same thing as we are saying: no return to the borders of the past; no hard borders; we need to maintain the special relationships across these islands; and all these things.

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

**Mr Eastwood:** No. You have had your chance, Mr Allister. The Member is absolutely right: the border will have to be moved to the island of Britain. I did not vote for tighter controls on immigration. Those who did and those who argued for it can have their border if they want, but it will be down the middle of the Irish Sea. That is the realisation that people need to come to very quickly.

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

**Mr Eastwood:** OK. Go ahead.

**Mr Allister:** It is the Member who wants the border down the middle of the Irish Sea. There will be what is called a "hard border" only if the EU wants a hard border. Otherwise, the UK wants no tariffs. If the EU wants tariffs, there will be a customs border. There will be a passport border only if the Republic of Ireland opts out of the common travel area and joins the Schengen Agreement. All of that would be at the behest of the EU and one of its member states, not at the behest of those who voted to free us from the EU.

**Mr Eastwood:** This, again, is from the political school of, "Let's have our cake and eat it". The Brexiteers were told over and over again that, if they wanted to control immigration, they would have to have controls on the freedom to do business around and into the European Union. You cannot have it both ways. I do not know how many times people need to be told. They are being told by everybody in a senior position, including Donald Tusk, in the European Union.

The Irish Government have done a good thing in proposing the conversation around this and

all the issues associated with it. I appeal once more to political unionism to get involved in that conversation. There is no trapdoor here to Irish unity; this is about getting people together and working to defend the interests of the people who voted here. We do that every day in London as Irish nationalists. There is nothing to stop political unionism doing it in Dublin as part of this conversation.

**Mr Speaker:** I ask the Member to conclude.

**Mr Eastwood:** Do I not get an extra minute?

**Mr Speaker:** No, you do not get an extra minute.

**Mr Stalford:** Given the contribution that we have just heard, I am almost tempted to open by asking, "What is the point in having cake if you cannot eat it?".

I feel that I need to reiterate some basics. Northern Ireland is a part of the United Kingdom. Every party represented in the Chamber accepts that Northern Ireland is a part of the United Kingdom. The people of the United Kingdom as a whole were afforded the opportunity to have their say on this country's continuing membership of the European Union. From John o'Groats to Land's End, from Newry to Strabane and from London to Londonderry, every corner of the United Kingdom and every citizen had the opportunity to cast their ballot and have their say on whether the United Kingdom should remain a member of the European Union.

The Member's motion talks about "public concern", and I accept that there is public concern. I also accept, however, that we have just come out of the biggest democratic exercise conducted in this country since the 1975 referendum that affirmed our position in Europe.

**Mr Agnew:** I thank the Member for giving way. He pointed out the UK-wide nature of the referendum. Does he not see the irony in that many who voted to get out did so on the message of "Take back control"? If every person in Northern Ireland had voted to remain, we would still have been taken out of Europe. What does "control" mean for the people of Northern Ireland whom he should be representing?

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

**Mr Stalford:** I do represent them. Every person in Northern Ireland had the same

opportunity. I think particularly of constituencies like East Belfast, North Antrim, South Antrim and East Antrim. Perhaps the Member thinks that, in order to represent those areas, we should draw the border there as regards the European Union. Maybe County Antrim should stay part of the United Kingdom and the rest should stay in the European Union. That is the logic of saying that we should divide the country into certain areas. Maybe we should carve off the eastern quarter of Belfast: it should stay out of the European Union, and the other three quarters should stay in. That is the logic of those who seek to divide us. Where does it end? Does London secede from the Union too? That is the logic of our friends who cannot accept the democratic will of the people in action.

The reaction of those on the "Remain" side during the referendum has varied. There are people, like our colleagues in the Ulster Unionist party, who accept the outcome. I appreciate that they campaigned — at least, the leadership did, if not the members — for a different position, but they have accepted the outcome and are committed to ensuring the best deal for the United Kingdom.

I think that is what people expect.

In the time since the referendum, we have had demands for a second referendum that have slowly been watered down and dropped. We have had suggestions that the result can simply be ignored, and, gradually, people have come to realise that that is not viable either. Then we had the idea that — our friends in the SDLP were particularly strong on this point — Nicola Sturgeon was going to be the saviour of EU membership. They cling to Nicola Sturgeon. A Celtic alliance will be formed to keep us in the EU. The bold claims that she was making immediately after the referendum have slowly but surely been watered away to the point where, now, the Scottish First Minister tells us that the single market is the big issue and Scotland has to stay in it. The single market has become the last redoubt of the "Remain" campaign. Over time, we have seen that even some of the most vociferous "Remainers" have come to accept the outcome. I urge all parties to adopt that approach.

**Mr Humphrey:** I am grateful to the Member for giving way. For those who seek to have Northern Ireland and Scotland annexed from the agreement, when the United Kingdom voted as one to leave the European Union, how do you believe that the Spanish Prime Minister might react if the Basque region or the Catalan region wanted to leave the

European Union? How would Europe react to that?

**Mr Stalford:** I can see why our friends across the way would perhaps agree with that position, given their historical support for the Basque region, but I do not think it is one that, as you say, will go down terribly well in Madrid. We need to be realistic —

**A Member:** Or Brussels.

**Mr Stalford:** Or Brussels, indeed.

We need to be realistic. The decision has been taken, and it is now our job to implement it. I welcome the fact —

**Mr Eastwood:** The Good Friday Agreement.

**Mr Stalford:** The Member chunters away from a sedentary position.

**Mr Eastwood:** I will stand up.

**Mr Stalford:** No, you are quite all right. You had your chance.

The Member chunters away from a sedentary position, and that is precisely the type of thing that puts people off. It puts people off that a party that has the word "democratic" in its title is not prepared to accept the democratic outcome of the referendum, in which all citizens had their say. I will say briefly that running off to the courts does not strengthen your case for being a democrat.

**Mr Speaker:** I ask Members not to speak from a sedentary position.

**Mr O'Dowd:** This is our now weekly debate on Brexit. It would be useful if we debated the motion before us rather than its generalities. I am disappointed that, during his 10-minute contribution, Mr Eastwood did not inform the House what the special status was that the Irish Government were proposing. He used very strong language:

*"We should be kicking the British Prime Minister's door in".*

I do not think I will be arrested for having information useful to terrorists if I reveal that the British Prime Minister lives at 10 Downing Street and the postcode is SW1A 2AA. If Mr Eastwood wants to go and kick her door in, go and kick it in. We have to caution about the language we use, because I often find that

those who call for doors to be kicked in are not the ones who do the kicking. It is other people who have their door kicked in at dawn and are brought away for questioning rather than those who use the strong language that Mr Eastwood used today.

*(Madam Principal Deputy Speaker [Ms Ruane] in the Chair)*

Mr Eastwood predictably attacked the Executive because we have a different position from the DUP and vice versa. Imagine this scenario: would we be in a much stronger position if the SDLP had joined the Executive and two of the three Executive parties were opposed to Brexit? Our voice would be much stronger. It would be much stronger not only on these islands but across — *[Interruption.]* A Phríomh-LeasCheann Comhairle, it is very difficult when —

**Madam Principal Deputy Speaker:** The Member must be heard. There are a lot of loud noises, and I would like it if the Member is listened to.

**Mr O'Dowd:** Across these islands, our voice would be much stronger if two of the three parties in the Executive were opposed to Brexit.

But let us return to the motion. With regard to special status, I go back to the very strong words of the SDLP leader. I suspect that, in there somewhere, the Irish Government and the SDLP are moving away from the position that "Remain" must mean "Remain". Fifty-six per cent of the people did not vote for special status; they voted to remain in the European Union. If Mr Eastwood is going to back up his statement by saying that they have not moved away from that position, that they continue to lobby the Irish Government, that they continue to lobby all their friends in Europe and elsewhere and that, when he kicks in Theresa May's front door, he will say to her, "Remain means Remain", that will be an important statement.

**1.00 pm**

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

**Mr O'Dowd:** Yes.

**Mr Eastwood:** Has the Member read Martin McGuinness's article in 'The Guardian', which was published last night and referred to special status for Northern Ireland? Has his party

moved away from the position that "Remain means Remain"?

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr O'Dowd:** I know Martin McGuinness's position on this: Martin McGuinness's position on special status is that it means that the North of Ireland should remain in the European Union. You did not take the opportunity to state whether the SDLP's position remains that the "Remain" vote should be respected.

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

**Mr O'Dowd:** No, I have given way enough.

As to where we go next on this, despite differences of opinion with the SDLP and their presentation today, we agree: the fact that 56% of people in the North voted to remain in the European Union has to be respected. What we are looking at in the future is a disaster. Why? Because despite what the most avid Brexiteer in the room or elsewhere says, nobody can tell us what Brexit means. The British Government cannot tell us and — talk about disagreements in the Executive — there is disagreement in the Cabinet about what Brexit means. We had reports over the weekend that the Chancellor was now calling for careful thinking about curbs on immigration. Why would a Chancellor come out with something like that? Because the Chancellor recognises that immigration is healthy for the economy. He realises that the workers who are coming in to what is known as the UK bolster the economy of what is known as the UK.

We also learned over the weekend, through various polls, that one of the concerns of those who voted for Brexit — there were many reasons why people voted for Brexit — was immigration and the belief that it was damaging public services. What was the reality of that situation? It is not immigration that was damaging public services; it was austerity. The cuts to the health service and the cuts to services across these islands were damaging public services, and that is beginning to dawn on people.

Mr Stalford gave a very good reason why partition does not work — in a different context, perhaps, than I would. However, he also asked if we were going to partition off Antrim.

**Mr Stalford:** Upper Bann.

**Mr O'Dowd:** Partition off Upper Bann: some might want to do that and not let me out of it. Let us look at what the British Government are thinking of doing. They are thinking of partitioning off Nissan. They are looking at big car manufacturers and saying, "Yes, we will give you special status. We will allow Nissan to rest within the EU" —

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr O'Dowd:** When I read this comment, I thought that it was a joke: the British Government propose to fund Nissan to promote driverless cars. How apt: the British Government are driverless on Brexit.

**Madam Principal Deputy Speaker:** The Member's time is up.

**Mr Smith:** Whilst I share my opposition colleagues' frustration at the lack of action and leadership from the Executive on Brexit, I believe that neither High Court actions nor the development of a special legal status for Northern Ireland is the best way forward.

The Ulster Unionist Party, as has already been mentioned, campaigned for the UK to remain in the EU, but, as Mr Stalford said, that was not the unanimous view of our members; we allowed our members to vote with their conscience, as we do on a number of key issues. We do democracy, even if some parties in the Assembly do not. In our opinion, the result of the referendum is the result. While the majority in Northern Ireland supported "Remain", it was a national poll, and that decision must be respected. We based our decision to support the "Remain" campaign on three key issues: the economy, the UK's constitutional future and the contentment of the majority of people in Northern Ireland with Northern Ireland.

First, the economy. The impact of Brexit on our local economy will be immense if we do not get this right, and not in a good way. While we do have some great companies who sell goods and services to the world, our economy is primarily an inter-UK economy, with most of our exports going to the Republic of Ireland and the rest of the EU. The two competing fantasies that, on the one hand, we can place barriers between ourselves and the rest of the UK, which provides us with the lion's share of our trade as well as our £9.8 billion subvention, or alternatively we can become buccaneer traders with the world on WTO tariffs, are both at odds with reality.

Secondly, we feared that significant change to the UK constitution could destabilise the post-Scottish independence referendum settlement. With Brent crude at \$51 per barrel I suspect that the SNP will not proceed with the second referendum, but if it does I trust a pro-union majority will prevail once again. However, as forecast, the Brexit decision has let this genie out of the bottle once again, with all the potential for destabilising Northern Ireland politically, socially and economically. While some may welcome that outcome, I do not.

Thirdly, all evidence shows that the vast majority, from all communities, were content with Northern Ireland and the status quo. OK, everyone has their issues, their gripes and their agenda for change, but it was all within the current Belfast Agreement settlement. As even today's debate shows, the EU referendum has the potential to change that, with many from a traditionally nationalist community feeling unsettled and angry at the referendum result.

My party has, uniquely, produced an initial post-Brexit analysis, vision and plan. The Executive, to date, have produced a letter. I sincerely hope that more is happening behind the scenes, but experience to date makes me fearful.

Everyone now accepts that Northern Ireland is the region in the UK most impacted by Brexit. We also appear to be the least prepared. We are in a unique situation, which is why it is doubly frustrating that our divided Executive appear to be paralysed by this issue, like a rabbit transfixed by the headlights of an oncoming truck.

There is much in the motion that I can support. Our Government must ensure that, whatever Brexit becomes, we continue to have single market access, that there is no change to the existing Irish border arrangements, that our agri-food industry is sustained and that current EU funding is at least replaced like for like. I agree with much of the motion's sentiment and many of its goals.

However, I believe that there are better ways to achieve similar outcomes. We require a clear voice for Northern Ireland at the UK's negotiating table, as opposed to trying to create barriers between ourselves and the rest of the UK. By all means —

**Mr Frew:** I thank the Member for giving way. He talks about a divided Executive, and we all know what a divided Opposition looks like. Does he not realise that, whilst we come from different, opposing positions, when it comes to

knowing what is good or bad for Northern Ireland in the Brexit context, we will know that, we will agree to it and we will fight for Northern Ireland?

**Mr Smith:** I appreciate what the Member has said and I look forward to seeing whatever that is. The difficulty at the moment is that we have seen absolutely nothing, and that is the challenge. Until the Executive come out with their plans, proposals and solutions, we are all working in the dark. I look forward to when the Executive produce that information.

By all means, we will work with our neighbours across the border to hopefully achieve a win-win solution, but that does not require a constitutionally questionable legal recognition. What is critical is that the Executive get over their policy stalemate and produce a plan. I look forward to seeing this plan and negotiation strategy to ensure that Northern Ireland is not destabilised economically and politically by Brexit. We need both action and leadership from the Executive, and to date we have had neither.

**Dr Farry:** Last week the Assembly backed an Alliance amendment which recognised the importance of continued participation in the EU single market. To make it clear to Mr Frew, and to put it on record, the DUP and Sinn Féin do not agree on whether or not Northern Ireland should continue to be part of the single market.

This motion allows us to move to the next step in beginning to scope out the political arrangements that give effect to addressing the particular challenges facing Northern Ireland. While the UK has voted to leave the European Union, what Brexit entails continues to mean different things for different people, and the referendum result does nothing to assist in this regard.

Over the past few weeks the UK Government have signalled a greater likelihood of a hard Brexit. In parallel, the devastating implications for the future prosperity of the UK, and especially to this region, are becoming ever clearer. The Northern Ireland perspective continues to be marginalised, most recently shown by our Secretary of State not being part of the Cabinet Committee on Brexit.

"Leave" advocates somehow suggest that there is a choice between trading with the rest of the world and trading with the EU. We can and should do both, and it is through the single market that we can best open up new trading opportunities. By contrast, the risk of erecting barriers to what remains by far our largest

external market is an act of supreme folly. Northern Ireland is a distinct political entity, with the right to determine its own political future recognised in international law. This region did very clearly vote to remain.

Overall, Brexit is a bad thing. Everyone across the UK is set to suffer some degree of consequence from this vote. The harder the Brexit, the deeper the consequences will be. By contrast, a very soft Brexit could avoid some of the wider economic and political challenges facing the UK and, indeed, Northern Ireland.

This region is particularly vulnerable, and I want to cite four areas. The first is financial support from EU funds. We achieve more per head from these than we would through any Barnett consequentials, assuming that they were available. This is particularly so in terms of agricultural support.

Secondly, our economy has been improving in recent years but has still to truly lift off. We had hoped to have a step change in our inward investment profile, but this was clearly linked to unfettered access to the single market. I want to stress that the European Union is not really about handouts but allowing us to compete on our own two feet through having access to those markets.

Thirdly, we have greater uncertainty over potential borders to people or goods being erected somewhere in these islands.

Finally, we are concerned about the implications for the Good Friday Agreement. This was a finely balanced settlement with three strands and has facilitated a shared space for open, mixed and multiple identities. When lines are drawn or redrawn on maps or barriers are erected between people, it is not good.

This builds the case for exploring some form of special status for Northern Ireland. For some, this talk of special status may be viewed as the counterpoint to Northern Ireland just being treated as an integral part of the UK and the UK as a whole leaving the European Union. However, in practice, the choice is between discussing and negotiating some form of special status or seeing Northern Ireland by default becoming some form of anomaly. Already, the people of Northern Ireland have the right to be Irish citizens and, therefore, EU citizens. Already, large parts of our economy such as agri-food are organised on a North/South basis. Apart from warm words, there is no clarity on how the interface between the UK and the EU and the movement of EU nationals plus goods and services will be

managed. Also, we must protect the Good Friday Agreement.

At this stage, of course, there is no shared or common understanding of what is meant by special status or what it should look like. It could be something where Northern Ireland is an associate member of the European Union or we could be part of the European Union or we could be outside the European Union with a special set of arrangements. We are not expecting that type of answer to be provided today or in the coming days. However, over the coming months and, indeed, over the coming weeks, there is, nevertheless, an urgent necessity for all relevant stakeholders to come together to do just that. In that regard, the decision to have the forum in Dublin is, to our mind, particularly welcome and should not be seen as threatening.

I want to say a couple of things to make a slight qualification. As much as I do recognise and respect the right of nationalists to seek a united Ireland, this process of advocating special status for Northern Ireland must be based on pragmatism and separated from that wider aspiration.

**Madam Principal Deputy Speaker:** Can the Member bring his remarks to a close?

**Dr Farry:** I am also disappointed that there is no specific call for the Executive to show leadership around special status. That would greatly enhance the prospects of success. It is a travesty that no Ministers are here to respond to what is one of the most important issues facing Northern Ireland.

**Madam Principal Deputy Speaker:** The Member's time is up.

**Mrs Cameron:** I welcome the opportunity to take part in today's debate. We are at the beginning of a long process of untangling our relationship with the EU. Just as in the breakdown of any relationship, there comes a point when squabbling is put aside and the parties move on, trying to achieve what is best as an all-round outcome.

Our First Minister and deputy First Minister have identified the key priorities in ensuring that Northern Ireland is in the best possible shape for triggering article 50 in March, confirmed by the Prime Minister during the recent Conservative Party conference, to 2020 and beyond. The Prime Minister has confirmed that Northern Ireland will be fully involved in the negotiation process, and I am pleased that she

has given her commitment to ensuring that we remain economically competitive. We have ease of movement across the border with the Republic of Ireland, and our agri-food sector is protected.

We are in a unique position, given our land border with the Republic of Ireland, so it is vital that in any discussions we recognise the importance of freedom of movement of people and goods. Given the importance of tourism to our economy, not to mention our reliance on health and social care workers from across the border, how we deal with the border issue is significant and may be one of the greatest challenges during the negotiations.

**1.15 pm**

In contrast, the weakening value of sterling may have a positive effect on encouraging tourists, those from the Republic of Ireland or those visiting the South from overseas, to consider Northern Ireland as a tourist destination. I look forward to seeing the effects of the new Tourism NI advertising campaign and how the current greater value for money will impact on visitor numbers. During the last year, Northern Ireland's exports have increased by 9.5%, in the only part of the UK to see a rise. During our negotiations, we must build on that success and ensure that we capitalise on the reduced level of corporation tax to continue that growth. Given that we send more to the rest of the world than to the single market, the opportunities for growing the Northern Ireland economy are huge.

I understand that there are concerns amongst our many farmers about what will happen after 2020. Whilst the Treasury has committed to funding agriculture, fisheries and rural development, I appreciate that there may be some grey areas to be clarified following our exit from the EU.

**Mr Lyons:** I thank the Member for giving way. We talk about uncertainties around what will happen to agriculture post Brexit, but does she agree that those uncertainties would exist for farmers whether we stayed in the EU or not, because of the way the funding is changing, with more of the payments moving towards eastern Europe? There will be uncertainty either way.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mrs Cameron:** Thank you, Madam Principal Deputy Speaker. I thank the Member for his

intervention and agree wholeheartedly with his comments.

I am, however, content that, given the reliance on the agri-food sector, we will arrive at a position that will protect our rural heritage and allow our farmers to continue unencumbered by European bureaucracy.

**Ms Dillon:** I thank the Member for giving way. Unfortunately, Mr Stalford has left the Chamber, but we should raise the issue that he mentioned. He said that the courts were not the most democratic way of taking this forward: I think that the courts are an extremely vital part of our democratic process. However, given that that is how he feels, it is unusual that his Minister took the previous ARD Minister, Michelle O'Neill, to court to prevent her from spending EU money in the way in which she saw fit in her Department. Given that, it is unusual that he does not think that the courts are a democratic way of dealing with things.

**Mrs Cameron:** I thank the Member for the intervention, which was not really addressed to me at all; it was addressed to another Member.

The right decision has been made: leaving the European Union is the right decision for Northern Ireland and the UK as a whole. We should respect the democratic process that has delivered us to our current position. We will have the right to make our own laws and shape a future for the United Kingdom without the red tape of the European Union. I understand that we have some way to go in negotiating how that happens, but I trust that we will have a more efficient and competitive system in place once our exit is finalised.

At a recent Committee meeting, we heard a presentation from Professor David Phinnemore from Queen's University, who gave a brief overview of the possible outworkings of our exit and a number of potential scenarios. Those options have given us food for thought, and I am sure that they will be examined in greater detail in our discussions.

It is clear that special status for Northern Ireland is simply not required. The Prime Minister has plainly stated her assurance that the devolved Administrations will be fully involved and included in shaping the conditions of our exit from the European Union. On 23 June, the United Kingdom overwhelmingly voted to leave the European Union. The voter turnout of almost 72% is practically unheard of and one that we can only hope to replicate in future elections. The UK spoke loud and clear: we want to leave the European Union. To borrow

Theresa May's term, "divisive nationalists" will not be permitted to destabilise the process of exit. We are the United Kingdom, and united we are greater than the sum of our parts. Leaving the EU will ensure that we take back control of our laws, our borders and how our money is spent. The United Kingdom is leaving the European Union, and that is a fact.

**Madam Principal Deputy Speaker:** Will the Member bring her remarks to a close?

**Mrs Cameron:** There will be no second referendum.

**Ms Archibald:** I welcome the opportunity to contribute to the debate on what has clearly become one of the foremost topics in current politics. The pros and cons of leaving the EU and the implications for all sections of society here have been debated and discussed at length. Undoubtedly though, since the vote, the realisation has hit businesses, academics, the community and voluntary organisations and others of the need to focus on alternatives and plan contingencies. All those groups have pointed out the black holes that will exist in their budget as a result of the loss of EU funds. The implications for particular sectors, including the agri-food sector in terms of trade, have been discussed. The impact on our migrant workforce and the ability of universities to recruit and retain overseas staff and students are all things that we are very aware of. It is time to do more than discuss them.

In the months since the result, none of the above-mentioned groups or sectors has been shouting about the opportunities that have opened up for them; they are instead attempting to deal with the challenges that now exist. In the event of an actual exit and the freeing-up of some of the British Budget, the development of future funding streams to replace those lost will not be finalised for several years, and, in the meantime, all those groups and organisations face nothing but uncertainty.

We, in Sinn Féin, have been unambiguous before and since the referendum on our position: we believe that the best interests of the people of the North are served by remaining in the EU, a view clearly held by the majority here. We believe that the democratic will of the people here must be respected, and the High Court challenges are one strand of trying to achieve that. Since many now believe that there is not majority support in the British Tory party for the type of Brexit that currently seems to be the preferred option of those negotiating, it

would seem that they are reluctant to allow their own democratic parliamentary processes to be actioned in case the result goes against them. We await the outcome of the legal challenge with interest.

Equally, though, it is important that other mechanisms that would allow for recognition of the unique status of the North continue to be explored. Any mechanism should allow for the North to remain part of the EU. We have very different circumstances — economically, socially and in terms of trade — from those anywhere else in England, Scotland or Wales.

I do not believe that the British Government understand or particularly care about the best interests and needs of people here. There is no permanent representative for the North or any of the devolved regions on the British Cabinet Committee on Brexit. They will be called as required, apparently. Half of that committee, which will have responsibility for the exit, is made up of so-called hard Brexiteers, including Liam Fox, David Davis and, of course, Boris Johnson. Added to the soundings that the British Government do not intend to remain within the single market and last week's comments from the president of the European Council, Donald Tusk, regarding a hard Brexit or no Brexit, these are all signals that do not bode well. Any future trade arrangement other than continued single market access will take time to negotiate. It will involve further uncertainty, and there is no guarantee that the North and its unique circumstances will feature highly in the discussions. The new British Cabinet is increasingly insular and inward-looking, putting up barriers to the rest of the world in a time of increased globalisation; indeed, it seems intent on cutting off its proverbial nose to spite its face to prove that it meant what it said and is sticking to it guns, regardless of the consequences, with the hollow rhetoric of "Brexit means Brexit".

Alongside the consequences that are already beginning to unfold for business and trade is the somewhat ironic news that the plummeting post-referendum pound, which had initially been hailed as good for exports, is likely to see the British budgetary contribution to the EU for next year being up to £2 billion more than it was at the beginning of this year. I guess that was an unforeseen consequence, but it would seem that many of the consequences are exactly that. The British Government, meanwhile, seem to lurch from one idea to another and go further to the right by the day as they try to keep everyone on board.

It is clear that none of the ideas or proposals that are being put forward is good news for people here, nor, indeed, are they intended to be. It is, therefore, up to us as elected representatives here to stand up for the interests of the people of the North, our businesses, universities, young people and all those who have come from other countries to make their life here. In that regard, I welcome the setting-up of the all-island forum and statements by various parties, including those in the Irish Government and the DUP's Jeffrey Donaldson, that call for a settlement that takes account of the circumstances on this island.

It would be good to hear some more reassuring soundings coming from the British Government in the same vein. The democratic will of the people here who voted to remain must be respected —

**Madam Principal Deputy Speaker:** Will the Member bring her remarks to a close?

**Ms Archibald:** — and all mechanisms within that need to be considered.

**Mr Logan:** I love taking the opportunity in the Chamber to discuss our exit from the European Union. We once had "Remainers" and "Leavers", and we once had a "Remain" campaign and a "Leave" campaign, but we all have one thing in common in the Chamber today, and that is that we are all leaving the European Union. We no longer have "Remainers", just a few "Remoaners". I would much rather the Opposition brought before us today a motion of substance that talks about the opportunities outside Europe, the trade deals and an outward-looking United Kingdom.

I stand, unsurprisingly, today to oppose the motion because it is premature. Why do we need special status? Of course, the negotiations have just begun, and we have a seat at the table with our eight MPs at Westminster, who actually take their seats. I oppose it, secondly, because it is a national matter. Yes, there are issues specific to Northern Ireland that need to be addressed. We do share a land border with an EU state, but Theresa May, as Prime Minister of the United Kingdom — a nation made up of England, Scotland, Wales and Northern Ireland —

**Mr Eastwood:** Thanks to the Member for giving way. I am glad he raised the point that we have a number of MPs who take their seats and will be in Westminster. Does he therefore support the call for the Westminster Parliament to be

given a vote on what happens with article 50 and any subsequent potential deals? Is that what he is saying or are they just going to sit there and debate things but not actually get the opportunity to vote?

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Logan:** Thank you. No. We got our answer on that. Theresa May has committed to triggering article 50 by March next year. That is what they are committed to doing, and we are absolutely supportive of that. You see, Theresa May is our Prime Minister. We are united with the United Kingdom, which has the fifth largest economy in the world. Perhaps —

**Mr Aiken:** It is now sixth.

**Mr Eastwood:** Sixth, now that you voted for —

**Some Members:** — *[Interruption.]*

**Mr Logan:** Yes, thank you very much. Sixth? Where is our recession, Steve?

**Madam Principal Deputy Speaker:** Will Members refrain from making comments from a sedentary position?

**Mr Logan:** Yes. Perhaps Ireland, as the thirty-seventh — I hope I have that right — largest economy should be taking our lead on this one.

I oppose the motion as well because I believe in democracy. In June this year, people walked into a polling station and were given this question: should the United Kingdom leave the European Union or remain a member of it? I will not go any further on that; we are all aware of it. So it would be ridiculous of me to suggest that some constituencies in London that voted to remain should be given special circumstances, and the same should be said for here. Some constituencies voted to remain and, again, it would be ridiculous to suggest they should be given special circumstances. It was not done constituency by constituency or region by region; it was —

**Mr Attwood:** I am very grateful to the Member. Is he aware that the Lord Mayor of London has argued very much in the spirit of what you are saying, namely that London needs a seat at the table in the negotiations? Will it not be the case that, if there are any seats in the negotiations, London will be there much earlier than anybody from the North?

**Mr Logan:** That is right. Everyone has a seat at the table with their MP, and they are very welcome to that discussion.

It was not done region by region or constituency by constituency; it was a United Kingdom vote. I respect democracy, and we in this party have shown that time and time again, although sometimes we maybe do not agree with it. I mean, I do not get too excited about doing business with Sinn Féin, but we respect the democratic will of the people of Northern Ireland and we get on with the business of doing what is right for Northern Ireland.

Finally, I oppose the motion because I believe we are better off outside the European Union. I do not want to be part of an organisation that penalises us, as the United Kingdom, for economic success, like we saw back in November 2014 when David Cameron was landed with a bill for £1.7 billion. By the way, France was given a reduction of £800 million and Germany was given a reduction of £600 million. We were landed with a bill for £1.7 billion as a result of our economic success. He said he would ask for a reduction in that, and he did not get it. He said he would ask for special terms, and he did not get them. That is what the vote was all about. It was about taking back control. It was about taking back control of our laws, because, remember, either you have control of them or you do not. Either you have control of immigration or you do not. Either you have control over finances or you do not. There is no happy medium with the European Union.

**Dr Farry:** Will the Member give way?

**Mr Logan:** I have given away quite enough.

You have never heard me say in the Chamber that leaving is the easy option; I have never said that. It is a difficult option — of course it is — but we are up for that challenge. We acknowledge and recognise the options and the opportunities outside of Europe.

**1.30 pm**

Had we remained — Mr Lyons made this point — there would have been uncertainty on many aspects. As well as that, when was the next bill or penalty going to come? This was a tough decision, but our eight MPs and a First Minister who is firmly at the table will be there to represent Northern Ireland and all our people here.

**Mr Aiken:** I will begin with a note of clarification for the record. My fellow MLA from South

Antrim spoke about Northern Ireland's trade figures. Northern Ireland trades most with GB, secondly with the European Union and then globally. I think she indicated that we were trading mostly globally first. I just want to change that for the record.

The motion looks to provide a degree of clarity about how we in Northern Ireland can best position ourselves to prepare for the UK leaving the EU in 29 months' time. Regardless of your perspective on the referendum, that is an event that will have profound implications for everyone across these islands. We also believe that the Assembly should be asking the hard questions of our Government. What is the plan?

As a party, we released a discussion document on a vision for Northern Ireland outside the EU, based on Northern Ireland becoming a gateway to the EU. We have been particularly pleased to receive very favourable responses from across the political and business spectrum, in Northern Ireland and beyond, for our approach. In particular, noting in the motion the need for a unique status for Northern Ireland, we were intrigued to listen to the views of the DUP put forward by Sir Jeffrey Donaldson as he put down his glass of champagne at the Tory party conference this year:

*"We don't want to see a hard border. We don't think it's in the interest of either Northern Ireland or the Republic of Ireland for that to happen so we will need to make a special case for the island of Ireland within both the European Union and of course within the wider world ... But we also need to ensure that special arrangements are put in place to ensure that we have free movement of goods on the island. That we have a market in the island that enables businesses to do what they do best, trade with each other without any inhibiting factor that is unnecessary."*

I would welcome, as part of establishing a plan — any plan — the DUP taking these ideas, which Sir Jeffrey obviously took from our document, and incorporating them into our negotiating position with the Prime Minister.

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

**Mr Aiken:** Certainly.

**Mr Allister:** I must say that I was very alarmed by what Sir Jeffrey Donaldson said. However, when I raised it with one of his senior colleagues, I got the rather withering response:

*"Oh, Jeffrey. The less you know about a subject the more he is likely to say."*

Is it not the reality that, if Mr Donaldson's advice was followed, like the SDLP advice, it would have the result of driving the border to Stranraer, whereas any border there is has to stay between Northern Ireland and the Republic. Is that not the folly of what Sir Jeffrey Donaldson was saying?

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Aiken:** Thank you very much indeed.

The obvious question raised by both the DUP and this motion has to do with the form that these special arrangements will take. Do we, as in our vision document, look to create an agreed access to the single market based on our unique geography and economic circumstances, our specific needs for energy, agriculture, health and education, and a variety of other North/South and east-west dimensions?

We have also called for looking at making an all-Northern Ireland enterprise zone, which could have elements of free trade areas and agreements. Indeed, I am grateful for the Economy Minister pointing out the relationship with the Gulf Cooperation Council and Singapore. We could look to the special trading areas in China and trading relationships with the EU, Norway, Switzerland, Turkey et al, all of which employ a coordinated approach that would require an understanding, as outlined by Sir Jeffrey, with the Government of the Republic of Ireland —

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

**Mr Aiken:** No, not just at the moment.

As well as building a strong relationship with our counterparts in Scotland and Wales. However, to address your question, we do not believe that that would require specific change in the legal status of Northern Ireland. We do not wish to see a border that goes down through the middle of the Isle of Man or the Irish Sea.

Indeed, in the Assembly, we should be able to debate and help inform these decisions. However, it seems that the openness and transparency agenda that the co-First Ministers and David Gordon seem to be following will mean that unfortunately, like Parliament, our

options for influencing our Government will not be heard or, indeed, acted on for the good of all our people.

It is also disquieting to note that the avenue of influence to Downing Street is not through the Assembly and not even through our Government, as the Secretary of State has been assiduous in gathering his own information. It has become clear to major businesses and interest groups that the best way to get through to the Brexit Committee is through the NIO and the SpAds rather than the telephone calls — is it two? — that the First Ministers' offices have had with the Cabinet Office. Maybe Marlene does not even have a direct line.

We as a party have a well-established position on recognising the result of the EU referendum given by all the British people and the legal status of the United Kingdom. While we appreciate that other parties are seeking to change the result, we cannot support the motion. Therefore, despite supporting many of the issues, unfortunately we will not be able to support the motion.

**Madam Principal Deputy Speaker:** Before I call the next Member, I ask that all Members refer to other Members by their proper title.

**Mr McAleer:** I am grateful for the opportunity to speak on the motion. Looking through the research papers and reading some commentary relating to the so-called Brexit and dealing with many of the stakeholders in society, it is becoming clear to me, and, indeed, to our party that we are on an enforced journey into economic and political chaos. It will have the biggest impact on vulnerable communities, such as hill farmers, small businesses, ethnic minorities and, indeed, the wider community sector.

The idea of the North being outside the EU trading block will leave us more peripheralised because we will end up being sandwiched between the South of Ireland, which is a fully fledged EU state, and Scotland, which has actually strengthened its ties with the EU and has triggered the Bill heading towards full independence. That will leave us on the very edge of Europe and more peripheralised than ever.

Along with others in the Chamber, I represent the border constituency of West Tyrone. Strabane and Castleterragh are amongst the top economic black spots in the North — indeed, on these islands. Through the last 40 years, the

border has softened by dint of the fact that we are jointly in the EU, but a hard border preceded that from 1922. With the softening of the border, we have seen better cross-border flow in public transport, radiotherapy, cooperation between district councils on INTERREG, second- and third-level education programmes across the board and other things that have been beneficial for people. The border has softened, but that has been by virtue of the fact that both are in the EU. The proposition being put in front of us is that we are to have an international border between the EU and a non-EU state right on our doorstep. That has caused a lot of fear and anxiety.

The EU has many faults. Being from a rural area and dealing with the farming community and rural groups, I know that there is lots of bureaucracy and things that really frustrate them. Even in relation to the A5, the EU habitats directive is one of the reasons why the project has been held up. There are many areas where the EU has faults, but, in the wider scheme of things, it is beneficial and the majority of people here prefer it. That is why they voted for it.

During the election campaign, we heard many promises on health and investment and what would be freed up to go into health. One of the things that I noted during the referendum and since it was a promise by the British Government of cheaper food after Brexit. Here in the North, farmers are battling the supermarkets, which are selling produce more cheaply than farmers can produce it. The fear, post Brexit, is that farmers will lose their subsidy, which accounts for 87% of their income. You will have trade deals opened with the likes of Argentina and the Americas, where beef is 60% cheaper, and the place will be flooded, literally, with cheap beef, and farmers will be pushed against the wall.

There is no certainty for farmers. I heard it said earlier that, up to 2020, the Chancellor has guaranteed this and guaranteed that. The reality is that, after 2020, nobody knows. I note predictions from our Finance Minister at the recent meeting in Leinster House that the percentage of the British block for the CAP, which is 9%, could drop to 3% in a post-Brexit scenario. The effect of that in rural areas in our part of the world would be devastating. Farming would not be sustainable any more, rural community groups would fold, and it would be very difficult to survive. We would end up almost like England is at the minute, where you have quaint little villages with very little in between them. That is something that we really want to resist.

I also note that, in the debate around Brexit, Professor Phinnemore spoke to the Executive Committee recently, and he said:

*"No non-member state of the European Union has free trade with the EU in agricultural products".*

There will always be controls, quotas and, in his words, "exceptionally high" tariffs, even if we remain part of the single market and the customs union. Brexit will have an absolutely devastating impact on agri-trade and on our rural communities. We hear talk that farmers are finding it OK now because they get a good conversion rate for the single farm payment. That is a short-term bounce —

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr McAleer:** — that will be detrimental in the long term.

In conclusion, whilst we support today's motion, I add the caveat that we see that the best long-term future for this part of Ireland and, indeed, the island of Ireland is to remain.

**Mr Frew:** I have an understanding of why the SDLP is bringing this before us again. It is a massive issue for the whole of the United Kingdom, the whole of the EU and, I suppose, the world. I get that. I get why we want to debate it, but, sooner or later, the Prime Minister will trigger article 50; sooner or later, the position of the United Kingdom Government will become clear in the negotiations with the European Union; sooner or later, we will see what is good and what is bad for Northern Ireland within that; and, sooner or later, we will be able to challenge Her Majesty's Government on that and try to influence and change that.

Throughout the months since the referendum verdict to leave the EU, which I and my constituents supported, as we have gone along, I have heard about how everyone who voted to leave Europe must be stupid, must be racist or must be elderly. Some of the language used around that time was absolutely scandalous. There is no doubt that this is a momentous occasion in the history of the world and, most definitely, Europe. It is probably one of the most seismic changes in post-war Britain. It probably goes right back as the most momentous decision since the home rule crisis. But we have to get over the decision that the United Kingdom population made.

When I read the motion, I think, as I sometimes thought with the "Remain" campaign, especially on the nationalist side, that this is desperation. I think that this is a lack of confidence. I think that this is the SDLP trying to scarp for nationalist votes in a diminishing market with Sinn Féin. I really think that that is what the motion is about.

**Dr Farry:** Will the Member give way?

**Mr Frew:** Yes, I will.

**Dr Farry:** It is not usual for me to come to the defence of either Sinn Féin or the SDLP, but I will just say that it is a mistake for people to assume that the issue about special status and the consequences for Northern Ireland is purely for nationalists. Clearly, the Alliance Party is not a nationalist party. We were contacted over the summer by people from across the spectrum, including people who would declare themselves unionists, who are deeply concerned about the implications of Brexit and have asked us to take forward the cause of finding out some solution particular to Northern Ireland.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Mr Frew:** I thank the Member for that intervention. I am not suggesting for a moment that the Member is fighting on a nationalist agenda; he does not get any seats in nationalist constituencies, so I understand that. For nationalist parties, for the SDLP, they cannot tell us what the special status could be, just in the same way as anyone else cannot say what Brexit will be. That is because there is a negotiation to be had, and it is to be had by Her Majesty's Government. Brexit will be this: Brexit will be whatever Her Majesty's Government and Brussels agree on. That is what Brexit will be, and it is up to us in Northern Ireland to feed into that negotiation.

I am proud that my constituency of North Antrim voted to leave the European Union.

Some 62% of North Antrim decided that it is better to leave the United Kingdom.

**1.45 pm**

**Mr Allister:** The EU.

**Mr Frew:** The EU. *[Laughter.]* I represent North Antrim, and I will represent all the people there in the next two years: the people who voted to

remain and the people who voted to leave. I will represent those people as best I can. I will know what is a good deal for Northern Ireland and what is a bad deal for Northern Ireland, and I will know what part of a deal is bad for Northern Ireland and what part of a deal is good.

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

**Mr Frew:** Yes, I will.

**Mr Eastwood:** I have no doubt that the Member will know if it is a good or a bad deal. Does he think therefore that we should have a vote on it, or should we just leave it to the British Prime Minister, who has not given us much hope that she is too concerned about whether it is a good or a bad deal for us?

**Mr Frew:** I remind the Member that we have just had a vote. It is called a referendum. I remind the Member that, just as we debate Brexit in this Chamber every week, so does Westminster. Every single MP will have a chance to put their case to the Prime Minister.

Here is the point that I want to make before I sit down: Theresa May campaigned to remain, as did some of the Ulster Unionist Party, but she is now Prime Minister and has said clearly that we are leaving the EU. She has got over it. She knows what needs to be done for the betterment of the United Kingdom, and she accepts the democratic wish of the people of the United Kingdom. Why can other parties not accept that? That is not me saying that you should all become pro "Leave". I am not saying that at all, but I am saying that you should think about your constituents and what is the best way to —

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Frew:** — represent and lead those constituents to make sure that we get a better deal for Northern Ireland. There are opportunities here. We should grasp them.

**Ms Hanna:** This motion should be uncontroversial. In the last weeks and months, we have heard Members of all parties, regardless of their pre-referendum stance, talk about getting the best possible outcome for Northern Ireland. The constitutional, legal and political necessities of our situation, geographic and otherwise, will require specific provisions in the event of any Brexit. Every Member who has spoken acknowledged those, so we might

as well seek to maximise and firmly embed them.

We are in uncharted waters here, but the EU is a creative problem-solver. The continent abounds with specific solutions to specific problems, but we need to meet the European Union halfway and set out a case. The SDLP has been very clear and consistent on this: people here voted decisively for the opportunity, stability and diversity of the EU, and it is our job to deliver that for them. Even those who do not share that view —

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

**Ms Hanna:** I will in a moment, but I have some progress to make.

Even those who did not campaign for or vote "Remain" should be clear-headed enough to know that any impacts, even if there are some good ones, would be felt disproportionately here. As custodians of the public interest, it is our job to set out a mitigation strategy, and special status is very worth pursuing.

The silence from the Executive on this is very worrying, particularly when those in London have made clear time and again that they never gave our situation much thought before the referendum, and they certainly are not wasting a lot of time on it now. It is ironic, given that this is an Assembly known for crises, drama and conflabs — once a year, we will be down in Stormont House or over in some stately home in England, and there will be late night press conferences and presidential hand-holding — that now, when an actual crisis has hit us, there is almost not a word, apart from one unrequited letter three months on. It is ridiculous. Whatever the very major issues in Stormont House, they never prompted a run on passport forms. The Executive remind me of a driver, possibly male, who is hopelessly lost but will not roll down the window and ask for directions. I am not given to quoting Martin McGuinness, but the article yesterday in which he set out his support for special status also said that he believes that the Executive need to get their "act together", and I concur.

It was a dollar short and a day late, but the letter that the joint First Ministers sent to Theresa May — we still do not know whether there has been a response — set out some very key issues. Heaven forbid, we could have campaigned on those jointly before 23 June and we might be in a different situation. It outlined issues around the need not to have a hard border, continued tariff-free access to the single market, free movement of labour, energy

supplies — God help energy bills if sterling keeps going in the direction that it is going — and EU funding. However, it is impossible to see how any of those conditions would be met if we Brexit in the hard fashion that London is outlining without some special provision or status for this region. Northern Ireland voted for a very different future to that being set out by Theresa May, and we must have one.

The Good Friday Agreement gave Northern Ireland supremacy in deciding our constitutional future. It recognised the dual identity — that people here can be British or Irish or both, as they so choose — and it gave equal status to those identities. Those who shout and roar about supporting this referendum can maybe update their response to the Good Friday Agreement, given that they believe that 52% is an overwhelming majority in this case. Under that interpretation of the Good Friday Agreement and recognising the 56% vote, only Northern Ireland can determine its constitutional status, and it is clear that a clear majority voted to remain.

The SDLP has always stood by the principle of consent, even when it supported a constitutional status that was not of our choosing or our liking. This is not just a technical issue. Please do not underestimate the importance, to nationalism in particular, of unimpeded access to the rest of this island and of the European Union, which was so pivotal in allowing sovereign Ireland and sovereign UK to work together as equals and as partners, underpinned a supernational link between the contracting parties to the agreement and provided validation to Northern nationalists that the two Governments were cooperating with equal status.

**Mr Attwood:** I thank the Member for giving way. Given the references to "divisive nationalism", as one comment quoted Theresa May, does the Member have any observation about where divisive nationalism exists on these islands?

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Ms Hanna:** I think that it is very clear that the divisive nationalism in this case is the English nationalists who forced this on us. I will also say that, when they talk about having cake and eating it and about the best deal on the islands, they sound more and more like Donald Trump and this wall that the Mexicans are apparently going to pay for. For all of Theresa May and the other Brexiters' rhetoric, Brexit will mean

what the EU says it means. We believe that the EU understands this region far better than London has; perhaps better than some people in the Chamber do.

We are somewhat encouraged by some of the change in direction and thinking. Some of the thinkers in the DUP, such as Jeffrey Donaldson, clearly understand some of the nuances, but we are disappointed that some of his colleagues are more bullish and do not seem to acknowledge the issues. The Brexiters told us for months that this was about taking back control. How does sitting on the Benches, rebutting every sensible argument, fall into that definition of taking back control? If this is about getting the best result for Northern Ireland, you cannot just sit back and wait for London to tell you how we will get out of this mess.

**Lord Morrow:** When I first read this motion, I could not make up my mind whether the SDLP was still in denial or whether, in fact, it had come round to accepting the reality of the situation, which is, of course, that the people of the United Kingdom have voted to leave the European Union. I am happy to state that I was one of those. Not only was I one of those, I campaigned and encouraged everybody else to do likewise. Not everybody did that, and I think that is a pity; but that is by the way.

I listened to some of the comments today, and I wonder where those Members have been living of late. I see that the party that brought the motion today is even beginning to get a bit tired of it. It is down to four Members. It did manage to get seven or eight on the Benches at the start but, one by one, they have all gone away and said, "We have more important —

**Mr Eastwood:** You only have four.

**Lord Morrow:** We did not bring the motion. You brought it.

**Madam Principal Deputy Speaker:** I ask Members not to make comments from sedentary positions.

**Lord Morrow:** The SDLP should step into the real world and realise that the people of the United Kingdom have voted to leave the European Union, not to leave Europe. The sooner the SDLP gets round to accepting that, life will be a lot easier for it and it will maybe start to be a wee bit more progressive in its thinking going forward.

I listened to Mr Smith, I think it was, and it is ironic that the things that he outlined as reasons

for staying in Europe are the very reasons that I voted to leave the European Union. The greater risk was remaining in the European Union, not leaving. I accept that there will be some tough decisions to be made as a result, but the tougher decisions would have been required had we stayed. It should be remembered that the United Kingdom contributes something like £18 billion per annum.

It gets back £11 billion per annum. There is a deficit there of some £7 billion, and I ask Members to keep that in mind.

Recently, the Northern Ireland manufacturing sales and export survey 2014, which was published in December 2015, made some interesting observations. I think it is worth quoting. It indicated that £8.3 billion of a total of £18.1 billion of sales goes to the GB mainland market. In percentage terms, that is 46%, so we must remember that our main market is the rest of the United Kingdom. Some £1.4 billion goes to the Irish Republic — that is 8%; £1.5 billion goes to the rest of the EU; £3.1 billion, or 17%, goes globally; and £3.8 billion remains in Northern Ireland. There are those who have tried to paint the picture today that it will be abject poverty for the United Kingdom once we leave the EU. I do not accept that. I do not accept that for a moment. I believe that, when we leave, there will be new horizons to look to and new opportunities will come. That does not mean that we will then have absolutely nothing to do with Europe. No one has ever advocated that at any time.

Mr McAleer maybe came closest to telling the facts when he said that we do not really know what will happen come 2020. That is right: we do not really know. Our fishing industry has welcomed that we are coming out of Europe, our farming industry has welcomed it, yet the question was put up today about what is going to happen to our agricultural industry when we pull out. What was going to happen to the —

**Mr McAleer:** Will the Member take an intervention?

**Lord Morrow:** Right; OK.

**Mr McAleer:** Does the Member accept the point I made that never in the history of the EU has a non-EU state had an agricultural trade agreement with an EU state? In those circumstances, as Professor Phinnemore said, the tariffs will be very high, irrespective of whether we are in a customs union.

**Madam Principal Deputy Speaker:** The Member has an extra minute.

**Lord Morrow:** Thank you. I heard what the Member said, and I do not think he was entirely accurate in that.

Many in the debate, particularly those who moved the motion, said that Northern Ireland will be the lost cause. Indeed, it was Ms Hanna who very boldly stated that the EU understands Northern Ireland far better than the United Kingdom. If that is the case, you have absolutely nothing to worry about. Your worries are now all over, because your friends and colleagues in Europe understand Northern Ireland far better than we do. That is a lot of nonsense; no disrespect to you. It is pure, unadulterated nonsense for anybody to come out with that and try to tell us that. We —

**Madam Principal Deputy Speaker:** Will the Member bring his remarks to a close?

**Lord Morrow:** Yes. We will be in a better position come the day we leave the European Union. I understand that article 50 —

**Madam Principal Deputy Speaker:** The Member's time is up.

**Lord Morrow:** — is going to be triggered at the end of March.

**Madam Principal Deputy Speaker:** The Member's time is up.

**Lord Morrow:** Is it not a pity it is not sooner?

**Madam Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest the House takes its ease until then. The debate will continue after the ministerial statement, when the next Member to speak will be Paula Bradshaw.

*The debate stood suspended.*

2.00 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### The Executive Office

#### Ministerial Code

1. **Mr Agnew** asked the First Minister and deputy First Minister to outline the mechanism in place to allow members of the public to report breaches of the ministerial code of conduct. (AQO 461/16-21)

**Mr McGuinness (The deputy First Minister):** As the Member will be aware, no authority was conferred on the First Minister and me by the Good Friday Agreement or the 1998 Act to rule on alleged breaches by other Ministers or impose sanctions on them. The accountability of Ministers for their conduct is, ultimately, to the Assembly. The fact that the Pledge of Office and the ministerial code of conduct are included in the ministerial code did not qualify or replace the statutory arrangements put in place to determine alleged breaches of the pledge, which include questions of compliance with the ministerial code of conduct. However, as with any issue, a member of the public may write to us. Where we receive such a complaint, we consider it in accordance with the mechanisms provided in the Act. They allow us, if we consider it justified, to table a motion asking the Assembly to resolve that a Minister has not observed the terms of the Pledge of Office. If the Assembly so resolves, the sanctions available to it are censure, exclusion from office or a reduction of remuneration. That decision, however, is one for the Assembly. A member of the public may also, of course, approach an MLA and request them to consider tabling such a motion, which must have the support of 30 Members.

**Mr Agnew:** I thank the deputy First Minister for his answer. When I brought an amendment to the House, it was disappointing that no one from the Executive Office was here to respond. Why does the deputy First Minister think it acceptable that, whilst other Members of the House are open to an independent investigatory process, there is a lower level of accountability for Ministers and no direct access for members of the public to make complaints? Why does he think that he and other Ministers should be less accountable?

**Mr McGuinness:** I am aware that, in a recent debate in the Chamber, Mr Agnew called for there to be a standards commissioner to investigate alleged breaches of the ministerial code of conduct. He alternatively suggested that the remit of the Assembly Commissioner for Standards be extended to give that office the power to adjudicate on alleged breaches of the ministerial code. That would be in addition to the powers that it has to adjudicate on alleged breaches of the Members' code of conduct. The Assembly defined the role of the Commissioner for Standards to exclude ministerial conduct, even though it is the Assembly that must resolve whether the Pledge of Office has been breached. While this would be a matter for the Assembly to pursue, if Members saw fit, we would be happy to discuss the need for any expansion of the role, particularly to avoid nugatory expenditure on separate arrangements. We are willing to have a conversation about the matter in the time ahead. I suggest that people take up that offer.

**Mr Speaker:** I inform the House that question 13 has been withdrawn.

**Mrs Cameron:** Does the deputy First Minister believe that the public are being fettered from raising concerns by the present arrangements?

**Mr McGuinness:** As I outlined in my initial answer, it is quite clear that there are several routes that can be accessed by Members and members of the public. One is through the First Minister and deputy First Minister; the other is through approaching a Member, who, to put it before the Assembly, must gather 30 signatures. I have listened very carefully to what Steven Agnew has had to say. I hope that my answer allows for a conversation, and not just between the Executive Office and Mr Agnew. If any other Member feels the need to take up our offer to discuss the matter, we are more than willing to facilitate that.

**Mr Speaker:** You are very late to rise. I call the Member.

**Dr Farry:** Thank you, Mr Speaker. On the heels of his last answers, does the deputy First Minister recognise that there is a wider problem with regard to ministerial conduct, openness and transparency, and that we have seen a decline in standards during this mandate with regard to things like responses to FOIs, the number of ministerial statements to the House, delays in responses to questions and, indeed, non-responses by Ministers to very important ministerial debates, including today's debate on Brexit?

**Mr McGuinness:** That is a range of criticisms, all of which may have merits or not. I believe that the Administration is open and transparent; others will disagree with that. The big change that happened, folks, was in May, when we had the election. There was an opportunity for five parties to take up ministerial positions, and three parties chose not to do that. We and the DUP had the courage to go forward together. Of course, the criticisms that have been lodged in relation to the issues that have just been specified by the Member are all issues on which we have tried consistently to ensure that we close the gap between us. It is still early days. Some of the criticisms I accept; some I do not. We will try to do something about the criticisms that I accept.

**Mrs Palmer:** Will the Minister outline what sanctions are in place where Ministers are found to be in breach of the ministerial code?

**Mr McGuinness:** I think that I answered that question in my first answer.

### **Paramilitary Activity: Action Plan**

2. **Mr Smith** asked the First Minister and deputy First Minister how they are monitoring the effectiveness of the Executive's action plan for tackling paramilitary activity, criminality and organised crime. (AQO 462/16-21)

**Mr McGuinness:** The Executive published an action plan on tackling paramilitary activity, criminality and organised crime in July 2016. When we published the action plan, we made clear our commitment to work with local communities and build on the good work that we know goes on already. We have established a cross-departmental programme board that meets regularly and is developing a work programme for 2016-17. Work is also under way to develop detailed costed programmes to be put in place from 2017-18 onwards. We regularly meet the Justice Minister to review progress. We also discuss progress at our Fresh Start meetings with both the British and Irish Governments.

**Mr Smith:** I thank the deputy First Minister for his answer. Following recent media revelations and allegations about organisations in receipt of major Executive funding, what actions are you putting in place to ensure that funding is not given to those involved in criminality and paramilitarism?

**Mr McGuinness:** I think that we have very robust processes in place. It is obvious that the

Member is talking about the recent publicity surrounding the Charter group in east Belfast. It is obvious from the steering committee on that group that it is made up of politicians from the Assembly, people from statutory agencies and people from the business community. We have a robust mechanism in place to ensure that all funding for the SIF programme is properly accounted for. We have no concerns about that at all.

**Ms Hanna:** I thank the deputy First Minister for his answers. He referred to media investigations around SIF and concerns about a recipient organisation. He will also be aware of the three-person panel report on paramilitarism and the need not to bolster and empower paramilitary organisations. Can he outline whether he thinks the UDA is a current or former paramilitary organisation?

**Mr McGuinness:** Our responsibility is to deal with the steering groups that were established under the terms of the SIF programme, as they are the people who decide how a project or projects are taken forward in any area.

I have no doubt whatsoever that the UDA is in existence. The question is what role people who were formerly members of the UDA play in our society. There are people who are still in the UDA who play a very negative role; there are people who were formerly in the UDA and play a very negative role; and there are people who were formerly in the UDA who play a very positive role. I would like to think that, in our dealings with people, we are working with people in society who play a positive role.

On the republican side, there are many ex-prisoners who have been convicted of many things and all of them make a powerful and positive contribution to developing communities and their capacity. Just as important, they work on a cross-community basis with many individuals who, previously, would have been considered as enemies.

We are a society in transition. I know that it is the job of the Opposition, if they get the opportunity, to score cheap political points, but the main message here today is that there is a steering group in east Belfast made up of politicians from the House, statutory agencies, the business community and others who would be deemed to be of the loyalist persuasion. The important thing for us is that every penny is spent properly, and, thus far, there has been no suggestion from anybody that anything other than that has been the case.

**Mr Stalford:** I thank the deputy First Minister for the answers he has given the House up to this point. Will he provide an update to the House on the establishment of the Independent Reporting Commission on paramilitary activity? Does he agree that it is an outrageous slur on many of the good people who are involved in SIF projects to accuse them of being involved in paramilitarism? In my constituency, I have seen the positive benefit that the projects will have, as has the lady from South Belfast. She knows the positive benefit that they will have, and it is wrong to slur those people in that way.

**Mr McGuinness:** In relation to the Independent Reporting Commission, one of the commitments in 'A Fresh Start' was that a four-member international body would be established by the British and Irish Governments. That body will be responsible for reporting annually on progress towards ending continuing paramilitary activity and reporting on the implementation of the measures of the three Administrations. It will also consult government and relevant agencies and groups. The British and Irish Governments signed the treaty required to provide for the body on Tuesday 13 September, and we understand that supporting regulations have been laid before the British Parliament and that the Irish Government will bring forward proposals for implementing legislation before the end of the year. The aim is to have the commission in place by the end of this year. The Executive will nominate two members to the body in due course.

In relation to the work of the SIF programme, I think that the schemes being developed across the North are of immense value to local communities. It is not a top-down process. People at grass-roots level are deciding what they think is best to meet the needs of their communities. At the beginning of the process, when SIF was mooted and launched, there were suggestions from people in at least one of the opposition parties that this would be a slush fund for paramilitaries: it is clearly nothing of the sort. People have seized on the situation and on one person in east Belfast, but that does a grave disservice to the good and decent people throughout the country who work day and daily to ensure that the lives of the people in the community they come from are enriched by delivering valuable programmes.

Let us get away from the nonsense that this is directed at paramilitaries; this is directed at communities, and the communities are making the decisions. Of course, there is a wide range of representation on the steering groups to ensure that whatever safeguards are required are there, as well as the auditing processes that

we, as a Government, conduct on all the programmes.

**Mr Nesbitt:** The Minister said that the east Belfast SIF advisory panel included members of the statutory services and representatives of the business community. The Executive Office website lists eight people, none of whom represent the business community or are members of the statutory services. Would the Minister like to revisit his claim?

**Mr McGuinness:** I would be prepared to send the Member the names.

2.15 pm

**Mr McGuigan:** I thank the deputy First Minister for his answers and for detailing the work of the Executive's action plan. Following on from his answers, may I ask how he and the First Minister will ensure that the work of the Executive's action plan on these activities complements and brings added value to the work already ongoing at community level?

**Mr McGuinness:** As we all know, dealing with paramilitary activity, criminal activity of any description or organised crime requires a collaborative approach, and the report of the three-person panel specified that. It has to be an approach that engages all the key public stakeholders, and they must all work in partnership with communities. Community input is vital to the full implementation of the recommendations. More importantly, it means delivery agencies listening to communities and understanding the impact of criminality on community life. Innovation, co-design and community partnership working must define the implementation of the 43 recommendations.

There has been a lot of criticism in the past that there was no plan to deal with this unacceptable situation, which, unfortunately, still exists in our society. This is a plan; this is a very serious attempt by the Executive, supported by others, to ensure that we continue to bear down on it. Of course, a key role in that has to be played by the Police Service, which is enthusiastic about this, up to the task and absolutely believes that it can be effective only if it gets community support. Rather than trying to chip away at this, the Opposition would be better employed in weighing in behind it and giving it and the police the support that they deserve.

**Ms Bradshaw:** In light of the First Minister's willingness to stand and be photographed beside self-admitted paramilitary figures, what

credibility is now left in the Executive commitment to the disbandment of paramilitary groups?

**Mr McGuinness:** I have no doubt whatsoever about the First Minister's commitment to the disbandment of paramilitary organisations — none whatsoever — and I do not think that she has any doubt whatsoever about my commitment to stand against them. Anybody who is involved in a paramilitary organisation or criminal gang is working against the interests of the people whom we in the Assembly represent. Yes, there are people out there who are still dedicated and committed to trying to bring these institutions down and plunge us back to the past. I saw how, rather pathetically, an attempt was made to portray what was happening in east Belfast as something other than putting in place a work programme that was about giving employment opportunities to people previously unemployed, giving them a real opportunity to go on to full-time employment. As far as I am concerned, that is a valuable programme. If people are contributing to that in a positive way, alongside other representatives from the community, that is to be welcomed. If we were to employ a rule of thumb that everybody who was involved in conflict in the past has no role to play in the future, I am afraid that there would be no future for any of us.

**Mr Speaker:** Mr Nelson McCausland is not in his place.

## Paramilitary Groups: Disbandment

4. **Mr T Buchanan** asked the First Minister and deputy First Minister to outline the progress made on the disbandment of paramilitary groups. (AQO 464/16-21)

**Mr McGuinness:** In July 2016, the Executive published an action plan, 'Tackling Paramilitary Activity, Criminality, and Organised Crime', which set out the measures that we will take to implement the panel's recommendations. Work is under way to take forward a number of measures this year and to develop detailed costs of programmes to be put in place from 2017-18 onwards.

**Mr T Buchanan:** I thank the Minister for his response. Will he advise the House whether he is satisfied that enough is being done to rid our society of these paramilitary groups?

**Mr McGuinness:** The fact that we dealt with this in the Fresh Start Agreement and came to

an agreement on how we need to move forward, with the support of the Irish and British Governments and, of course, the PSNI and the Garda Síochána, means that it is clear that we accepted that more needed to be done. I laid before the Assembly today exactly what plans we have put in place: the establishment of a four-person independent reporting commission. We will contribute two names to that; the Irish and British Governments will contribute two names. That is a determined effort by us, as a Government, to work collaboratively with everybody who agrees with us that paramilitarism, criminality and criminal gangs are a scourge on our society. We are absolutely determined to continue with this work in the belief that, ultimately, those who are in favour of peaceful and democratic processes will prevail over those who, through their criminality, try to undermine the potential of our society to deliver for themselves.

**Mr Kennedy:** What thought has been given to sanctions for any group that fails to disband by the end of the lifetime of this strategy?

**Mr McGuinness:** These are all matters that we will deal with in the time ahead. Consideration has been given, at every stage, to how we will deal with that. In the past, sanctions did not work. The only real sanction, when dealing with groups still committed to criminality and violence, is the will of the community, working with the Government, the PSNI and the gardaí in the South. We need to ensure that the ultimate sanction is one that puts us in the driving seat as opposed to those who are still involved in these activities. I have considerable confidence that the implementation of the strategy on tackling paramilitarism and criminality can work through the collaborative approach. That is the ultimate sanction.

**Mr Lyttle:** In a leaked version of the study commissioned by OFMDFM on investigating links in achievement and deprivation (ILiAD), there were findings that continuing paramilitary influence in our communities is having a corrosive impact on disadvantaged communities, creating negative role models through people prospering outside of regular education. Why did OFMDFM sit on the publication of that report since approximately December 2015? Given the significance of the findings, when can we expect publication of the report?

**Mr McGuinness:** When we agreed to establish a three-person panel to put in place a strategy to bear down on criminality in all areas, including areas of disadvantage, it was in the

sure knowledge that those on the group — and I think that Lord Alderdice, John McBurney and Monica McWilliams did wonderful work — clearly identified in their work the issues that the Member referred to. We are dealing with it in a much more comprehensive fashion through trying to implement the findings of the three-person panel.

**Mr Allister:** What credibility have the Executive in purporting to promote the disbandment of paramilitary organisations when the deputy First Minister still denies the findings of last year's Government panel that his IRA still has its structures — though reduced — and is still controlled by an army council? If half the Government deny the existence of one of the primary paramilitary organisations of our day, what credibility is there in pretending there is a policy geared at disbandment?

**Mr McGuinness:** Worse still is the pretence that there is an IRA when, quite clearly, the IRA has long since left the stage and handed over the responsibility for the politics of the North of Ireland to the 108 Members in the House. We have loads of credibility, and it was tested at the election just a few short months ago, along with the Member's credibility. He was returned by himself; I was returned with 28 Members, and the DUP with many more.

## **Brexit: OFMDFM Paper**

5. **Mr McGlone** asked the First Minister and deputy First Minister when Executive Ministers and their special advisers became aware of the report entitled 'Preliminary Analysis on the Impact of a UK Referendum on its Membership of the European Union'. (AQO 465/16-21)

**Mr McGuinness:** This analysis paper was not sent to Ministers or their special advisers. Following a freedom of information request to the Department we became aware of this work. The document was released on two occasions following freedom of information requests.

**Mr McGlone:** Which Minister or junior Minister, or indeed special adviser, was involved in authorising or instructing the civil servants that they carry out the report?

**Mr McGuinness:** I do not know that that question is even remotely relevant to the first question.

**Mr McKee:** Why did the deputy First Minister indicate he had sight of the paper, when the First Minister claimed to have only become

aware of the paper when the freedom of information request was received by the Department?

**Mr McGuinness:** I do not think I ever claimed that I had sight of the paper. It was quite obvious in the answers that have been given since that neither the First Minister and myself were involved in seeing the outcome. The report was compiled by the European policy and co-ordination unit. Officials prepare a range of papers on a regular basis, many of which are working papers and do not form submissions sent to Ministers. Of course, in the absence of an agreed position, the report could not have been disclosed to the Executive, the Committee for the Office of the First Minister and deputy First Minister or the Assembly.

The important point is that it was not something that was rigidly adhered to in the context of the last Administration, which was a five-party coalition, because in that coalition there were countless occasions when at least two out of the three parties that did not take up seats in this Executive were leaking right, left and centre. That is not the way we do business. If a report is put forward for our consideration and if we get into a scenario where we are leaking against one another because the outcome of that report advantages one particular political party, then all confidence is lost within the Administration.

This was a paper that was not even completed, for the simple reason that a number of Departments that had been requested to contribute their analysis to the paper had not actually done so. We are not talking about a completed document. We are talking about a document that was initially put forward by the head of the Civil Service. There is an awful lot of misinformation being propagated about this document.

**Mr Anderson:** The deputy First Minister has referred to the preliminary analysis report not being completed. Why was the report not completed?

**Mr McGuinness:** It was not completed because, as I said, a number of Departments that had been requested to contribute to it did not respond to the request. Therefore, because they did not respond, the document was not considered by the head of the Civil Service to be complete.

**Ms Gildernew:** The deputy First Minister may have partially answered my supplementary

question, but can he elaborate on why the report was not seen by Ministers?

**Mr McGuinness:** Simply because, as I have said, the report was commissioned by the head of the Civil Service and was being compiled by the European policy and co-ordination unit, but it was never completed. Officials prepare a range of papers on a regular basis, many of which are working papers and do not form submissions sent to Ministers, and certainly never before they are completed.

**Mr Speaker:** I call Mr Ford for a very quick question and a quick response.

**Mr Ford:** A very quick question: is the deputy First Minister aware of the timescales for answering freedom of information requests, and why was there such a delay in answering these particular requests?

**2.30 pm**

**Mr McGuinness:** I think I referred to that earlier when it was addressed by Stephen Farry. With the new Administration, that has been in place since May of this year, there is a duty and a responsibility to respond as quickly as possible. You should not read anything into the fact that the paper was produced as a result of the freedom of information request after the referendum date, because the key point is —

**Mr Ford:** Late.

**Mr McGuinness:** The key point, as the Member well knows, is this: we had a situation in the run-in to the referendum whereby the two Executive parties were on different sides of the debate. The Member can shake his head all he likes, but that is the reality. Even if the document had been completed and offered up to the First Minister and me, if there was no agreement about the publication of that document, I was not going to leak it because it was to my advantage, even though it would have been to our advantage. That is the way we work, and I understand there are other parties here that have seized on this issue, that were part of the Administration and that, when they were part of the Administration, were leaking right, left and centre.

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

## **PFG Targets 2011-16**

**T1. Mr Allen** asked the First Minister and deputy First Minister whether the deputy First Minister accepts the assessment of the investigative journalism website 'The Detail', which stated that only around 55% of the Programme for Government (PFG) targets were achieved in the last mandate. (AQT 336/16-21)

**Mr McGuinness:** My understanding is that the Programme for Government had success of something like 80-odd per cent.

**Mr Allen:** I thank the deputy First Minister for his brief answer. Do you accept that, beyond percentages, it was the big-ticket issues such as dealing with the past, the Long Kesh/Maze site, delivery of a state-of-the-art facility for the emergency services and the provision of goods, facilities and services that were not achieved?

**Mr McGuinness:** It is common knowledge that a number of issues were not achieved during the last Administration for various reasons. The Member mentioned the situation at Maze/Long Kesh. His party played a leading role in scuttling that project, because a key element of it was the removal of the Royal Ulster Agricultural Society from the King's Hall to Maze/Long Kesh alongside the establishment of a peace-building and conflict resolution centre, which was opposed by the Member's party. It was not the only party to oppose it; other interest groups outside also opposed it.

**Mr Allen:** What about the state-of-the-art facility for emergency services?

**Mr McGuinness:** You should not speak when I am speaking; I am trying to finish the answer. The visit to Brussels, for example, which was led by the leader of the Member's party, saw at least half the delegation made up of people who voted for Brexit. I listened to the leader's interview afterwards, where he outlined the need for huge funds to be poured into infrastructure projects, yet one infrastructure project the Ulster Unionist Party had control over during the last Administration and that it had no intention of ever delivering was the A5. We are now going to deliver it.

## **Brexit: Rise in Racism**

**T2. Mr McMullan** asked the First Minister and deputy First Minister whether the deputy First Minister can comment on the implications of the EU referendum result on people from other countries who have come here to live and work

amongst us, given that, like many other people, he will be increasingly concerned about the rise of racism during and after the EU referendum, with the language emanating from the Tory party conference not helping. (AQT 337/16-21)

**Mr McGuinness:** The EU referendum result has, unfortunately, resulted in significant uncertainty and worry amongst migrant communities regarding their legal status, rights and entitlements. It has also heightened fears of racism and hate crime. Of course, there is a duty on all of us in politics to show positive leadership.

Unfortunately, that was absent from the recent Tory party conference, which, ironically, was held at the part-EU-funded Birmingham International Convention Centre.

**Mr McMullan:** I thank the Minister for his answer. What can we do to reassure migrant and foreign national communities that they are welcome here?

**Mr McGuinness:** With your permission, Mr Speaker, junior Minister Fearon will answer that question.

**Ms Fearon (Junior Minister, The Executive Office):** I thank the Member for his question. There is an onus on all of us to show support to our minority ethnic communities and our migrant workers. The majority of people in the North, as evidenced by the most recent life and times survey, want a welcoming, outward-looking and open society in which people feel a sense of belonging to this place. I stress that there is absolutely no place for racism in our society. People who have come to make their life here must be protected.

Just last week, junior Minister Ross and I attended the launch of the No Hate Here campaign in north Belfast, which was a PCSP initiative. That is an important example, because we are working hand in hand with the Department of Justice in developing a dedicated action plan as part of the community safety strategy to tackle hate crime.

## UDA/Charter NI

T4. **Mr McGlone** asked the First Minister and deputy First Minister, in the hope of an answer this time, to state the extent of the involvement of the UDA with Charter NI. (AQT 339/16-21)

**Mr McGuinness:** We have extensively covered that question in the proceedings today. I am

disappointed that the Member thinks that the question was not answered, but, in my opinion, it was answered adequately. We put in place a SIF programme that has been of immense benefit to people all over the North of Ireland. The Member's party, from the outset, was opposed to it, describing it as a slush fund for paramilitaries, which does a massive disservice to all the good people throughout the North of Ireland who, day and daily, make a contribution to making life better for the people in their communities.

They have seized on one issue in east Belfast. Nobody is questioning the bona fides of the Charter group, which is charged with taking forward that aspect of the SIF programme in east Belfast. Nobody has questioned their bona fides whatsoever. They have seized on the name of one person who was convicted in the past, but that raises a wider question: if we were to disbar people who were convicted of incidents that occurred during the conflict from contributing to society, we would be running against the recommendations of the three-person panel, which dealt with that issue of reintegrating people into society. It was also about asking the First Minister and me to write to the US authorities so that people who were being denied a visa could visit the United States. In many ways, this represents a cheap, point-scoring exercise, mainly at the expense of the —

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

**Mr McGuinness:** We do not give way during Question Time.

**Mr E McCann:** Sorry.

**Mr McGuinness:** It is at the expense of local communities.

**Mr McGlone:** I thank the Minister for that answer. I do not regard my question as cheap. Is he aware of allegations that people have been forced onto the streets due to having drug debts to the UDA?

**Mr McGuinness:** I have no doubt that there are people in paramilitary organisations involved in that type of activity. I am also conscious of the so-called dissident groups in west Belfast who, day and daily, extort money from the business community in that area, as they have done in other parts of the North of Ireland. It should come as no surprise to anybody — it comes as no surprise to me — that there are still people who are active in the UDA and dissident groups who prey on society. The question is whether

the people who are involved in the implementation of the SIF programme in east Belfast are doing so in a way that ensures that every penny of that money goes towards the cause that they have taken up in that area. In this instance, 300 people will be given work placements with a real prospect of getting a full-time job afterwards.

## **Brexit: All-island Implications**

T5. **Mr Sheehan** asked the First Minister and deputy First Minister for an update on the implications of Brexit for the island of Ireland, taking into account next week's Joint Ministerial Committee (JMC) meeting. (AQT 340/16-21)

**Mr McGuinness:** It is quite obvious that, in the upcoming discussions, we will make the case that, effectively, we are a special case. That is identified by the fact that the First Minister and I have written jointly to the British Prime Minister outlining quite a number of areas of concern, including our concern at the prospect that there might be a border of any description. It is also worth noting that, last week on RTÉ, Jeffrey Donaldson on two occasions made it clear that he thinks that the island of Ireland needs to be treated as a special case. He repeated that in Brussels 24 hours later.

We are a special case. The prospect of the Brexit negotiations impacting on the political, social and economic life of the people of the North is so profound that we have a duty to work together to ensure that the interests of the people we represent are protected. The best way forward in this — I do not know whether it is possible to do it — and the strongest hand that we can play in any negotiation will be if we can come to an agreement between ourselves and with the Irish Government on what the ask is from our perspective. We will get the first indication of where all this is going when the First Minister and I attend the meeting of the Joint Ministerial Committee, which will be chaired by the Prime Minister on Monday next week.

**Mr Sheehan:** Go raibh maith agat agus gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. Will the deputy First Minister give any indication of whether any of our European partners are aware of the issues that face Ireland?

**Mr McGuinness:** The Member knows that I spent last Tuesday at the European Parliament engaged in 14 meetings, including meetings with some of the key negotiators on behalf of the European Parliament when the negotiations

begin. I have to say that there was a very hard-line position towards the British Government from almost everybody I met. That does not mean to say that it will be a hard-line position when it comes to triggering article 50 of the Lisbon treaty. All of us who have been through negotiations know how all of this works.

At the moment, the important thing from our perspective is that there is an appreciation among the powers that be in Europe of the fantastic achievements that we have had here through Peace and so forth in which they have made a major contribution. They are stakeholders in our peace process through the massive investments in INTERREG programmes, infrastructural projects, Peace funds and so forth. All that has contributed, along with all the other initiatives, to the transformation that has taken place over the last almost 20 years. People in Europe are under no illusions about the special nature of the problems that we have to deal with.

## **Programme for Government: Consultation**

T6. **Mr T Buchanan** asked the First Minister and deputy First Minister for an update on the Programme for Government consultation process. (AQT 341/16-21)

**Mr McGuinness:** Things are going very well. We have been through the first phase of the consultation. *[Interruption.]* I hear some sniggering from those who are totally at odds with where the vast bulk of our community is. The stakeholders — the business community, educational establishments, the community and voluntary sector, the farming organisations — all appreciate the fact that they have been consulted not once but twice and will be able to have their say in the formation of the Programme for Government. In my opinion, it is going very well, and that appears to be much to the annoyance of some people in the opposition parties.

### **2.45 pm**

**Mr T Buchanan:** I thank the Minister for his response. How will this encourage greater collaboration amongst stakeholders and small businesses, especially those in West Tyrone, a rural constituency?

**Mr McGuinness:** I would have been very surprised if West Tyrone had not been mentioned in that supplementary question. Obviously, a collaborative approach is very

important. We have often said that, even against the backdrop of our phenomenal success at a time of world economic downturn, when we have managed to bring in more foreign direct investment, mainly from the United States of America, than at any other time in the history of the state, the backbone of our economy is our indigenous businesses all around the North, including those in West Tyrone, Fermanagh and South Tyrone and Mid Ulster. I absolutely appreciate the massive contribution that they have made. They are very appreciative of the consultative process and the outcomes-based process that we have engaged in, and I am sure that their voices will be heard loud and clear at the end of that.

**Mr Speaker:** Time is up.

## Finance

### Corporation Tax

1. **Mr Carroll** asked the Minister of Finance whether he has any plans to lower corporation tax to below the current 12.5% rate in the Republic of Ireland. (AQO 474/16-21)

**Mr Ó Muilleoir:** My response to question 1 is no.

**Mr Carroll:** I thank the Minister for his quick response. Given the fact that the effective corporation tax rate in the South is, in reality, 3% due to loopholes, if the Minister's intention is to harmonise corporation tax across Ireland, is he not entering into a race to the bottom that will lead the Assembly to an effective rate of 3% as well in order to achieve that harmonisation?

**Mr Ó Muilleoir:** I thank the Member for his supplementary. The answer to that is no as well. If we equalise corporation tax on the island to 12.5%, that is my intent and my resolve. You can be quite sure of this: when we reduce the level of corporation tax in order to create thousands of new jobs — 32,000, we predict, by 2033 — we will ensure that everyone pays their full taxation commitment. On top of that, I will emphasise to the business sector that it has stewardship of business in this part of the world. If tax is reduced, we want the increased profits to go back into investment, R&D and building better businesses.

Let me say this to the Member: I stood on the border at Newry last Saturday with Protestants and Catholics, unionists and nationalists, small business representatives, representatives of the farming sector and representatives of the third

sector. People had gathered because they are very worried about the implications or ramifications of Brexit. I looked around for Mr Carroll to see whether he was standing with the workers, the small businesspeople or the social enterprises that have done so much to build up our communities, and he was not there. When it comes to standing with those who are working to create a better society, especially those in the border region who suffered long and hard over many years and are now enjoying the benefits of an open border, I can assure them that we will stand for job creation and with those who will benefit by obtaining employment in the time ahead, and we will stand resolutely for a shared and prosperous society in the future.

**Mr Smith:** With Brexit likely to be implemented in 2019, has the Minister received any advice on whether the Azores ruling now even remains applicable? Will he give us a commitment that he will push to ensure that the £275 million cost to the Northern Ireland block grant in 2020, for instance, can be avoided?

**Mr Ó Muilleoir:** I thank Mr Smith. I think that he asked two questions, but I will get to both of them. First, he is right that the Treasury, before it abandoned ship after the EU referendum and stopped talking to us, said that the cost to the block grant would be £270 million. I can assure Mr Smith — I will be asking every Member of the Assembly to support me in this — that when negotiations restart — I am meeting the Chief Secretary to the Treasury next Monday, which will give us a chance to say that we need this concentrated engagement again — I will be saying that it is unacceptable, that it is too high, that it factors in issues that we do not believe are relevant and that we will fight for an affordable, fair and proportionate deal.

I can assure him that, in the time ahead, while this is a matter for the Executive fighting to ensure that we get the best deal possible, there is a role for every Member of the Assembly. This was supported by all the parties and signatories to the Fresh Start Agreement. When I meet the Chief Secretary to the Treasury next Monday, I will be saying that we should have this engagement because we need a runway into a reduction in corporation tax and we want to get the maximum benefits for job creation. I hope that those parties that signed up to Fresh Start will remain resolute and supportive of my efforts at that time.

**Ms Hanna:** I thank the Minister for his answers. He and a previous Member to speak acknowledged the impact that a Brexit would have on our corporation tax strategy: it would

leave it in tatters. Will he consider incorporating a sunset clause in any corporation tax proposals, so that if the prevailing context does not mean that we get these promised new jobs, at least we will not have to continue taking a hit from the public purse?

**Mr Ó Muilleoir:** I do not know whether the Member read the papers at the weekend, but with the EU referendum and the discussion around a Brexit, there is certainly increasing uncertainty coming out of London, rather than clarity, in relation to the intentions of the British Chancellor. Let us not run away from the challenge in the time ahead, and let us not count our chickens before they are hatched.

Regarding the Azores ruling or sunset clauses, if we are speaking to the international business community and asking it to provide a vote of confidence and an investment in us by locating new business here, the last thing we need to do is to have a series of caveats in relation to the corporation tax strategy. We need to stay firm. Mr Hammond has been unclear about the level of corporation tax going forward, so that may change. If there is a change in our status within the EU, we will respond to all those things positively and constructively and, hopefully, as a corporate body, as an Assembly.

I will be in San Francisco at the end of the month to speak to potential investors. We should not say to them that our message is now getting mixed. It should be a very clear message. The Fresh Start Agreement commits us, as an Executive, to introducing corporation tax at 12.5% in April 2018 in a way that is affordable to our budgets, and I am confident in and committed to that goal.

**Mr Speaker:** I must inform the House that questions 3, 8 and 13 have been withdrawn.

## Non-domestic Rating Review

2. **Mr Dunne** asked the Minister of Finance how he plans to take forward the recent review of the non-domestic rating system. (AQO 475/16-21)

7. **Mrs Cameron** asked the Minister of Finance for an update on the review of the non-domestic rating system. (AQO 480/16-21)

**Mr Ó Muilleoir:** With your permission, a Cheann Comhairle, I will answer questions 2 and 7 together.

I plan to take this work forward in ways that will stimulate economic activity, tackle dereliction

and help our struggling high streets. These are my priorities in reforming the non-domestic rating system. The rating system is a distribution mechanism and it does not share the rates out as fairly as it could. I want to make changes so that those who clearly can pay do so and those who need help and assistance can get it. I also want to look at ways of widening the tax base. The Member will be very aware of why we need to bring in additional funds. I also want to widen the tax base to help ease the pain for those who are paying more than they can sustain. The Member will know from his experience in Bangor that, sometimes, businesses go out of business and many businesses blame that on the rates burden. It is about trying to get that balance right.

A major area of concern is the continued relevance and affordability of all the reliefs and exemptions we provide through the system. I refer to this as "spray and pray." I do not think it is directed enough, and I will be bringing forward proposals on how we can be more precise with our rate relief and rates assistance.

I have listened to the business community and councils on the subject. I plan to deliver a step change in responding to this important review. I intend making a statement to the Assembly in the week beginning 14 November setting out a series of options for reforming the system. These changes will need legislation. Therefore, the Member and the Assembly will have a full opportunity to consider and, indeed, shape the reforms, and I hope I can count on the Member's support when we get to that point.

**Mr Dunne:** I thank the Minister for his answer and the positive points he has made. I appreciate that he knows Bangor and the North Down constituency quite well, as I understand he ran there as a candidate some time ago. Will the Minister give us an assurance that he will do something — he already mentioned this, I suppose — to address the high level of retail vacancies in town centres in North Down, especially in Bangor, where we are trying to regenerate and rebuild?

**Mr Ó Muilleoir:** The Member will not remember this, but there was a Pickie Pool in Bangor, and I am old enough to have been swimming there in my youth, long before I stood with some fame in an election there, in, I believe, 1997.

The commitment is this: we all know we need to really give a boost to town centres. I travelled to Bangor, and it was a little better than the last time I was there, as is the case

with Newry, Dromore and sometimes parts of Belfast. We need a thriving high street and a thriving retail sector, so we have to take actions to support that. I have to tell the Member that I am supportive of the proposition made by our friends in the tourism, hospitality and independent retail sector. I gatecrashed a meeting of the Finance Committee last week when their representatives were presenting, and I am sympathetic to it. As we move forward, instead of having very broad reliefs, perhaps we could look at targeting support towards businesses that are in independent retail, tourism and hospitality.

**Mrs Dobson:** Will the Minister acknowledge that the true extent of the damage caused by last year's flawed re-rating process may never be known? Given the extent of the errors made, as evidenced through the number of appeals, what guarantees will the Minister give small businesses that a situation like that will be avoided in the future?

**Mr Ó Muilleoir:** I thank the Member for her question. I meet business people all the time who benefited from the redistribution of the rates burden. Of course there were losers, but there were also winners. Among those you might refer to as "losers" in this were the large supermarkets and some of the very profitable petrol stations-cum-supermarkets. I agree with that redistribution; it was the right thing to do. More than help and assistance, an enhanced partnership is needed between us and small business in the time ahead to try to produce the strong, vibrant high streets and town centres we want to see.

I meet many people who appeal their rates, and I certainly encourage anyone who feels they should appeal to do so. I would not accept and neither would my colleagues in Land and Property Services (LPS) that every time someone appeals it means there was an error.

**Mrs Cameron:** I thank the Minister for his answers so far. I thank him, too, for sending us down memory lane with the Pickie Pool. I remember swimming in the shallow end some time ago.

Is there an intention to retain the small business rate relief programme?

**Mr Ó Muilleoir:** I thank the Member for her question. We should reform it; it is too general. I am a supporter of the back in business relief, whereby if a building or premises has been empty for a year, we give rate relief to those who occupy it. We should look at what our

friends at Ulster University and Oxford Economics refer to as geographical reliefs. Perhaps instead of saying everyone is eligible for a small business rate relief, we should look at how we could zero in and focus on geographical areas. That will take more research and may require some type of test case.

The bottom line is this: the rates can be a tough burden. We need to make sure we are not hindering business through the rates. We need them to contribute to the services we provide, but we could do a little more to get the balance better.

### 3.00 pm

**Mr McCartney:** Gabhaim buíochas leis an Aire as an fhreagra sin. Will the Minister provide an update on his plans to tax derelict land?

**Mr Ó Muilleoir:** Go raibh maith agat a Chomhalta as an cheist sin. I thank the Member for his question. At this stage, it is only a proposal, but some in my Department have been looking at the suggestion of a tax on derelict land. We want to get it right. The wonderful 16-acre Sirocco site in Belfast city centre has been empty since 2005, 2006 or 2007, yet we have managed to get no duty or tax on that land. If there had been an obligation on the banks or on the equity fund, Cerberus, that owned it, that would have spurred the rate of development. Therefore, if we could find a way to tax derelict land and derelict properties — an assessment by LPS, in conjunction with councils, has revealed that, at the last count, there are 1,700 derelict properties — that could be a way of making an extra contribution to the tax base. It will take a little research first, and I have asked our friends in Oxford Economics to do more research on the issue.

**Mr McPhillips:** Does the Minister plan to impose a punitive rates system on charity shops? Will he give a commitment not to impose any rates on charity shops, such as St Vincent de Paul, which provide an excellent service to some of the most deprived in our society?

**Mr Ó Muilleoir:** Thank you for the question. Like the Member, I am a big fan of our charities, but we need to make sure that landlords are not dodging their rates obligation to pay 50% rates on an empty shop by putting in a charity. I know that the Member would not appreciate that either. We need to get the balance right. Charity shops help to bring people into our high streets or small towns, in particular, when times

are tough, so we need to make sure that there are a certain number of charity shops. I think that the Member will agree that, when we meet retailers, they say that there has to be a balance. We cannot have our high streets just made up of charity shops.

I have engaged with the charity sector, and we may look at a way of saying that they make some contribution. It could be minimal, but, in England, Scotland and Wales, I believe, it is around 20% or perhaps even less than that. We should have an engagement. We need to make sure that we do not inhibit the great work that charities do; in fact, we want to encourage that work. There may be a way to do that in the time ahead. I have an open mind. I look forward to discussing with the Member and the Assembly the best way forward in that regard, but I have not made my mind up.

**Mr Lunn:** In relation to the Minister's previous answer about derelict land, will he agree with me that there is a severe danger that the Maze/Long Kesh site might qualify under that description if something does not happen fairly soon?

**Mr Ó Muilleoir:** I would love to get some rate-paying businesses, institutions or corporate bodies on that site, and I travel in hope in that regard.

## Rates Bills

4. **Mr Stalford** asked the Minister of Finance to outline how Land and Property Services provide an explanation to individuals of how their rates bill is calculated. (AQO 477/16-21)

**Mr Ó Muilleoir:** I thank the Member for his question. Each rate bill issued by Land and Property Services gives detailed information on how the bill was calculated. The bill is essentially based on the statutory valuation of the property; in other words, the capital value of a domestic property or the net annual value of a non-domestic property. The district rate and regional rate relevant to the calculation are quoted individually. The rates assessment is then shown and is calculated by multiplying the capital value or net annual value by the sum of the district rate and regional rate. The time period that the rates bill relates to is explained, with any balance brought forward from previous years shown separately.

There is more here for the Member, but I think I am getting to understand his point. This is complicated for many businesses that receive their rates bill. We go to some lengths to

explain the system in the current rates bill, but I welcome any suggestions as to how we could do even better.

**Mr Stalford:** Does the Minister appreciate the sense of bewilderment that people face when the bill arrives and there has been a significant increase from the previous year, but they do not see any commensurate increase in the service that is provided? When we served together on Belfast City Council, our council sent people a rates bill that showed them how their money was being spent and how the bill was calculated. Does the Minister think that that is something that his Department would be prepared to roll out Northern Ireland-wide?

**Mr Ó Muilleoir:** I thank the Member for his supplementary. I will make two points. Invariably when you and I meet businesses that have received their rates bill, they are not sure what it is for. There is a lack of information that part of it goes to central government to fund hospitals, fix the roads, encourage investment and so on and that part of it goes to councils to pay for the many services that they provide, including leisure centres and picking up the bins. So, we could do a better job of explaining the global question around rates. We could also do a better job of showing business ratepayers that we appreciate what they are doing. I do not know if bewilderment is too strong, but, if the Member would find it useful for me to meet any of the retail or traders' groups in his constituency to discuss how best we could explain what the rates are for and how they can appeal them or understand them better, I would be happy to do that.

**Mr McNulty:** I thank the Minister for his answers to date. How many rates bills were reduced following reassessment in the last financial year?

**Mr Ó Muilleoir:** I could not tell you that off the top of my head, but if you are referring to non-domestic appeals we can certainly find the answer for you.

**Mr Boylan:** When is it likely that LPS will introduce electronic billing?

**Mr Ó Muilleoir:** When the Member for South Belfast was talking about the detail in rates bills when they are received, he was referring of course to the paper version. It is my wish that we have electronic billing for those who require or request that, and we are moving in that direction. We had a meeting last week about trying to speed up the pace of the digital revolution in Land and Property Services. I

believe that we will get there. It also happens that the software system that we are using is quite outdated. I have cleared the funding for a new system that will be 21st century fit for purpose. As part of that, we should be able to introduce e-billing by 2019 or 2020.

**Mr Aiken:** Can the Minister provide an update on the level of rates arrears across Northern Ireland? Furthermore, can he detail how much of the debt has been written off over recent years?

**Mr Ó Muilleoir:** I am happy to get the exact figures for the Member. The good news is that our rates arrears are at their lowest since the crash. That is testament to the hard work of LPS. I think that the Member will accept that there is a balance in these matters. We want to make sure that everyone pays the money that is due, and we want to make sure that the burden is shared equally and evenly, but we do not want to close down good businesses because they have difficulty paying their rates. We try hard to get the balance right, including organising a system of payments for those who are in arrears. I am happy to get the exact figures for the Member, but I know from the last briefing that LPS was pleased to report that arrears are at their lowest in six or seven years.

### **PEACE IV/INTERREG: Letters of Offer**

5. **Mr McGuigan** asked the Minister of Finance for an update on the issuing of letters of offer to successful applicants to the PEACE IV and the INTERREG programmes. (AQO 478/16-21)

**Mr Ó Muilleoir:** Both the PEACE IV and INTERREG Va programmes, which were approved to the value of €269 million and €283 million respectively, have opened for project calls. A number of applications under INTERREG have progressed through to final decision. I am pleased to report that 17 applications have been approved to a value of approximately €120 million. I said that to the House in my last Question Time. Those are all INTERREG projects.

The next stage will be for the Special EU Programmes Body, as the managing authority for the programme, to issue letters of offer to successful applicants. My officials are working with their counterparts in the Department of Public Expenditure and Reform in Dublin to agree the detail of the letters of offer. I had a positive discussion in that regard with the Minister for Public Expenditure and Reform, Paschal Donohoe TD, on Thursday past. The

statement by the British Chancellor, Mr Hammond, on 3 October guaranteeing their share of finance to projects approved prior to any Brexit, if it happens, is a welcome development. The clarification provided will facilitate full commitment of expenditure for both PEACE IV and INTERREG programmes and the issue of those letters of offer.

I would like to stress to the Member that the assessment process for applicants is continuing at pace and that decisions on funding will continue to be taken. The key steering committee meetings, for example, to consider support for victims and survivors and sustainable transport are scheduled for the coming weeks. None of us is under an illusion that there is not some trepidation about the future among bodies and institutions that are applying for funding, but my message has been that we want to expedite applications and that we will fight to make sure that all the money that they are entitled to is paid. I am confident that is where we are. I am also very hopeful that those letters of offer will issue in the short weeks ahead. On 28 October, I will bring together in Antrim many of the groups that have applied for Peace and INTERREG funding to try to give them an update and to make sure that they know that we are working very hard to ensure that the letters of offer are issued and honoured.

**Mr Speaker:** I remind the Minister of the two-minute rule.

**Mr McGuigan:** I thank the Minister for that fulsome answer. Can I ask for a wee bit more information on the meeting in Antrim and on how else he intends to engage with recipients of Peace and INTERREG funding?

**Mr Ó Muilleoir:** I had a very successful engagement, I thought, with the organisation CO3, which represents chief executives in the third sector, the week before last, to hear their views and their hopes for the future in relation to EU funding. I am focusing, as the Member may be aware, on Peace and INTERREG money. Many other Departments access EU funding, including for the CAP payments and the social fund. That has been a big help to those who are involved in further and higher education, including organisations like the Prince's Trust, which I have also met in this regard. In Antrim, I will bring together people and organisations that have applied for Peace and INTERREG moneys. It will be useful to hear about their plans from them; to explain to them what has been going on in my Department in our negotiations with London,

Brussels and Dublin; and to assure them that we will get the result that they want in this regard.

**Mrs Overend:** Does the Minister agree that this relaxation of time pressures possibly presents an opportunity for applications that were originally submitted in a rushed manner to meet the Chancellor's November deadline to be reviewed and potentially resubmitted to ensure that they are fully able to access all available funding?

**Mr Ó Muilleoir:** I thank the Member for her question. If the application is not correct, it would not have passed the steering committees. Some applications have gone back. There is a little bit of space now for people to return. We have asked some people, including councils, to come back with more information and more authoritative analysis of their needs. That will happen in the coming weeks. We have a little bit of space. I have to say to the Member that, although the process has been more rocky than any of us would wish, the criteria are there and applicants will have to make sure that they fulfil the criteria and that the applications are wholly kosher if they expect the letters of offer issued against their bids.

**Mr Ford:** We know that the Treasury has guaranteed funding for agricultural support until 2020, which is not much of a guarantee given that the UK could not leave the EU before 2019. The Minister talked about expediting the process for the other grants. Has he any indication that the Treasury will also expedite the application and ensure that things are not held up in the Treasury so that groups in Northern Ireland will not lose out?

**Mr Ó Muilleoir:** It is almost as if the Alliance Party wants to give me more powers. My influence with Mr Hammond is not just as great as I would like it to be, but I am meeting the Chief Secretary to the Treasury next Monday, along with my counterparts from Wales and Scotland, and we will say that the Treasury needs to make sure that the EU funding, which has been held up a little bit more than any of us would have liked, is expedited. The Member raises the wider question of the receipts in relation to agricultural payments to what he would refer to as the UK. Nine per cent come here. If there is a Barnett consequential, it would be 3%. There are really hard questions there among the many hard questions to the British Government and the Treasury. Are they guaranteeing — they have not done so yet —

that 9% of the budget for agriculture would come to the North if there is a Brexit?

## Marriage Equality

6. **Ms Seeley** asked the Minister of Finance for an update on his plans to achieve marriage equality. (AQO 479/16-21)

**Mr Ó Muilleoir:** I thank the Member for her question. I am in favour of marriage equality. That is why I am determined to make what progress I can in this mandate to put it on the statute book. I would like to proceed by way of an Executive Bill and will, at the earliest opportunity, seek Executive agreement to consult on the issue.

I have met the Love Equality consortium on three occasions, as well as the wider LGBT sector. As the Member will know, the consortium has been exploring the possibility of a private Member's Bill. I have written to the four potential sponsors of such a Bill to advise them of my intentions, and I have offered to meet them.

3.15 pm

**Mr Speaker:** We have time for a quick supplementary and response.

**Ms Seeley:** Thank you, Mr Speaker. I thank the Minister for his response and, indeed, his support for marriage equality. What allowances does he propose to make for those who do not want to participate in same-sex marriage ceremonies?

**Mr Ó Muilleoir:** I endorse the approach of Naomi Long, one of those behind a private Member's Bill, who said that there will be a need for collaboration in the time ahead. My intention is to provide the same level of protection to clergy and church bodies as has been included in the legislation on same-sex marriage in other jurisdictions within these islands.

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

## Budget Process: Openness

T1. **Mr McNulty** asked the Minister of Finance whether he feels that the Budget process that he has outlined, with little to no scrutiny, is consistent with best practice in openness and with the 1998 legislation, and added that he

was delighted to hear that the Minister was, like him, at the border last week, albeit that he did not see him, whereas he could not have been missed, given that he was the one waving the EU flag. (AQT 346/16-21)

**Mr Ó Muilleoir:** I thank the Member for his question. I am usually at the back at these matters; he may have been at the front. I noticed that other politicians were at the front, including my great friend Declan Breathnach from County Louth. I commend him on that demonstration — I presume that he is referring to the one at Carrickcannon. I thought that it was a great coming together of politicians — you do not see that often enough — not to mention all the other sectors.

I am totally confident and certain that the approach that I am taking to the Budget is absolutely compliant with all legislation. It is the best way forward. The uncertainty emanating from London meant that there was no way that we could have brought forward the intended three-year resource Budget for 2017-2020.

**Mr McNulty:** Thank you for your answer so far. Will the Minister commit to a condensed Budget timescale and agree additional sitting days and Committee meetings in December to ensure that elective representatives can give fair scrutiny?

**Mr Ó Muilleoir:** That is a fair question. The Member can be assured that whatever is needed to allow the Assembly and the Committee to have adequate and proper input will be done. I am working on a timescale that is dependent upon how many shocks and unknowns are in Mr Hammond's statement of 23 November. I do not want to overemphasise it, but there is real uncertainty about what his intentions are on a series of matters.

You can certainly receive a guarantee from me that whatever time the Assembly or the Committee needs to consider those matters will be given. I think that it will be adequate and might be a little bit more than what was received last year in what were, of course, also extraordinary circumstances.

## **Social Investment Fund: Value for Money**

T2. **Mr McGrath** asked the Minister of Finance whether, as the key custodian of public finances, he is satisfied that the social investment fund (SIF) represents good value for public money and upholds the standard of good governance that the Executive have pledged,

especially given that SIF was given a substantial allocation in the June monitoring round. (AQT 347/16-21)

**Mr Ó Muilleoir:** I cannot hear often enough that I am the chief steward or custodian of public finances, but, of course, it is a job for us all — that is why we are discussing it — to make sure that the money we hold for the public is spent with an emphasis on value for money at all times. I am definitely in a different camp from those who expressed certain views about the social investment fund in the earlier debate. I am on record as saying that, for me, it was too slow, but I now see the money coming out.

I have stood in Sandy Row with some of those who have made a break from a very difficult past. I do not believe that they were the only people to blame for that difficult past, but I admire those who stand up and say, "The way forward is through wholly democratic and peaceful means". I detect in some of this a bias against working-class areas. For my part, I will defend the SIF — I heard the debate earlier — and I will also work to ensure that the money gets out the door more quickly, because I agree with the Member that there have been too many delays and hold-ups.

**Mr McGrath:** I will continue to help the Minister. Does the custodian of the public finances agree with the deputy First Minister when he said that the UDA is still a current paramilitary organisation? If so, is he happy to fund organisations with active UDA members on their board?

**Mr Ó Muilleoir:** I invite the Member to come to Sandy Row with me. If some of the people we will meet there had not made a break with the past, many more people would have died in this jurisdiction. These are people who resisted the wish of others to retaliate, if that is the correct word, when British soldiers were killed in Massereene, prison officers were murdered and police officers were murdered. They exercised — Martin McAleese, then senator, who spent a night on the phone to former loyalist paramilitaries urging them to follow the path of peace, has spoken about this. It is easy to mock, to deride, to have a class bias against people from Sandy Row and other areas. For my part, I stand with the peacemakers, but I also say this: if anyone, whether a white-collar or a working-class criminal, misuses one cent or one penny of European funding, central government funding or the SIF, I will make sure that they are brought to book. Just because someone has a past different from that of the Member does not mean that the person is not

an upstanding member of society. I stand with those who are moving into the future. The Member — I heard this earlier — wants to push people back into their corners or boxes. There are no more corners or boxes in Belfast; it is a shared city, and I hope that we will all grow and share it together.

### **Historical Institutional Abuse: Compensation Payments**

T3. **Mr Lyttle** asked the Minister of Finance, given that he will be aware that victims and survivors of historical institutional child abuse have today published their own expert-led proposals for a redress and compensation scheme that would include a common experience payment of £10,000 to all survivors, at an estimated cost of £20 million, with a saving of £10 million on expected litigation, to state whether the sum of £20 million has been included in the draft 2017-18 Budget that the Executive have decided to withhold from the Assembly Committees. (AQT 348/16-21)

**Mr Ó Muilleoir:** I thank Mr Lyttle for his question. Of course, I was there today when he addressed the gathering of victims and survivors of institutional abuse. The report is only out today. I have received a copy. It is much too early for me to respond. The Executive Office is leading on the matter, as you know. Since the presentation, since lunchtime, I have asked my officials to analyse the report and to speak to its authors, Quarter Chartered Accountants, before coming back with their views, which I hope to feed into the Executive Office expeditiously.

**Mr Lyttle:** I thank the Finance Minister for his response, but should he, as Finance Minister, and the Executive not already have begun scoping the level and type of compensation that they may need to award and engaged with other institutions, such as the Church, which may also have a responsibility? Will he agree to meet with victims and survivors, along with the First and deputy First Ministers, to discuss the proposals in detail as a matter of urgency?

**Mr Ó Muilleoir:** As the Member knows, even as chief steward of the finances, I cannot speak for the First and deputy First Ministers. I have met the campaigners for the victims and survivors of institutional abuse on many occasions. They have my support, and I am happy to meet them again. I have asked officials to start looking at the possible ramifications of Judge Hart's findings, because he has already said that there will be redress.

The Member will know that the Conference of Religious of Ireland, south of the border, contributed €128 million towards the settlement for victims of institutional abuse.

It is my firm view — my firm view — that the religious institutions that had custodianship of children in these homes right across the divide certainly have an obligation to make a contribution towards whatever redress has to be made in the time ahead. I look forward to the recommendations from the First Minister and deputy First Minister. I think there is no doubt that that will be after Justice Hart reports, but, as he knows, I am sympathetic to this case, and I look forward to seeing Justice Hart's findings.

### **Trilateral Ministerial Meeting: Agenda**

T4. **Mr Sheehan** asked the Minister of Finance to outline the agenda for the meeting of Finance Ministers and officials to be held on Friday 21 October. (AQT 349/16-21)

**Mr Ó Muilleoir:** The good news is that we moved it forward to this Friday, so I think that is 21 October. I will meet the Finance Minister of Scotland, Derek Mackay, and the Finance Minister of Wales, Mark Drakeford, to continue the series of trilateral meetings we have agreed to have. We have agreed to meet in the council offices in Newry. I hope we will be able to involve some of the local councillors, the mayor of Newry and the chairperson of Newry, Mourne and Down District Council. The whole concept of those trilaterals is to make sure we speak with one voice. When we speak with one voice, we speak for 10 million people. We will have our meeting on Friday. The visiting Finance Ministers will have a chance to see a little of the border region, as well as Belfast the night before, and to meet some representatives of the community and business sectors. Then we will come together and try to plan the best way to approach a series of issues with the Chief Secretary to the Treasury in London on Monday.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as ucht a fhreagra. I am aware that the Minister met the Basque Finance Minister in, I think, August. Has he continued to engage with the Basque Government?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as an cheist bhreise a chur faoi Euskadi agus faoin chaidreamh atá againn le hEuskadi. I always enjoy saying the name of

the Basque finance Minister, Ricardo Gatzagaetxebarria. I met him in August. I am pleased that, in line with the cooperation we have had with Professor Bengoa, he is keen to keep a level of cooperation with us and will send three officials from his Ministry to the trilateral meeting to observe and have some meetings the evening before and through the rest of that day.

It is worth noting that the Basque Country — the Basque autonomous region — where the Finance Minister serves is an economic powerhouse. They have a different system from ours, in that they raise all the taxation and then give to Madrid 6%. There is a spirit of entrepreneurship and enterprise there from which we can learn.

### **Renewable Heat Incentive: Executive Finances**

T5. **Mrs Overend** asked the Minister of Finance to outline the effect that the scandalous £1.2 billion cost of the renewable heat incentive scheme mess will have on Executive finances, given that, in his evidence to the Finance Committee on 5 October, he said of the former Enterprise, Trade and Investment Minister Jonathan Bell, "I am so busy in the Department of Finance because no one did more damage to our finances than Jonathan Bell through the renewable heat incentive, and I am cleaning up his mess". (AQT 350/16-21)

**Mr Ó Muilleoir:** I thank the Member for her question. Never has a Committee session been listened to so avidly on the day, but I am glad that, afterwards, it is being recalled as well.

The Member can be absolutely certain that issues over the renewable heat incentive will be tackled expeditiously by the Executive. It falls to the Minister for the Economy in the first instance. Even with the hyperbole and exaggeration from the Opposition, I would be amazed if the cost of the overrun of the renewable heat incentive were £1.2 billion. It is my intention to work with the Economy Minister to make sure we sort out the issue as soon as possible.

**Mrs Overend:** I thank the Minister for his assurances that he will sort out the mess, but how much does he plan to set aside every year to clear up the DUP Minister's mess?

**Mr Ó Muilleoir:** We have set aside £20 million and placed it at the centre as a contingency fund for the renewable heat incentive. I suspect there will perhaps be a call for another £6

million. I am heartened by the fact that, as you know, the PAC, which is chaired by your colleague Robin Swann, met last week and is investigating the matter as well. I am also heartened by the soundings coming from the Department for the Economy. Not only is PricewaterhouseCoopers investigating the matter, but I think that everyone understands that, whether it is £10 million, £100 million or whatever, it is vital that we get to grips with it.

We all understand that money is tight. I am sure that there are many groups in the Member's constituency and across the jurisdiction putting in bids for money that need it, and I think that the Member expects that I would try and staunch any loss from the renewable heat incentive as soon as possible. In working with the Economy Minister, that is my intention.

**Mr Speaker:** I ask the Chamber to take its ease for a few minutes while we change the top Table.

3.30 pm

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

## Ministerial Statement

### Sustainable Schools Policy and Area Planning

**Mr Weir (The Minister of Education):** Mr Deputy Speaker, with your permission I wish to make a statement on 'Schools for the Future: A Policy for Sustainable Schools', known as the sustainable schools policy, and the Education Authority's draft area plan, which is being launched later today at, I think, around 5.00 pm.

My Department's sustainable schools policy, which is implemented through the area planning process, focuses on providing children and young people with high-quality education that meets their needs and enables them to achieve their full potential. This is entirely in line with our draft Programme for Government and its identified outcome that:

*"We give our children and young people the best start in life".*

My Department is leading on four supporting indicators focused on improving child development, improving educational outcomes, reducing educational inequality and improving the quality of education. It is my aim that every pupil will have a first-class experience at school and fulfil their potential. Regardless of which sector a pupil is enrolled in, all pupils deserve equality of access to high-quality education.

The educational experience of our children and young people is greatly enhanced when they attend schools that are educationally and financially viable. The sustainable schools policy is a framework for assessment of the sustainability of primary and post-primary schools. The six criteria and supporting indicators clearly illustrate what a sustainable educational experience should look like. Schools must deliver a broad and balanced curriculum, offer extensive extracurricular activities, have high-quality pastoral care systems and have the confidence of the communities they serve.

In primary schools, pupils should be in a class with no more than two year groups, but, ideally, they should be in single-year-group classes. They should be able to interact with peer groups and have the best chances to prepare for successful transition to post-primary school.

In post-primary schools, the curriculum should provide a wide range of pathways to meet the needs and interests of all pupils. Where there is a sixth form, this too should be offering a broad and balanced curriculum and should be sufficient in size to be self-funding. Pupils should have the best chance to succeed and attain to prepare themselves for life as an adult and contribute to our community.

Many of our schools demonstrate these characteristics, and many of our children and young people thrive in them.

However, there is still a significant number of schools that are struggling, for a wide range of reasons, to deliver the best for their pupils. That is particularly evident in the primary sector, and, despite the efforts of teachers, it becomes harder to deliver high-quality education if pupils are taught in composite classes. There are still too many small primary schools with more than two year groups in a single class.

Similarly, in post-primary schools, there are challenges in providing the range of subjects needed to offer effective pathways to further education, training or employment for our young people. There are too many schools with too few pupils to generate sufficient funds to deliver the curriculum to an acceptable level. It is a real issue, particularly in schools with very small sixth forms. As a result, limited available resources are being spread too thinly in an attempt to ensure that, in small schools, every pupil has access to the curriculum. While this approach protects pupils' educational well-being, in some cases it has, without doubt, propped up schools that otherwise would have been unsustainable. That is not a recent development, and what I am saying to the House today is not entirely new. It is a legacy due to the lack of strategic planning to proactively address the growing problem of too many unsustainable schools. That is something that is not sustainable for the future and cannot continue. I believe that effective area planning is the solution, and I am determined that there will be a renewed focus on strategic planning to ensure sustainable provision across Northern Ireland.

We need to see an accelerated and more dynamic approach to area planning, which is in the best interests of our children and young people, to deliver the Programme for Government outcomes and benefit our economy and society. The sustainable schools policy envisaged a network of schools delivering, where needed, creative and innovative models of provision through collaboration and federation. However, the

appetite to demonstrate this has not been evident, and there are opportunities that should not be missed. My officials have been working with all those who have a statutory or advisory role in area planning to develop and embed new area planning governance arrangements. I am content that the position that we are in has addressed the concerns raised about the previous area planning process and the area plans published by the former education and library boards. Issues such as silo planning, lack of engagement with all sectors, and a failure to clearly communicate the key strategic issues facing our schools are impacting on our children and young people's educational experience and opportunities. The guidance clearly sets out the roles and responsibilities of the statutory planning authorities and key contributors to the area planning process.

I welcome the work undertaken by the Education Authority in its role as the overall statutory planner of education provision. The authority has been leading the development of a draft strategic three-year area plan for the primary, post-primary and special education sectors, the text of which, as I already said, will be published at 5 pm today. It has been supported in this work by the Council for Catholic Maintained Schools (CCMS) and the other sectoral support bodies, such as the Northern Ireland Council for Integrated Education (NICIE), Comhairle na Gaelscolaíochta (CnaG), the Controlled Schools Support Council (CSSC), and more recently, at my request, the Governing Bodies Association (GBA), representing the voluntary grammar sector.

All sectors have engaged in this process to identify the strategic educational issues facing the primary, post-primary and special education sectors and not simply focusing on their own sector. This draft area plan is different: it is the first regional area plan covering all of Northern Ireland. It is a strategic plan that focuses on the persistent and thorny issues that need to be addressed across Northern Ireland and in each local government district.

For the first time, planning will have input from all educational sectors, at all levels, in effect discussing the future shape of provision around the same table, collectively, at the same time. There is no doubt that this will present a major challenge for all our education sectors and must be embraced equally by all sectors to find sustainable solutions, both within and between education sectors. It also takes account of the Programme for Government, community planning and, in particular, the constrained financial position that we are likely to be

operating in. It sets out the high-level actions needed in all sectors to address the issues over a period of three years from April 2017 to March 2020. The area plan confirms that, in some areas, we have too many school places for the number of children and young people available to fill them; in others, it highlights that there is a sufficient number of places but they are not necessarily in the right place. The challenge that faces almost all local government districts is that we have schools that are too small to adequately provide for their pupils and ensure that they have the opportunity to fulfil their potential. I will say it again: this is something that cannot continue; the status quo is not an option.

While this draft area plan is a new start, I do not think that all issues can be addressed and actions implemented in the three years, given the scale of the challenge, but I know that we need to make a start. We need to start with the issues that are impacting most on children and young people's educational experience and future prospects, and we need to tackle unsustainable provision in all sectors. Therefore, by the end of the planning period, I expect actions to address the issue of primary pupils being taught in composite classes of more than two year groups. Ideally, I would like to see communities with a vibrant sustainable primary school where each pupil is in a class with a single year group. I expect to see proposals to deal with post-primary schools that are failing to provide a broad and balanced curriculum for pupils in years 8 to 12. It is not acceptable that these pupils are denied opportunities because their schools are too small. I would also expect to see proposals to deal with the issue of small sixth forms. By 2020, no pupil should be in a sixth form with fewer than 100 pupils that cannot offer a full range of courses. These are very big challenges, but they need to be tackled and to be tackled now.

I know that changes to schools are emotive and difficult for communities and can lead to lengthy and expensive litigation. This will sometimes require difficult decisions to be made, and it will require mature discussions and approaches from everyone involved in education, not just from within the sectors and schools and, indeed, not just within the House. There has to be a mature consideration of this by everyone. I also know that simply doing nothing or doing little is not really an option. We have to focus on how we provide children and young people with access to a quality education and the opportunity to be happy and successful citizens contributing to our economy and community.

I have said, and probably rightly so, much of the challenges, but I strongly believe that, with challenge, comes opportunity, and, as a community in Northern Ireland, we cannot afford to miss this opportunity. The consultation on the draft area plan for 2017 to 2020 will run for eight weeks from 5.00 pm today and provides our community with the opportunity to look at education provision differently. Communities have a chance to shape education for current and future generations. Communities will want the best for their children and young people. Communities will ask whether the current provision is strong and sustainable? Is what they have the best for their children and does it equip them for life in the 21st century? If there is any doubt about that, what can be done? Is there a better way? Communities need to ask whether they want a strong educational presence in their community? Do they want certainty for their children and their parents? Is one secure sustainable school better than two or more schools that are constantly facing sustainability issues?.

I want local communities and their elected representatives to consider the Education Authority's area plan and to make their views known. I hope that the draft area plan will be a catalyst for discussion about quality education provision in the 21st century. I hope that the focus is on the strategic issues and not on individual schools. In many ways, there will be the opportunity for people to look at individual schools at a later stage in the process. Once I am satisfied that the strategic issues are understood and agreed, the school managing and planning authorities will prepare a final area plan, taking into account the views from the consultation. This will be supplemented by an annual action plan each year for the lifetime of the three-year area plan. Those annual plans will provide details of the actions to be taken to address issues in local areas and at local schools.

Should there be a proposal for change in any school, local communities will be consulted and their views taken into account. I can assure you that the focus will be on providing quality education and pathways for all pupils. Pupils' needs must come first, and if that means that, within our school estate, some schools have to close, I am prepared to take those difficult decisions.

I cannot stress enough the importance of this consultation for the future of our children and young people. In these constrained financial times, we have to act to maximise the impact of our available resources. We need to be

realistic about the quality of the network of schools we need to provide and can afford.

Finally, I urge all of you to engage your constituents on the matter of education provision and help them understand what is needed and why it is needed.

**3.45 pm**

**Mrs Overend:** I thank the Minister for the statement. I have a two-part question. First, is the new plan based on any review of the calculation of empty school desks? Surely, if we are basing the new plan on something that itself needs to be reviewed, it is based on inaccurate information. Secondly, can the Minister assure the House that this round of area-based planning does not make the mistake of previous rounds, which, with individual sectors acting alone, lacked an overall strategic direction?

**Mr Weir:** I thank the Member for her questions. We are trying to make sure that the figures are accurate not only for the present but, when the Member reads the document from the EA, she will see that it provides projections, particularly for the school-age population of each of the 11 areas, as we move forward to 2024.

When we are providing a solution, it is important that it is not simply what is fit for purpose in 2016; it has to take account of what the position will be as we move ahead, because we have to anticipate where the pressures will be. It is clearly the case that, over the next number of years, the overall school population of Northern Ireland is likely to grow by about 4%. There will be geographical divergence, with growth in some areas and a reduction in others, and that will also have to be addressed in the area plans.

I make it very clear that all sectors need to buy into this. I completely agree with the Member that this plan needs to be strategic, and that is why it is strategic. Members will find that, because the idea is to produce something that is strategic in nature, not a single primary school or post-primary school in the mainstream sector is named. It involves all sectors, and it does so at every level, whether it is drafting at a local level, operational at the working group level or the strategic planning group.

The draft plan and its proposals have been approved by the Education Authority board, which has representatives from a very wide range of sectors, particularly all the main

education sectors. It is vital as we move forward that there is buy-in from every sector. Otherwise, this will not work to the extent that it should.

**Mr McElduff (The Chairperson of the Committee for Education):** Does the Minister have any plans to reduce or eliminate the small schools factor in the common funding scheme? What I am really searching for is some enthusiasm in the Department and the Education Authority for innovative approaches to the challenges facing small rural schools. Secondly, there is a reference to the first ever regional plan for special schools. Did it surprise the Minister that the Education Authority does not have a single database for children in early years for whom special educational needs have been identified?

**Mr Weir:** The regional plan is meant to develop a common system for special schools that will operate for ages three to 19. The aim is to try to make sure that provision, irrespective of where you live in Northern Ireland, is very much the same. There is a particular section that deals with special schools.

There is a major challenge for small schools. Across the board, there will be opportunities, when people are looking at this from a community base, to ask, "What solutions can be provided?". It will not necessarily be a case of one size fits all. It will inevitably lead to the closure of some schools, but there may be different ways in which things can be delivered. At post-primary level, for example, some schools are already operating in collaboration.

We have very much an open mind to how we reach particular points. It is about focusing on the support for children. As we move forward, we have to be similarly cognisant — I think that the Department will look at this as well — of the situations in different sectors. Potentially, there are some very isolated schools, and, if a particular school in a sector were to close, it would mean, from a parent's point of view, that the level of choice would not be realistic.

**Lord Morrow:** I am sure that the Minister will agree that parental choice is very important. How do you propose to safeguard that going forward?

**Mr Weir:** I recognise that part of it is about parental choice, and obviously there is a balance to be struck in relation to this. I think that most parents are realistic. I think that parents generally want to have the best for their children, so it is about trying to provide that

level of support. At times, some people will have a slightly unrealistic view of what can be provided, so there will be some people who effectively would want a school on every street corner. That is not something that is doable. I am conscious that, on the matter of parental choice, we do not leave schools in any of the sectors in a position where the removal or closure of a school would effectively deny that parental choice. I think that we will be looking, as a Department, at how we can best facilitate that as well, and we may well be bringing some consultation directly on that issue as well. I think that it would be unrealistic in certain situations to see a school of one type close and there being quite a distance to a school of a similar type. I think that that has to be borne in mind as well.

**Mr McGrath:** I thank the Minister for his statement, and I appreciate the scale of the issue and the problem that needs to be addressed and which this is attempting to address. A lot of rural schools will be very worried about what they hear today, and a lot of rural-based sixth-form colleges that maybe cannot attract the large numbers will be worried. Can any assurances be given to people in rural communities that area planning will work with them, so that, if there are special circumstances that are uniquely geographical, those can be worked with rather than having a hard-and-fast line?

**Mr Weir:** As I said, it is not a hard-and-fast rule that states a particular numerical cut-off point. It is about trying to work with people to provide innovative solutions and also taking into account at times particular geographical considerations. On the flip side of the coin, we have to realise that the overriding support has to be in the best interests of children. Therefore, it is not a question of keeping a school open at whatever cost, even if that is not in the best interests of the children. I think that those considerations will be sensitive. When it comes to individual decisions, those will be driven by the annual area plans, and I think that those will be done in a sensible and sensitive way.

The other thing is that, whatever one's view of what the final shape of education provision will be 10 or 20 years down the line, I think that the pace of change will move more quickly than previously. This is not something that can simply happen overnight because there are certain practical constraints to that. That suggests that, as we move forward, the examination is likely to be focused on the very smallest, the ones that are most difficult to justify from an educational point of view.

People need not think that, because they are at an exact particular level, they are either safe or, on the flip side, doomed for closure. It is not as straightforward as that. We have to have a driver to realise that we are spreading our resources, both educationally and financially, too thinly. We need to have something that can deliver for all our pupils in the best possible way.

**Mr Hilditch:** I thank the Minister for his statement. Does he see any flexibility to the entitlement framework under the new area plan?

**Mr Weir:** I think that we have to look at that as we move ahead. This marries in very much with an agenda that says that we should look at different solutions, particularly shared solutions. I think that there are sensible drivers out there for greater levels of cooperation between schools, particularly at post-primary level. I know a number of schools that are already signed up to the shared education projects. They are developing arrangements, for instance on minority subjects, as a group of two or three schools where one school provides a subject. I think that there is a greater opportunity for that, and I think that that is more difficult to do at primary level because you cannot take five children from P7 at one school and simply ship them over to another school to have a slightly larger classroom. It is about trying to find innovative solutions, and I think that a range of solutions will be provided and that all of those will be considered.

**Ms J McCann:** I thank the Minister for his statement. Minister, in your statement, you referred to all pupils deserving equality of access to high-quality education and having the best chances to prepare for successful transition to post-primary schools. Will you ensure that all children, even those who will not be sitting a transfer test, will have that equality of access to high-quality education?

**Mr Weir:** Yes.

**Ms Lockhart:** I thank the Minister for his statement this afternoon. Can he outline the impact that area planning could have on the Dickson plan?

**Mr Weir:** I do not want to prejudge the impact on individual schools. There is some work to be done in Upper Bann to make sure that we have the correct configuration in that. I accept that, within the north Armagh area, the Dickson plan has delivered well for people, and

therefore I commend the work that is happening there.

I am also keen to ensure that, as I mentioned in a previous answer, we have a level of respect in our systems for parental choice. From that point of view, whatever changes, if any, there are within a particular area, they will respect the Dickson plan. The Dickson plan is safe and is here to stay; it will not be threatened in any way by area planning. It will be the same for those who choose selective or non-selective education: there will be no prejudice against any schools on that basis either. So, it is about trying to ensure there is full respect for all the different sectors that are out there and all forms of educational provision.

**Mrs Barton:** Minister, can you assure me that area-based planning is not simply a smokescreen for pushing through a large-scale closure of small rural schools whilst letting the Education Authority take the blame? During the consultation, will cognisance be taken of rural proofing?

**Mr Weir:** Certainly, we want to look at what is best for all. On the question of the Education Authority taking the blame, I think it is important that we are all in this together. For any school, whether there is a closure, a merger or, for instance, a variation in its enrolment, all those will ultimately be classed as development proposals, and as such, the person who will have the final say on it legally will be me as Minister. I do not know whether Members want to line up the headlines to blame me already, but I will try to take my share of the blame.

It is about trying to give the best provision for our children. There are sensitivities with rural schools. However, I got some of the figures, and they are reasonably stark. If you look, for instance, at the primary-school sector, despite the brilliant efforts of a lot of our teachers, you see that we have a situation where 19% of classes in Northern Ireland are composite classes. That means that the same teacher is trying to teach at least two year groups within the one class. When you drill down into that figure, you find that 177 classes in Northern Ireland are composites of more than two year groups, which means that a teacher is trying to teach to three year groups simultaneously or, in practical terms, teaching portions of them.

Due to particular geographical circumstances, those sort of things perhaps have to happen in some cases, but we all need to accept that it is not ideal for any of our children to be in a situation where three years are being taught all in the one go. That does not give our children

the best opportunity and often puts them at a certain level of disadvantage compared with a child a few miles up the road who is in a single class for their year group. Certainly, everything will be rural proofed, and we will make sure there is no particular disadvantage in this, but we need to keep at the forefront of our mind what the long-term benefits are for our children rather than the pure defence of an individual school.

**Ms Seeley:** I am sure the Minister appreciates it is very difficult to question him on a 109-page draft we are yet to see, but I am sure he will offer us future opportunities to do so. I seek assurances from the Minister that the document is not merely a charter for closures and amalgamations.

**Mr Weir:** It is a high-level strategic document. It is about trying to look at the shape of the system. I have great confidence in the Member's ability to absorb over 100 pages at a very swift rate, and I will be free as we move ahead with this. It will go out to consultation, and the next examination of it will be when we get the consultation results in. It is an EA document, so it will be looking at any drafts, but it will need sign-off by the Department.

#### 4.00 pm

We are talking about producing the final document probably about January. The idea is that, within each of the 11 council areas, annual plans will be produced. In many ways, the format is not dissimilar to that under the previous Minister. From that point of view, the significance of this is not so much that there is anything revolutionary in the idea of area planning; in theory, at least, there has been buy-in for that for quite a time. The difference is that, hopefully, we are getting all sectors to move together on this and examine it together. Secondly, there has to be a realisation that we have had movements on area planning until now, but it needs to move more quickly than it has in the past. We have to grasp that, for the sake of all our pupils.

**Ms Gildernew:** I too am going to ask the Minister about rural proofing. I thank him for his statement. Does he agree that we have excellent schools with outstanding inspections that might fall into that category of being unsustainable? Should the Department not concentrate on bringing failing schools up to standard? My children are in composite classes. They are in an excellent school. I prefer them to get a quality education in a composite class than maybe a lesser education

in a class where they are taught by a teacher for the year group.

**Mr Weir:** I understand the point made by the Member. There are a couple of answers to it. The sustainable schools policy that is being put forward has not been altered in that direct sense. Sustainability in terms of numbers is one key aspect. However, as I am sure the previous Minister would indicate, there are a range of factors that make up a sustainable school. It is not purely an issue of numbers.

We have some excellent schools out there which are very small; we have some excellent schools in terms of teacher provision. The problem is that, when you look particularly at multiple composite classes, in many ways, however brilliant the teacher is, they are always starting slightly from behind. It is not, I think, the ideal situation. In ETI inspections, there is a tendency across the board for the overall rating of schools that are very small to be at a lower level than the average, compared with bigger schools. Again, it can vary and you can get some very small schools with excellent ETI inspections, but I think that there are particular problems that are put in place.

There is an educational aspect to this and there is also, I have to say, a financial one. From the overall budget, money goes in, quite rightly, to try to make sure that there are educational opportunities for people in very small schools. However, money to support that is being taken away from the rest of the system, so it is not entirely a zero-sum game. It is a situation where there is a degree of loss. All those factors are taken into account.

**Mr Lyttle:** It is somewhat concerning to hear that the Minister does not think that there is anything dramatically different about this approach, given that the Public Accounts Committee of the House said that there was a need for "a root and branch review" of the previous approach. That was based on a Northern Ireland Audit Office report that found that there were 71,000 surplus places in our schools in 2014-15. The subsequent Public Accounts Committee report said that it was essential that the Department provided accurate numbers of surplus places and their cost to deliver the high-quality education that the Minister has rightly aimed for. I ask the Minister, therefore, how many surplus places currently exist, and at what cost.

**Mr Weir:** I thank the Member for the speech he gave there. *[Laughter.]* I said that there is something radical about this in terms of the

pace of movement. For the first time, we have all the key players around the table. What I am saying is that the concept of area planning has been there before. The fact that there is likely to be an overall reduction in the number of schools has been ongoing. One of the things that perhaps has not been noted is that, in the last 10 years, roughly speaking, there has been an overall reduction of about 110 schools across the sectors.

The Member asked specifically about the number of school places. Excluding superannuated places that do not count towards the total, the gap is around 65,000.

Once you add in those who are there on the basis of special needs, you find that the difference between the number of overall places and the number of children in the system is around 51,000, and that has been reducing.

I think that part of the purpose of this — I am very cognisant of the Audit Office report — is to be able to deliver the best educational outcomes for our children. Having that level of capacity is not particularly good. The Audit Office report talks about wanting a situation where the spare capacity in each sector is no greater than 10%. I will give the Member a breakdown of the concentration of spare capacity. At present, while there is still some work to be done on it, in the post-primary situation it is around 8%, and in primary schools it is around 18%. In some cases, that reflects a historic assessment of what potential enrolment figures should be, which is unrealistic in that regard. I think that development proposals will be needed, in some cases, to take those down. There is a desire across the board to grasp this in a mature fashion, to see change to the overall provision and to try to make sure that our resources are put into children, not buildings.

**Mr Deputy Speaker (Mr Kennedy):** Thank you for your speech. I call Jim Allister.

**Mr Allister:** You seem to have some hesitation, Mr Deputy Speaker, but there we are.

I express regret that MLAs are being required to ask questions about an area plan that we have not yet been permitted to see. That may make things easier for the Minister, but it certainly does not make things easier for Members, although I suppose that that was the purpose.

In this statement, I see no reference to providing schools that meet local access needs. I am thinking of parents in Ahoghill — 13

families this year were unable to get their children into the local primary school. There does not, however, seem to be a thought about making schools more accessible.

**Mr Deputy Speaker (Mr Kennedy):** I ask the Member to bring himself to a question.

**Mr Allister:** I also note the total lack of the words "rural proofing" in the Minister's statement. Is that because, when it comes to wielding the axe, rural proofing will be far from his mind?

**Mr Weir:** I have to say that I have probably given this a great deal more thought than the Member. There is a degree of contradictoriness in his position. I appreciate that there are schools where there is a degree of pressure on places. On the one hand, the Member wants for there not to be an axe on any places, anywhere and, simultaneously, on the other hand, he wants expansion elsewhere, which I think would increase the level of spare provision in places.

I have seen a number of schools recently where I think there is a need across the board for some level of upwards movement in their provision and in the places they could allocate. I am not going to name any schools because those would have to come directly as development proposals. There is a process by which, if there is a need for additional places, there can be a development proposal or, if it is a short-term side of things, a temporary variation.

As for getting our numbers right, I said in part of the statement that, moving forward, this is not simply about the sheer number of places; it is about where there is a disjoint between what is being provided and what is available, which, as the Member would know if he had been listening closely, is part of area planning. That needs to be addressed in area planning as well, and we have to do it in a sustainable way.

I have made a statement that the Education Authority is releasing later today. Given that, for instance, tomorrow is an Opposition day, the question was, "Do we release this and then wait possibly until next week before making a statement on it?". If that were the case, I think that the Member would be up complaining, "The Education Authority has released this, and we still have not had a statement from the Minister".

Alternatively, if we had released a statement on this at the first available opportunity, and it is

not, in that sense, my document, would we have been criticised because we were jumping the gun? The Member seems, as with a number of things, to want to have his cake and eat it. I brought this statement to the House at the first available opportunity, and I am sure that the Member will forensically examine the document. Indeed, I have a spare copy of it here if he wants to get early sight of it. I can give it to him at 5.00 pm.

**Mr Logan:** Does the Minister have assurances from all arm's-length bodies that they will implement this policy at the desired pace?

**Mr Weir:** So far, in the drafting of this, the strategic group has the involvement at chief executive level of all the educational sectoral organisations. That is the first time that that has ever been done. It has received the full support of the Education Authority. I know that the House sought long and hard to make sure that the authority was fully representative of all the different sections of our society. So there is that degree of buy-in there. As we move forward, it is vital that all sectors fully embrace this. If we have a situation in which one sector is moving on ahead and another is holding back, that would be unacceptable. If this is to work for the full benefit of all our citizens, it needs, not just now but as we move ahead, full buy-in from everyone.

**Mr Aiken:** Will there be a capital investment to go along with the area plan or will the proposals be based on financial cuts?

**Mr Weir:** There are two separate issues there, so it is understandable that there will be a degree of confusion. As we move ahead, there will be opportunities for capital investment in schools. In a situation where there is a need for a new build or for investment through the school enhancement programme, that ultimately will be met. The issue, however, is about the impact on the school budget side of things, if you want to look at it financially. The bigger problem at the moment with the breadth of the school estate is on two levels. It is on the education level, as has been indicated, but it is also about the pressure that is created on the resource side rather than the capital side. We should end up with a more appropriate school estate in terms of numbers, and one of the other pressures from the resource side is that, at the moment, we do not have enough money to deal with all the school maintenance issues. Given some of the other pressures, that has been held at a level that is probably lower than it should be in an ideal world.

In a situation where we are trying to provide the best facilities for all our young people, it is a bit like performing the old variety act of spinning plates at so many ends of the spectrum. Realistically, you are trying to patch up so many issues that you cannot do it in an entirely adequate way. That would be a better use of resources. It is probably more of a resource issue than a capital issue.

As we move ahead, particularly if there are innovative solutions that work for a community in a sensible educational way, there will be opportunities for some level of capital support. That is what has happened up until now as well.

**Mr Deputy Speaker (Mr Kennedy):** That completes questions on the statement. However, I remind the Minister that Standing Order 18A(2) requires him to make a written copy of any statement available to Members at least half an hour before delivering it in the Chamber. He failed to meet that requirement this afternoon. The statement arrived in the Business Office at 3.01 pm, so I will gently remind him of his responsibilities.

**Mr Weir:** I humbly apologise. To be fair, if that is the worst mistake I make in the next while, I will take the approbation of the House.

**Mr Deputy Speaker (Mr Kennedy):** We have a very contrite Minister.

## Private Members' Business

### EU Special Status for Northern Ireland

*Debate resumed on motion:*

*That this Assembly notes the current public concern arising from the European Union referendum vote; endorses the proposal of the Irish Government and others that there should be legal recognition of the unique status of Northern Ireland and the circumstances on the island as part of the arrangements to leave the European Union; believes that this is one mechanism that can safeguard the interests of the people of Northern Ireland, including future access to European Union funding opportunities; and calls on the British Government to fully endorse, and to negotiate for, this outcome in discussions on leaving the European Union. — [Mr Eastwood.]*

**Mr Deputy Speaker (Mr Kennedy):** I call Paula Bradshaw. Ms Bradshaw, you will have four minutes, and you will not be allowed any additional minute should you take an intervention.

**Ms Bradshaw:** I support the motion. I would like to briefly emphasise some practical issues with regard to health that special status could help to resolve. First, the most directly practical issue is access to healthcare in other EU member states, notably for holidaymakers who have sudden illnesses or accidents. Currently, we have reciprocal rights through the European health insurance card. For example, residents in Northern Ireland will be looked after in Spain if they fall ill on holiday on the basis of EU citizenship and residence. Should the UK proceed to leave the EU, those reciprocal arrangements will no longer be in place. However, special status for Northern Ireland would enable us more easily to negotiate an opt-in whereby residents here would continue to enjoy these rights.

Contrary to what some Members said, us leaving the EU will have a devastating impact on tourism because people will find it more expensive to come on holiday here without insurance.

**4.15 pm**

Secondly, employment is a devolved matter, as is health, so there is no good reason for us to move away from working time directives as they

currently apply in the health sector and beyond. The rights of staff, particularly in sectors where there is a significant — *[Interruption.]*

**Mr Deputy Speaker (Mr Kennedy):** Order. There is a constant murmuring from certain Benches. Please show some respect to an Assembly colleague when she is making remarks.

**Ms Bradshaw:** Thank you, Mr Deputy Speaker.

— vocational element to a career choice, should absolutely not be removed. A special status arrangement could protect these. Indeed, there is a strong case that retaining EU standards in areas such as these will be good not just for public-sector workers but for businesses, as goods and services exported from Northern Ireland will be known to maintain EU employment standards.

Thirdly, there is the development and licensing of medicines and medical research. This is trickier perhaps, but, if reciprocal rights are agreed and employment standards maintained, there is no reason why such a special status arrangement should not include access to medicines licensed and developed in the EU, and to clinical trials data, on the same basis as currently. Importantly, it would also include continuing medical research in Northern Ireland available to, and potentially partially funded by, the EU. It is absolutely vital that a decision that had majority backing in England and Wales does not result in negative impacts on our medical research at, for example, the cancer research centre at Queen's, which is in my constituency.

Finally, we will need some form of understanding around cross-border services. Clearly, this would be easier if the UK were to retain in some form the customs union and the single market, thus retaining maximum free movement across the border. Failing this, special status, as outlined above, would surely help. We would also need to look at cross-border medical training standards and so on to maximise the potential for cross-border solutions to care, particularly for people with rarer conditions.

Special status would be good not just for our economy. More importantly, it is vital for our basic health and well-being going into the future. Today I therefore call on the Executive to agree a common platform for special status for health and other areas as a matter of urgency, and to develop a plan to ensure that Northern Ireland has the relevant influence in London and Brussels to deliver on it.

**Mr Attwood:** I will start with a few words of thanks. The first is to the Alliance Party for the thoughtful contributions of Ms Bradshaw and Mr Farry. There are things to build on there, I think.

Secondly, I thank Sinn Féin. Somewhat begrudgingly, sheepishly and negatively, they eventually said that they were going to support the amendment, and I will come back to any and all that.

May I also thank the DUP? I want to rely upon what Alex Salmond said after Theresa May made her hard Brexit speech at the Tory party conference, and I will paraphrase it by saying to the DUP, "We should be grateful to you. In your various contributions, you lifted the lid on your true intent and the emptiness of your programme". I want, first and foremost, to concentrate on that.

I remember being at a senate meeting of Queen's University a long number of years ago. I was sitting next to the vice chancellor, and he made a comment about the person who had just spoken, "There speaks a man who digs a number of holes and then jumps into the deepest one". That is the only way to characterise today's DUP contributions, which were remarkable in how stuck they were in the narrative of a post-Brexit vote that completely ignored the hard Brexit speech of Theresa May. I say to unionism and to any who voted in favour of Brexit, read what the DUP said today and draw your own conclusions about where your interests lay.

I will give you three examples —

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

**Mr Attwood:** I will in a second. I will deal with some of the comments that Mr Stalford made, and then I will let him in. Mr Logan said that the DUP had a seat at the table because it had eight MPs. What sort of a seat at a table is eight MPs, when Theresa May has said that she will not consult or give voice to the Parliament at Westminster in respect of article 50? Is that Theresa May's response to the letter of August from the First Minister and deputy First Minister asking for a seat at the table? I wonder.

Then we come to the comments of Mr Stalford, who relied upon the exercise of democracy which was the referendum to justify everything that flows from the referendum. If I were a Brexit Minister in London at the moment, I would draw enormous reassurance from what Mr Stalford said, because essentially the

argument was that whatever London does, whatever the scale of its excesses, whatever the deficits that might exist around Brexit, we will swallow hard. What a way to conduct a hard negotiation when the British Prime Minister has said that it will be a hard Brexit. I will give way to the Member.

**Mr Stalford:** Thank you. The Member accuses us of ignoring the context of a speech given by the Prime Minister. Is it not a fact that the Member is trying to ignore the fact that 52% of the people who voted in the referendum gave their answer, and their answer is, "We are leaving the European Union"?

**Mr Attwood:** I find that another remarkable contribution because all the Member hears is what happened in June, and he does not hear what the Prime Minister said in September. So, let me remind the Member what the British Prime Minister said in her hard Brexit speech:

*"the negotiations between the United Kingdom and the European Union are the responsibility of the Government and nobody else."*

— *[Interruption.]* That is your seat at the table, Mr Stalford —

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Attwood:** through you, Mr Deputy Speaker.

Then she added:

*"We are not leaving the European Union only to give up control of immigration again. And we are not leaving only to return to the jurisdiction of the European Court of Justice."*

Never in recent economic history have 20 words had such immediate economic impact, because therein saw the spiral in the value of sterling. If you do not believe me, listen to what Angela Merkel said — *[Interruption.]* Let us ignore the strongest voice in the European Union when it comes to the affairs of the European Union. What did she say in relation to that? She said that it was:

*"a systemic challenge for the entire European Union".*

In coordination, within days, two of the biggest German trade organisations made it very clear that the terms under which May had spoken were not going to be the terms under which there would be a Brexit deal.

What is remarkable is that in all the DUP contributions, including the remarkable one that referred to a few grey areas that we had to work out, nobody seemed to recognise that the game changed with the May statement and that, with the May statement and hard Brexit, the terms of withdrawal were laid down. The DUP does not seem to have realised that and the consequences of all that.

It was also really astounding that Jeffrey Donaldson was left out hanging in this debate. Remember what he said:

*“What we’re really looking for is a special deal for the island of Ireland which enables free movement of goods and people on the island, and preserves the institutions we’ve created under the various agreements”.*

Theresa May in her September speech gave her answer to Jeffrey Donaldson, and three DUP Members in this debate gave their answer to Jeffrey Donaldson. I wonder what Jeffrey Donaldson has to say about all that.

I want to deal briefly with Sinn Féin. Not for the first time, the right hand does not know what the left hand is doing. It is remarkable that, in what Martin McGuinness said in 'The Guardian' yesterday, he never once referred to the court case in Belfast to keep us in Europe or that he continues to argue to remain. I am not going to make a point about that because I know he makes the argument to remain. But do not pretend, on the basis of our motion, that the SDLP is somehow weakening on the issue of remain.

Let me remind John O'Dowd — he did not seem to remember this when he spoke earlier — that his own deputy First Minister called yesterday for special rules to apply to Northern Ireland. He said that Ireland needs to be treated as a special case by Brussels and so on and so forth. Those are the right arguments, even though Sinn Féin came to the right vote in a begrudging way. Let me put down this marker: just as the DUP put all its eggs in the London basket — we see where that is taking us — the Sinn Féin strategy is to blame London for Brexit and blame Dublin for not defending the national interest. Martin McGuinness hinted at that strategy in yesterday's article when he said:

*“it is critical that we have an Irish government fighting our corner”.*

He is setting an Irish Government up to fail. That is their problem. Our challenge is to call out what the Tories in London are doing, to call

out anybody who puts our national interest in jeopardy, as the petulant words from the First Minister in response to the all-Ireland forum on dialogue did and to call out anybody who plays politics with this and sets up any Government for failure, as Sinn Féin has done in my view.

I will move on from that. There is a position of strength in this debate. Stephen Farry was right to say we are building upon what happened last week. Let us work on that axis and maybe, sooner or later, the Ulster Unionists will recognise where the strength is and the DUP will recognise where the weakness is. The strength is the island and the response of the island. It is about recognising that the economic and other affairs of this island are so intimately connected —

**Mr Deputy Speaker (Mr Kennedy):** Will the Member bring his remarks to a close?

**Mr Attwood:** — that, if we do not fight together, we will go down together.

*Question put.*

*The Assembly divided:*

*Ayes 46; Noes 47.*

## **AYES**

*Mr Agnew, Ms Archibald, Ms Armstrong, Mr Attwood, Ms Bailey, Mr Boylan, Ms Boyle, Ms S Bradley, Ms Bradshaw, Ms Dillon, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Ford, Ms Gildernew, Ms Hanna, Mr Kearney, Mr Kelly, Mrs Long, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCrossan, Mr McElduff, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McGuinness, Mr McMullan, Mr McNulty, Mr McPhillips, Ms Mallon, Mr Milne, Mr Mullan, Mr Murphy, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Seeley, Mr Sheehan.*

*Tellers for the Ayes: Mr McNulty and Mr Mullan*

## **NOES**

*Mr Aiken, Mr Allen, Mr Allister, Mr Anderson, Mrs Barton, Mr Beattie, Mr Beggs, Mr Bell, Mr M Bradley, Ms P Bradley, Mr T Buchanan, Ms Bunting, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs Little Pengelly, Ms Lockhart, Mr Logan, Mr Lyons, Mr McCausland, Mr McKee, Mr Middleton, Lord Morrow, Mr Nesbitt, Mrs*

*Overend, Mrs Palmer, Mr Poots, Mr Robinson, Mr Ross, Mr Smith, Mr Stalford, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mrs Cameron and Mr Robinson.*

*The following Members voted in both Lobbies and are therefore not counted in the result: Mr Carroll, Mr E McCann*

*Question accordingly negatived.*

## **Domestic Abuse, Rape and Sexual Crime**

**Mr Deputy Speaker (Mr Kennedy):** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. Order. I ask Members who are leaving to leave quietly. As two amendments have been selected and are published on the Marshalled List, 15 minutes has been added to the total time. The proposer of the motion will have 10 minutes to propose and 10 minutes to wind. The proposer of each amendment will have 10 minutes to propose and five minutes to wind. All others will have five minutes. Before we begin, the House should note that the amendments are mutually exclusive. If amendment No 1 is made, the question on amendment No 2 will not be put.

**Ms J McCann:** I beg to move

*That this Assembly expresses deep concern at the levels of domestic abuse, rape and sexual crime; encourages victims of these crimes to come forward; welcomes the increased reporting of domestic abuse, rape and sexual crime but recognises that a high level of under-reporting still exists; further welcomes the commitment from the Minister of Health and the Minister of Justice to prioritise addressing this type of crime; and calls on the Executive to work together to support victims and survivors and to address domestic abuse, rape and sexual crime.*

I say at the outset that I am glad of the opportunity to bring this important debate to the Floor along with my party colleagues and that we welcome both amendments.

In a recent survey carried out by the European Union Agency for Fundamental Rights, it was reported that, out of all the European regions, Ireland had the second highest number of women avoiding places or situations for fear of being assaulted. Recent statistics released by the PSNI have shown a rise of 61% in sexual offences over the past six years, with a year-on-year increase. I and other members of the Policing Board questioned the Chief Constable on the issue in public session. Alongside the rise in the number of people accessing violent sexual images of children, the incidence of child sexual exploitation cases and the fact that one in every four women has experienced some form of domestic abuse in her lifetime, that has to be of concern to us all. While some of the increase in those statistics can be attributed to more people reporting these crimes, it is a well-known fact that domestic abuse, rape and

sexual crime are still very much under-reported and hidden.

There is a need for political direction to ensure that a clear and consistent message that encourages victims to report these types of assaults is provided, alongside a coordinated approach that provides access to the services and support that they need.

**4.45 pm**

I welcome the recent statements by the Minister of Health and the Minister of Justice that they will make domestic abuse and sexual crime a priority for both Departments. In particular, I welcome the commitment to introduce legislation to deal with coercive and controlling forms of abuse, as well as physical abuse. The impact of domestic abuse, rape and sexual crime on individuals and families is devastating. Victims and survivors can be left not only with physical scars but with long-term effects on their mental health and emotional well-being. It is important that mental, emotional and psychological abuse is recognised, as well as physical abuse. The impact is far-reaching, not only for individual victims and their families but for society in general. While it is those individuals who feel the worst effects on their physical and mental health, it has been estimated that domestic violence costs the Irish economy €2.2 billion a year in the South and £180 million here in the North.

Violence and abuse can take many forms. While victims can be male or female, it is mostly women and children who are affected, and 90% of perpetrators are men. Very often, children can be the forgotten victims of domestic violence. Many of them can witness violent attacks or be the victims of physical abuse in the home at a very young age. As we make greater advances in the use of the Internet, it presents more and more danger that our children and young people will be exploited and abused. There is a very real need to try to keep children safe on the Internet. Some of the large organisations with responsibility for the Internet and social networking have a role to play here as well.

Over the years, key areas of prevention have been identified as preventing it happening in the first place and changing public attitudes to it. Organisations such as Women's Aid have been involved in delivering programmes in schools to ensure that children do not believe that violence in the home is acceptable or normal behaviour. It is important that any public awareness campaign is coordinated in a way that provides

support and access to services for all victims and survivors. Training programmes for organisations and agencies involved in tackling domestic violence will also ensure a more coordinated approach. There is no doubt that the sterling work carried out by Women's Aid and similar organisations, the availability of refuges and its 24-hour domestic and sexual violence helpline have saved and will continue to save lives. That partnership working and interagency support will help to ensure that this adequate provision of refuges and services to support those victims is maintained and developed.

It is a sad fact that violence against women and children has become almost endemic in our society. It is important for us to challenge the sexist attitudes that allow women to be treated as less than equal to their male counterparts. It is also important that we challenge the structural and societal inequalities that can result in women and girls in particular being discriminated against. As community and political representatives, we need to ensure that the policies and strategies of Departments are enforced with vigour and translated into action on the ground to combat these crimes.

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

**Ms J McCann:** Yes.

**Mr Allister:** Does the Member agree that a culture of silence often attends in the aftermath of these horrendous crimes? Indeed, is the Member a fit person to make this proposal since, in 2005, she was advised by Máiría Cahill of the allegation of rape against her and she did not report it to the police? Is that not the real test of sincerity and probity in these matters?

**Ms J McCann:** My response to that is well documented in the Chamber and outside it. It is disgraceful that the Member would use a debate like this —

**Mr Allister:** It is a disgrace that you did not report it.

**Ms J McCann:** It is disgraceful that you did that today —

**Mr Sheehan:** You are a disgrace.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Sheehan:** You are a disgrace.

**Ms J McCann:** — when we are trying to send a clear message of support from the Chamber.

**Mr Sheehan:** You will use anything or anybody.

**Mr Deputy Speaker (Mr Kennedy):** Order.

**Mr Allister:** It is a disgrace that you did not report it.

**Mr Deputy Speaker (Mr Kennedy):** The Member has the Floor.

**Ms J McCann:** The PSNI and the criminal justice system have to make women and young girls feel safe and confident about coming forward to report these crimes. Survivors need to know that they will have access to justice and that the perpetrators will serve sentences that will reflect the devastating effects that their crimes have had on their victims.

I believe that we can send out a clear message from the Chamber today that domestic abuse, rape and sexual violence is wrong in all the forms that they take and that we will ensure, whether it is physical, psychological or emotional, that all victims and survivors have access to the support services if and when they need them.

**Ms Bailey:** I beg to move amendment No 1:

*Leave out all after "exists;" and insert*

*"notes that an analysis of final prosecutorial decisions between 2010 and 2014 shows that in 83% of rape cases no prosecution was recommended; and calls on the Executive to work together to address domestic abuse, rape and sexual crime and to support victims and survivors of such crimes; and further calls on the Public Prosecution Service to work to improve rape prosecution and conviction rates."*

I welcome the opportunity to contribute to this vital debate and to move the amendment on behalf of the Green Party. I would like to thank the proposer of the motion for bringing further focus to this really important issue.

There are two amendments to the motion, and the second one, I feel, changes the intent of the motion by reducing any focused actions called for to deal solely within the realm of domestic violence over rape and sexual crimes. Given the Minister for Justice's recent commitments to bring forward legislation on coercive control, I feel that we should not lose sight of the great

need to focus on, and include action on, the wider abuses of rape and sexual crime.

Before I was elected as an MLA in May, I worked for a charity, Nexus NI, and many of you will be familiar with it. The charity works to support the victims and survivors of sexual abuse and rape. I want to take this opportunity to pay tribute to that organisation and to others working in this field, such as Women's Aid, the Men's Advisory Project and a host of others. Many of those charities are under significant pressure in the current funding climate. They are operating significantly above their capacity and are delivering above and beyond what they are funded for. We have well-established evidence that the austerity programme continues to disproportionately impact on women and children. The impact is seen significantly in this sector.

Prior to the debate, Members were provided with a briefing pack. Contained in the pack is research completed by the RaSe team in 2015 at my request for a statistical analysis of rape cases in the criminal justice system in Northern Ireland. A key point from the paper states:

*"An analysis of final prosecutorial decisions between 2010 and 2014 show that in 83 per cent of cases there were recommendations for no prosecution."*

That is a shocking figure.

I am also aware that some Members have questioned whether they can support this amendment due to concerns about the wording used. So there is a need to understand what constitutes an allegation and what constitutes a case. I welcome the opportunity to explain this. I have spoken to police officers today in the serious crime unit in Garnerville to make sure that I am on the right tracks. An allegation is a claim made by another person. This can be made to a friend, a family member, a councillor or, indeed, the police. The difference is that, once received, the PSNI will investigate the allegation and build a case. Each case is then forwarded to the Public Prosecution Service (PPS) with or without a recommendation for prosecution. It is the PPS that will make the final decision to bring a case to court. In 2011, the PPS received 440 cases of rape from the PSNI, involving 465 suspects. Only 218 of the cases received were recommended for prosecution. Yet, the same year, we saw only 77 cases brought to court by the PPS.

To clarify, all allegations of rape, or any crime, made to the police will be investigated whether the person making the allegation wants or does

not want to make a case, because the PSNI has a commitment to public safety. Therefore, all reported rapes in the criminal justice system are cases. Given that 83% of those cases between 2010 and 2014 were not recommended for prosecution, it is no wonder that we continue to have such low reporting of sexual offences. You will come forward and report an allegation of sexual or domestic crime in the knowledge that, if investigated by the police and brought to the prosecutors, you are overwhelmingly likely to have your case dismissed.

In 2015-16, 3,128 sexual offences were recorded by the PSNI. That equates to almost nine sexual offences per day in Northern Ireland. That was only those that were recorded. It was an increase of 12.1% compared with the previous year. Over the same period, despite increased reporting and subsequent recording by the police, there was a drop in outcomes of 2.7%, with only 13.7% of recorded sexual offences leading to any outcome. Those outcomes included charges; summonses; cautions; community resolutions; penalty notices for disorder; offences taken into consideration; and indictable-only offences, where no action was taken against the offender.

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

**Ms Bailey:** Certainly.

**Mr Allister:** The Member, I presume, recognises that the test for prosecution is exactly the same in a sexual offence as any other offence, namely, whether there is a reasonable prospect of conviction. Is it not a reality that sexual abuse cases are mostly instances of one word against another, which presents great difficulties to any prosecutor in determining whether there is a reasonable prospect of conviction? Is that not one of the underlying reasons why there is a disproportionate number of lesser prosecutions? It is not because of some systemic aversion to prosecuting but because the test, as it must be, has to be applied across the board, whatever the offence.

**Mr Deputy Speaker (Mr Kennedy):** I remind Members that interventions should be concise.

**Ms Bailey:** I thank the Member for his comments. That is probably an issue to take up with the Public Prosecution Service to see how it can better work with the police to get a stronger case. The levels of prosecution in Northern Ireland are not comparable with those in jurisdictions in either the UK or Europe.

Given the current context, Northern Ireland also sees a problem in the number of women in public life, and I am in no doubt that that is one of the main factors.

What about those women who become pregnant as a result of rape? In Northern Ireland, we are not human rights compliant with our laws on termination. Instead, we choose to further traumatise women by giving them no choice when they are choosing whether they want to continue with that pregnancy. I could easily read the statistics to show that a woman in Northern Ireland is actually more likely to become pregnant as a result of rape than she is of ever facing her abuser in a court of law.

What actions can the PPS take? In England and Wales, the Ending Violence against Women and Girls strategy has led to the Crown Prosecution Service recognising violence against women and girls as a key priority. The CPS publishes detailed breakdowns of data on sexual offences, which is something we do not yet do here in Northern Ireland.

I would like to make my first ask of the Executive. It is to ensure that the PPS provides a further breakdown of this data, which might go some way to addressing the Member's concerns. The PPS is a non-ministerial governmental department and should be accountable on this issue. The Criminal Justice Inspection conducted a thematic review in 2010 and followed it up in 2013. In the 2013 follow-up, it found that, of its 12 recommendations, seven were achieved, three were partially achieved and two were not achieved. They also committed to a full thematic inspection in 2015.

One of the recommendations not achieved was that the PSNI should take steps to improve communications and intelligence sharing between teams within the public prosecutions units. The other was that the police should fully adopt the principles and recommendations of the national crime investigators development programme and appoint appropriately experienced and trained tutor detectives to better support and supervise trainee investigators appropriately whilst they are undergoing training. Of the three that were partially achieved, one was on support staff for those investigating in this area, and the other two related to the PPS.

**5.00 pm**

This was in relation to ensuring videotaped interviews as a primary tool; the second was where counsel was instructed to hold

conferences between prosecutor, counsel and police to explore ways of overcoming any difficulties. The full 2015 review has still not happened, and it is within the gift of the Minister of Justice to instruct a review at any time. I urge her to instruct the Criminal Justice Inspection as a matter of priority. The impact on the life choices for many victims should not be ignored.

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

**Ms Bailey:** The Probation Board does much ongoing work, and other agencies help in dealing with the aftermath, but as a society, we need to hang our heads in shame at the disgraceful figure. When we acknowledge it and do nothing about it, we are complicit in it. I urge the House —

**Mr Deputy Speaker (Mr Kennedy):** Order. The Member's time is up. Thank you very much indeed.

**Ms Bailey:** — to support the amendment.

**Mr Durkan:** I beg to move amendment No 2:

*Leave out all after "type of crime;" and insert*

*"notes that the criminal justice system currently treats each reported occurrence of domestic violence as an individual, isolated act and not as a pattern of behaviour or an extended course of conduct; calls on the Executive to work together to support victims and survivors and address domestic abuse, rape and sexual crime; further calls for the immediate extension of the justice support worker scheme to all policing districts so patterns can be identified from victims making multiple reports; and calls on the Minister of Justice to introduce urgently legislation to criminalise such patterns of abuse and coercive control that victims are subjected to by their abusers."*

This welcome motion should concentrate all of our minds and efforts on alleviating the suffering of the victims and survivors of these heinous crimes, and on reducing the number of people — women and men — subjected to this physical and mental torture in the first place. Our amendment adds to the motion, calling for immediate, practical and legislative steps that can be taken in a relatively small time frame that will have a really big impact in protecting victims from further sustained abuse. We also welcome the Green Party's amendment. I do not think anybody could oppose it; however, I regret that we do not have a motion or

amendment combining the two before the House today.

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

The appallingly low rates for rape prosecution and conviction highlighted by the previous Member to speak are really shocking, in fact, they are worse than shocking — they are really saddening. While the motion quite rightly encourages victims to come forward, what confidence can any victim have that justice will be done; that it will be in any way worth reliving that anguish and pain? Some may find it even harder to bring themselves to report a rape, following the fallout of the Ched Evans case over the weekend. I am commenting not on the verdict but on the hysteria around it and the ill-informed opinions emanating from barroom barristers and cyberspace solicitors, not to mention the online and offline identification and abuse of the victim, which is sure to scare some people off actually reporting a rape. We cannot afford to let this happen. We need the PPS to work to improve prosecution and conviction rates to give victims and survivors faith in the system, and we all need to work together — not just the Executive — to support victims and survivors, and give them back faith in humanity.

I will move on now to our amendment. There has been a very positive public response to Minister Sugden's statement early in her ministry that domestic violence and abuse would be a key priority during her tenure. Her announcement on 'The View' last Thursday night that it is her intention to capture coercive and controlling behaviour will also have been well received by any right-minded person — even one who had just drafted an amendment calling on her to do just that. However, far from being rendered obsolete as a result of this announcement, our amendment has become all the more relevant. The amendment asks the Minister to extend the justice support worker scheme to ensure that patterns of abuse can be identified, meaning that when she does bring the legislation forward to capture controlling and coercive behaviour, she will be able to criminalise patterns of abuse and coercive control. Coercive control is a calculated pattern of psychologically abusive and controlling behaviour, designed to isolate, manipulate and terrorise a victim into complete fearful submission.

If he were in the Chamber, this would all sound familiar to Mr McCann, who, and I do not think that this is any secret, is a huge fan of 'The Archers', after that show's gripping Rob and

Helen storyline that did so much to highlight this very sensitive and important issue.

Sadly, domestic abuse is not confined to our airwaves, nor is it manifested only through physical violence. Often, physical attacks occur only after a victim has been cut off from support networks, emotionally abused and manipulated to the point that they are more likely just to accept physical violence or are too afraid to leave. Many of us will know people who have been through this. More worryingly, many of us will know people who are going through this, and we do not even realise it.

Studies have proven similarities between coercive control and political terrorism. We must salute the courage of victims who have managed to break free of the shackles of such relationships, and we must do everything in our power to give more power to more victims to do the same. We must also acknowledge, as previous Members have, the fantastic work of the many individuals and organisations that support victims: Victim Support, Men's Action Network, Men's Advisory Project, Nexus and more. Recently, a new organisation in my constituency that was set up to help victims of such abuse, La Dolce Vita, was awarded official charitable status.

I also make particular mention of Foyle Women's Aid for which this year marks its 40th anniversary. That is 40 years of helping women and families in distress, and, every year, it has to help more women and families in distress. I take this, and every opportunity, to re-emphasise to the Minister, and to the Executive, the need for Foyle Women's Aid's One Safe Place in Pump Street in my city and the need to support that much needed project.

Our amendment focuses upon extending the provision of the justice support worker scheme to all policing districts. We have consulted Women's Aid on this amendment and based the wording on its calls and on the calls of other groups. Those groups want to see the introduction of the scheme to all policing districts across the North and effective legislation to criminalise coercive control and the pattern of abuse to which victims are subjected by their abusers. What are these justice support workers? They are specialist, domestic violence support workers for victims, and they engage with police and the criminal justice system. There are justice support workers in only three policing areas here; two in Belfast and one in Derry supported through inconsistent part funding. It is a shame that not all victims of domestic abuse have access to that vital support.

The extension of the scheme would have a hugely beneficial impact on victims; it would enable better access to justice, facilitate early engagement with specialist support, reduce the re-traumatisation of victims and, ultimately, perhaps, save lives. The workers' role includes accepting referrals directly from the PSNI; acting as a liaison between victims and officers to ensure a coordinated and timely response to requests for information from victims; providing support to engage with the criminal justice system by acclimatising victims to the courts and meetings with solicitors; and encouraging engagement with police. Furthermore, these workers ensure that all possible additional avenues for support are communicated to victims and accessed if and when required. In connection with that, I have raised with the Health Minister the completely unacceptable waiting time for counselling services across our trusts.

There has been an overwhelmingly positive response to the impact of justice support workers from the police and, most importantly, from victims. Expanding their role, as our amendment proposes, has the support of Nexus, Men's Action Network, Victim Support, Men's Advisory Project, Women's Aid and others. It would be a shame if it did not now get the support of the Assembly.

**Mr Frew:** I support the motion moved by the Member for West Belfast and I support the amendments. I see merit in both. I agree with the comments of the Member that, if they could be conjoined in some way, that would bring a better and more complete amendment, but we are where we are. I think that the message has to leave the Chamber today that the House is in agreement that something more needs done.

I put on record early on that I support the Minister 100% in her statements that this is her number one priority. It is, indeed, one of five priorities that the Justice Committee has laid down for this mandate; to try to resolve this issue and to protect victims and survivors better when they are involved in this horrendous crime. Domestic abuse now accounts for two and a half times as many crimes as those linked to drugs. We have to sit up and take notice, and I believe that we have seen a trend, even since we came back from recess. First, in the very first week that we were back, there was the motion from my colleague Brenda Hale on stalking, and we now have this. The pressure on the Minister has been immense in this regard. I support the Minister in her assertions that she will tackle this and treat this as her number one priority.

I believe that the community and society out there demands of us that we bring forward new legislation, support it, certainly scrutinise it and make sure that, at the other end, we have good legislation that will keep people safer and ensure that people are brought to justice. At the minute, we are sitting with laws that were brought in during the 1990s. The Family Homes and Domestic Violence (Northern Ireland) Order 1998 is the legislative framework that allows victims of domestic abuse to apply for protective civil orders and non-molestation orders in a civil setting, and the Protection from Harassment (Northern Ireland) Order 1997 is the legislation where victims of stalking have to look to.

That is my point. We need direct legislation to deal with this crime. This crime is complex. It is not just domestic violence. If we try to tackle domestic violence on its own, we will fail, and we will fail our victims and survivors. It is as much to do with coercive behaviour and controlling behaviour as it is domestic violence, because, if you have the fear of the violence, you will do pretty much what you are told to do, especially if there are young people in the house. It is essential that we tackle coercive control, and, if we tackle that, it will mean that there will be more convictions on the domestic violence front. We have no laws on stalking yet. We have to go and look towards harassment. That is not capable legislation to cover stalking. That needs to change, and I plead with the Minister that, when she is looking at this, she puts this together and tries to deal with the issue in one raft of legislation. We have no laws yet on coercive behaviour. That needs to change. We have been talking about this for so many years. The Minister has been in post for only a couple of months, but we have been talking about this for many years. Justice officials know that we have been talking about this for many years.

I will turn my attention to the Department. Where are our violent offences prevention orders (VOPOs)? The people who work in this field, protecting people on a day-to-day basis, are crying out for VOPOs. We have been promised them; we have not yet received them. Even when I brought amendments on coercive behaviour on Wednesday 10 February 2016 on the Justice (No. 2) Bill, I was given commitments by the then Minister that these would be going in very soon. I withdrew that amendment because I want good law, not bad law. I want to see action and movement. Cogs turn far too slowly, and people are becoming victimised as we speak. Although we do have SOPOs — sexual offences prevention orders — and can see how well they work, we need

VOPOs in as quickly as possible. They can be issued even without the consent of the victim. A VOPO is a tool that is the essential piece in the kit in the toolbox and which our officials need to use.

5.15 pm

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

**Mr Frew:** I will end there.

**Mr Beattie:** I find this an incredibly difficult debate; I find it disturbing. As a father and a grandfather, I look at my daughter and grandchildren and imagine them being abused, and it really makes my blood boil and my stomach churn.

I welcome the motion. What is there not to support? Everything in it must be supported. Nobody will thank me for saying this — I already see the eyes rolling and the heads shaking, and I hear the sucking of teeth — but Sinn Féin's words do not match its actions. If Sinn Féin had started the debate by saying, "Do you know what? We got this wrong in the past. We're sorry, but let's move forward", I would understand it. The treatment of Máiría Cahill and Paudie McGahon was truly disgraceful, and they have to acknowledge that. I am haunted by the comment that abusers can be so manipulative that some victims enjoy the abuse. It is terrible; it turns me. I do not want to dwell on it, but it is the elephant in the room, and it has to be addressed. Please address it.

I will very briefly dissect the motion, which states:

*"this Assembly expresses deep concern at the levels of domestic abuse, rape and sexual crime."*

Absolutely, and we should all be standing up in unison and saying, "This has got to stop". Sex crimes have soared by 60% in the last six years. You can look at different reasons for that, such as the ability to get online or online pornography, but whatever the reasons, we must address them.

Domestic crime accounts for 13% of all crime in Northern Ireland — 13%. The PSNI had to deal with 13,500 domestic crimes in the last 12 months. Remember, of course, that domestic crime normally happens about 30 to 35 times before it is even reported, so that is the tip of the iceberg. The motion continues:

*"encourages victims of these crimes to come forward; welcomes the increased reporting of domestic abuse, rape and sexual crime but recognises that a high level of underreporting still exists;"*

I say yes to all three.

It is important that we look at them. We look at them as statistics, but every one is a story. I recently listened to Terri-Louise Graham's testimony, which I found incredibly harrowing. We all need to look at that to see what domestic abuse is really about and what coercive behaviour is really about. Recently, I met Alicia Perry from Women's Aid NI — she is one of their new ambassadors — and I listened to her story. That is another story that we all need to know.

We need a strategy for this. I do not want anybody to have to report rape or domestic abuse, so we need a form of education, and I call on the Education Minister to instigate a programme to educate young boys at the age of 15 or 16 about what domestic abuse is all about and what rape is about — and tell girls that they have the power to say no.

I look to the Justice Minister and ask her to fast-track legislation on domestic abuse, because it makes absolutely no sense that somebody suffering from domestic abuse can be assaulted five times by the same person but have five different cases and have to go to court on five occasions. It does not make sense.

I look to the Communities Minister to commission public information adverts and leaflets, and to set aside housing so that when we have a case of domestic abuse, we can get the woman out with her children and put her in housing away from the problem.

The motion:

*"calls on the Executive to work together to support victims and survivors and address domestic abuse, rape and sexual crime."*

Come on, let us get on with it. There are only two parties in the Executive, so let us get on with it. I welcome the Justice Minister's recent comments about domestic abuse, just as I welcome the strong stance on coercive control taken by my friend Mr Frew, Chair of the Justice Committee, and his Deputy Chair.

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

**Mr Beattie:** I ask us all to look to Women's Aid and involve them. I support the motion and the amendment of the Greens.

**Mr Lunn:** I thank Ms McCann, Ms Bailey and Mr Durkan for bringing the motion and amendments on behalf of their parties. We have no problem in supporting any of them, in whatever order they come up. I think that amendment No 1 will probably be called first; perhaps it will go through. That means no disrespect to amendment No 2, which is very thoughtful.

The crimes we are talking about are disgusting. They are serious, cowardly and mostly involve the strong on the weak. This is, of course, the element of control. I acknowledge that some men suffer in this way, but, let us face it, most of it is against women and children. That is the cowardly aspect of it.

Amendment No 1 refers to the 83% of rape cases that do not achieve recommendation for prosecution. I am not the first today to say that that is absolutely appalling. Frankly, I must ask what is going on in the Public Prosecution Service. If a woman is prepared to come forward — there are various reasons why women might not want to come forward — and take the very bold step of making this sort of complaint, I honestly believe that the success rate, at least of bringing cases to trial and making the charge, should be better than 17 out of 100. It is disgraceful. The amendment:

*"calls on the Public Prosecution Service to work to improve rape prosecution and conviction rates",*

and is very valid. In the rest of the UK, certainly in England and Wales, there has been an attempt to do this. The PPS has acknowledged that there is a problem. It has acted on various recommendations and has gone into a more thematic examination of the reasons why they do not make this recommendation, but it has not produced an increase in the number of cases brought to trial.

I have that many statistics that my head is spinning. However, there were 470 cases of rape in one year here. I think that Clare Bailey mentioned that only 77 actually produced a charge and only a very small number produced a conviction.

I wonder why, in this more enlightened age, women who have been violated in this way and parents, on behalf of their children who have been abused, do not report in greater numbers. It could be just the fear of publicity; they do not

want to have their names brought out in court. They do not want to have to appear in court. It could be a fear of the process or disenchantment, frankly, with the process because it is so plainly letting victims down. It could be the residual culture that exists in this country, that there is an element of shame or guilt. A wife who is perhaps abused in this way may still cling to the belief that this happened to her because she was not a good wife. I am not going to try to use the phrase "deserved it", because that would be absolutely improper; but I think there is still in this country a wee bit of a feeling that a wife is secondary to the husband, and some husbands will take advantage of that.

The Minister, Claire, has promised that she will bring forward legislation on coercive control and domestic abuse. I hope that she can do it inside the timescale and before next June, because she said that she would not bring any primary legislation through before then. When she brings it forward, it is only fair to point out that a considerable body of work has already been done by the Department. David Ford — I give him a plug — did a lot of work on this, so there is groundwork that she can build on.

Somebody mentioned the difficulty of getting a definition. There are very good definitions already on the record within the Department.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Lunn:** I hope that, as a result of this and of the stalking debate we had only two or three weeks ago, we will stop talking about it and actually take some action.

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

**Mr Lunn:** I support the motion and the amendments.

**Mrs Cameron:** I welcome the opportunity to speak on the motion today. Since 2007, I have been involved locally with Women's Aid in Antrim, Ballymena, Carrickfergus, Larne and Newtownabbey (ABCL&N), primarily in an attempt to raise awareness of domestic violence. I cannot praise the work of the staff and the volunteers highly enough in providing support to women and children in crisis situations. I take this opportunity to commend the CEO, Rosemary Magill MBE, who, despite dealing with personal adversity, continues to be the driving force behind the organisation in her single-minded approach to stamping out domestic violence.

The wording of the motion, of course, includes rape and sexual crime, which can be equally insidious, sinister and cloaked in fear. Indeed, only a few weeks ago, my colleague Brenda Hale brought a motion to the House on stalking. Those heinous acts are all founded on inflicting fright and terror on victims and are often perpetrated by those seeking to exert control over others.

When I first began my work with Women's Aid, I was told a story about an elderly couple in their eighties living together in a care home to accommodate the wife's dementia needs. The staff in the home became concerned about unexplained bruises that kept appearing on the elderly lady. They spoke to the couple's GP, who disclosed that there was a 60-year history — I repeat this: a 60-year history — of domestic abuse in the marriage and that the family was aware of it. What transpired was that the husband was repeatedly beating and raping his wife in the privacy of their room at night-time. I trust that everyone here today is as shocked as I was to hear that story. Although that is an individual case, I am quite confident in saying that there must be many, many such cases where that type of abuse is allowed to continue over a lifetime, with no one being prepared to act in defence of the victim.

It demonstrates the all-encompassing way in which domestic violence can manifest itself and become such an intrinsic part of someone's life that they cannot even see how awful the reality has become. Whether it is through physical violence, sexual violence or mental, emotional or financial abuse, domestic violence knows no boundaries and affects every age group, race, religion and class. It must also be said that, although the majority of victims are women, men should not be forgotten in the discussion on domestic abuse. Although we recognise that, we heard from the proposer that the majority of victims are, indeed, female and that, in turn, their children are often used as a method to coerce the woman, which, of course, has lasting and damaging effects on the children.

Alongside Women's Aid ABCL&N, I recently formed an all-party group on domestic violence by way of engaging with the Departments on the implementation of the stopping domestic and sexual violence and abuse in Northern Ireland strategy to ensure that those issues are kept on the agenda. At our last meeting, on 27 September, we heard from the Department of Health and the Department of Justice, and I was incredibly encouraged to hear that the joint strategy has had a great deal of momentum and that both Departments are committed to the

outworking of the strategy. I was particularly heartened to hear of the reconstitution of the inter-ministerial group, which had previously been formed but, in my opinion, had made little progress. I look forward to seeing the Departments of Health and Justice in their co-leadership roles to ensure the effective delivery of the five strands of the strategy.

I am also pleased to hear that the Department of Justice is reviewing arrangements for multi-agency risk assessment conferences for victims — or MARACs, as we call them — who are at a very high risk of domestic violence and that funding has been committed to those. I have had numerous discussions with the Minister of Justice, and I commend her on her public commitment and pledge to tackle domestic and sexual violence. I am aware she has instructed her officials to look at best practice on the issue across other jurisdictions to ensure our justice system is properly equipped and is capable of responding in an effective and efficient manner. That news can only be welcomed, and I look forward to scrutinising their findings and proposals as they work through the Justice Committee.

In closing, I am aware that the focus of my remarks has centred on domestic abuse, and I have only touched on rape and sexual crime. However, the message is the same: whether it is physical violence against a partner, unwanted sexual conduct, controlling or coercive behaviour or stalking, it must not be tolerated. We need additional legislation to tackle this subject, and we need to drive home the message that domestic violence, in whatever form, is not socially acceptable.

**5.30 pm**

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

**Mrs Cameron:** We must do all we can to deliver this message and, in doing so, provide the necessary support to allow victims to come forward and report the offender to the authorities. In turn, we need to ensure that those who carry out these crimes —

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

**Mrs Cameron:** — are dealt with swiftly under the law and that perpetrators are brought to justice. I support the motion.

**Ms Boyle:** I am proud to speak on this motion and to send out my support and that of my party

to victims of domestic violence, not only here in Ireland but throughout the world. I am also saddened to hear that some Members here would demean this highly emotive motion to score political points.

Domestic violence, in all its forms, is a crime, and, as legislators, we all have to work harder to tackle it. Domestic abuse may be psychological, physical, sexual, emotional, verbal or a combination of these. I also acknowledge that men can be victims of domestic abuse. Domestic violence is one of the only crimes where it can feel like the victim is being punished, rather than the perpetrator. Instead of receiving support, victims of domestic violence are often criticised. How often have we heard it? "It is her own fault", or "She should have left him the first time." That is easy for someone to say, but we must remember that, apart from the physical difficulty of escaping from a controlling, violent partner, women who have been abused, beaten and degraded have little confidence and their self-esteem is at rock bottom.

Women's refuges play a crucial role, and they are so much more than a roof over a head. Lives are transformed as specialist refuge workers support women to stay safe and provide them with any advice that they may need. Without adequate refuge provision, women who experience domestic violence will be faced with a stark choice: flee to live rough on the streets if they have no family support or remain with their abuser and risk further violence, or even worse, in some cases, death.

Escaping domestic violence is a traumatic and emotional process. My heart goes out to anyone who has to live with it. I, too, recently met Foyle Women's Aid to discuss its work in tackling all forms of domestic violence against women. Women's Aid provides support and refuge services for women and their children suffering from mental, physical or sexual abuse. As an MLA in a rural constituency, I am always very concerned about the plight of rural victims of domestic violence. Many rural women in this situation can feel particularly isolated and distressed, in the belief that they have no one to turn to. Women's Aid provides a critical lifeline to these women, and I am hugely appreciative of their outreach efforts into the rural areas. Many topics were discussed at the meeting, including cross-border initiatives, early intervention, the One Safe Place plan and the importance of domestic homicide reviews. Indeed, the PPS needs to review its test for prosecution.

Like others, I also recently met Alicia Perry, a strong, independent woman who has survived domestic violence, abuse and coercive control. Alicia met us to raise awareness of her campaign around Donna's Law. Donna was a friend of hers who, unfortunately, was a victim of domestic violence and died a few years ago. Donna's Law seeks to make domestic violence and abuse and, more importantly, coercive control a criminal offence here in the North of Ireland.

Domestic violence and abuse is happening at an alarming rate and, unfortunately, it is happening among many young people, including teenagers. Not all victims, unfortunately, are speaking out, because everything that has happened is trivialised and minimised by their controlling partners. Coercive control goes way beyond just controlling what their partners do. It is more about how they think about their family, friends, colleagues and, more importantly, themselves. I was also shocked to learn from Alicia that experts believe that domestic violence occurs in the LGBT community with the same frequency and severity as in the heterosexual community.

Society's long history of entrenched racism, sexism, homophobia and transphobia prevents LGBT victims of domestic violence from seeking help from the police and the legal and court systems.

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

**Ms Boyle:** To conclude, it is clear that we need to do more to assist with the service provision and funding to this sector. I welcome the work that the Minister is taking forward —

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

**Ms Boyle:** — on this, and, as a member of the Justice Committee, I am happy to support her.

**Mr Douglas:** I rise as a member of the Justice Committee to support the motion and the two amendments.

Growing up on my street, I witnessed situations that were never called domestic abuse but which were a form of abuse, particularly violence against women. You would have had women going about with extra makeup on because their partner or husband had physically attacked them. For me, it was a culture of domination and control. Sadly, today we are talking about some of those issues. I

think that it was the Minister who spoke of a psychology of domestic abuse. When I was growing up, there was that psychology of domestic abuse: the husband or partner would not allow his spouse or partner to go to the pictures, for example, or it was about controlling what friends they had, or the spending or non-spending of money. There was a whole range of such issues.

Looking back, that was domestic abuse, but I had never heard of the term until this last number of years. Sadly, we are still dealing with those issues, but the good thing is that we are debating them today, and it is more upfront. There may be difficulties for vulnerable people being able to go to the PSNI or to Women's Aid, but these things are now being challenged.

I was on the Internet today, and a BBC news bulletin of last week showed images of a young woman, Terri-Louise Graham, who was unrecognisable after the beating that she had taken in 2011. She was calling for us to do more. I welcome the Justice Minister being here. I also welcome her recent comments that tackling domestic abuse was her number one priority and that she was committed to changing the law. The Chairman of our Committee said that he was 100% behind our Justice Minister. I would say that I am 150% behind the Justice Minister; she will certainly have our support. I think that she has support throughout the House.

I looked up some facts and figures provided by Women's Aid — an excellent organisation, as my colleague Pam Cameron said — and the PSNI, and I was shocked at some of the statistics. I had heard some of them before, but to see them in writing was an absolute shock: in 2011, the PSNI reported that they responded to a case of domestic violence every 23 minutes. It is endemic throughout society, and, thank God, we are doing something about it. The police attend an average of 60 domestic abuse cases per day in Northern Ireland. I think that one of my colleagues spoke about the cost of domestic violence, and recent figures show that it is something like £180 million a year, so there is a cost to this. There is also a cost reduction if we can address and combat it.

Of course, domestic violence occurs most commonly against women, but there is also a growing number of men; the latest statistics showed a 49% increase in domestic violence against men. It is against children as well because they are in the house when they see the abuse. They are in the house when that partner is controlling and abusing their spouse.

One of the most harrowing statistics that we have come across is that 30% of all domestic violence starts —

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to draw his remarks to a close, please.

**Mr Douglas:** I will finish by saying that we are dealing with monsters in our society, and we should use every measure that we can to combat them. I support the motion and the amendments.

**Mrs Dobson:** Before I start my contribution, I ask Members to keep the two young girls who were knocked down in Banbridge this afternoon in their thoughts and prayers.

It is a tragedy that domestic violence and sexual crime is one of the most common yet least reported crimes in Northern Ireland. Of course, we are not unique in that respect, but, nonetheless, the fact that there are women and men today suffering violence at such endemic rates is absolutely heart-rending. I know from talking to PSNI officers how the initial bravery of the all too rare reporting of an incident can often dissolve, with many reports withdrawn soon after, compounding the misery and pain.

Domestic violence can manifest itself in many ways, but, most often, it is in the form of verbal or emotional abuse, with direct or implied threat of violence. The nature of the abuse means that it often recurs, sometimes for many years. So, it has a particularly cruel effect on victims.

I remember chairing a session of the Commonwealth Women Parliamentarians on domestic violence. An older lady presented to us with her personal domestic abuse experience, and she told us in graphic detail how her induction to married life was at the end of her husband's fist and how it took her 20 years to escape his grasp. The sad message of her presentation was that, from either gender, this is an all too common experience.

I am sure that there are people, particularly those with no experience of abuse, who ask the question, "Why would anyone stay?". It is a question that, I know, Members in this House have pondered, but I believe that it is too simplistic a question for what is often an incredibly complicated situation. We need to remember that tackling this form of abuse, whether it is physical or mental, is incredibly difficult because the aggressor is in or has been in a long-term relationship or marriage with their victim.

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

**Mrs Dobson:** Yes.

**Mr Frew:** I take her point. People ask the question, "How can you stay in that abusive relationship?". It is very complex, and, sometimes, with youngsters involved, it is a threat to them as much as anything else, but does the Member agree with me that if the Department were to bring in the domestic violence disclosure scheme to work alongside the child protection disclosure scheme, some of those people may not end up in an abusive relationship if they have the right to ask before they endeavour into a relationship?

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

**Mrs Dobson:** I thank the Member for his intervention. Having spoken to constituents, I know that keeping their children safe is key and is a priority. Even in spite of the violence, as we know, many may still be bound to their partners by strong feelings of loyalty and even love. So, even more challenging are the circumstances where the abuser is the parent of their children.

Victims are torn as to what to do about the abuse or, understandably, may be keen to maintain the family unit and may see that as a more important consideration than their own welfare or even their own safety. The effects of growing up in the midst of domestic violence can be devastating for children. The feeling of fear and confusion that those poor children experience when they see abuse must be awful, never mind when the abuse comes from their parents. So, I ask the Minister if she is satisfied that all the required support mechanisms are in place to support these young people.

Domestic violence is not some sort of faceless crime where someone unknown can come and go. It is often a warped battle between feelings of love and absolute betrayal, but that does not mean that the justice system should not respond; it must, and it must plan a response for each individual case.

Unfortunately, however, as we have heard time and time again in this debate, the current rudimentary response is not working, and too many cases simply end up without punishment. One of the first places to begin to try to lessen the chances that a report could be withdrawn the next day is the immediate response after that report. I doubt that many things are more

gut-wrenching than a victim leaving a violent partner, often breaking up the family unit, only to see the accused get off scot-free. It must be absolutely terrifying for them.

**5.45 pm**

Minister, I really hope that you listen to today's debate. You have said that domestic violence is your key priority. I hope that you will detail the exact steps that you will take to deliver improvements for the victims of this appalling crime.

**Lord Morrow:** I must say that I have listened to some very interesting comments from right around the House today. I was particularly struck by Doug Beattie, not so much by what he said as by the man who said it. Doug Beattie was a professional soldier, so he has come through a hard school and been in a war zone. It takes a lot of courage to do that. I listened very intently to him today, and he proved not only that he was a professional soldier but that he has a heart. He hit all the right buttons, and I commend him on that.

I had thought that my constituency was perhaps the worst for this type of violence but having listened to others from different constituencies, I recognise that that is not the case. I have made representations to the previous Minister, the existing Minister and the Chief Constable, and I am sure that others have made similar representations. It is very difficult to pick up your local newspaper without reading about domestic abuse. Folks, the Assembly must not just talk the talk; it has to walk the walk. It is all fine everybody here saying in harmony that something needs to be done, and it does need to be done, but actions always speak massively louder than words.

We are very fortunate that, in Dungannon Court, we have a foremost district judge by the name of John Meehan. He has taken a particularly determined stance on tackling domestic violence and dealing with the perpetrators by coming at cases from the perspective of the victim. That is the way that he always comes across, and that is to be welcomed. He tries to encapsulate the trauma that they have endured. He is also very stoic in ensuring the safeguarding of victims through stringent bail conditions as cases progress through the system. I am not sure what it is like in other areas, but I want to commend that judge for the stand that he has taken and the determination that he has brought to the bench in dealing with these cases.

The sad and startling statistic is that, on average, victims will endure 30 attacks before they take action, if they take any action at all. That is a very alarming figure. It tells you something about society as a whole if victims have to be traumatised on an average of 30 occasions before they do anything. There must be a lack of confidence in the system if they do not feel that they can come forward and complain. I have worked very closely with a number of persons involved in the prevention of domestic —

**Mr Frew:** I thank the Member for giving way. I will be brief. Is the fact that we have no specific legislation on domestic violence and stalking one of the reasons why people do not have confidence to come forward?

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

**Lord Morrow:** I heard recently about a case in which a female stabbed her husband or partner, and he broke her jaw in return. What happens when that goes to court? I suspect that that is a 50:50 and will not travel anywhere. I do not believe that domestic violence always comes from one side, the male. It also comes from females, no disrespect to them, but maybe the prevalent side is the male side.

I want to say another thing. I believe that, at the heart and root of much of this violence, there is one word: alcohol. It is alcohol abuse. That seems to be one of the drivers of this domestic violence. It is not entirely that, but I believe that it is very prevalent. I learned that very much when I was taking a private Member's Bill through the House on human trafficking and exploitation. I got a real insight into incidents of violence. It was maybe of a different nature but very much akin. I was taught many things as a result of that. Is it any wonder that I was so enthusiastic about trying to get that Bill onto the statute books so that, in future, this type of behaviour would stop?

Let us show the world and our country that we are not just here to talk fine words but are here to do something about it. The Minister needs to show that determination. She has said that it is her number one priority, and I welcome that. We are all looking to her today to tell us in a very direct way what measures she intends to bring forward and how she will tackle this issue, because it is like a cancer in our society and has to be tackled. That cannot happen soon enough.

**Mr Deputy Speaker (Mr McGlone):** Before I call Nichola Mallon, I remind the Member that she has three minutes and advise her that I have to call the Minister at 5.55 pm. If you take any interventions, I will not be able to allocate you an extra minute.

**Ms Mallon:** Thank you, Mr Deputy Speaker. Home is a place where you should feel safe, a place where you can go after a hard and trying day and close the door and feel relaxed and protected. Yet, for many women and men, the reality is very different. It is the place that they fear the most and the place wherein lies the greatest danger. The proliferation of this abuse in our society is shocking. Incidents of domestic abuse have reached a 10-year high. According to the very latest statistics, police respond to 78 reports of abuse in the home every day. That equates to one report every 18 minutes. While it is positive news that the reporting of these incidences has increased, the truth is that domestic abuse and sexual crime is still significantly under-reported because of the nature of the physical and mental abuse and often the intimacy of the relationship with the abuser, especially when children are involved. It can also be because of the abuse of power and authority and the fear of not being believed or being vilified when it is a large institution, a perceived celebrity or an organisation against an individual.

As many Members have pointed out, domestic abuse includes violence but is not just violence. Psychological abuse and the exercise of fear and control can be as bad as, and often worse than, physical abuse, and it is shocking that, under our current legislation, an abuser can break the spirit and will of their victim and can ruin their lives via psychological torment without breaking the law. The SDLP therefore welcomes and commends the fact that the Minister has given a commitment to tackling this injustice by outlawing coercive control in the North within the ambitious time frame of one year. Tackling domestic abuse, rape and sexual crime is not the task of one body, but it requires one approach, and that is one of zero tolerance based on three strands: prevention, protection and prosecution.

My colleague Mark H Durkan outlined why we have included a specific reference to justice support workers in our amendment and why access to those workers for all victims is crucial. We ask the Minister to share with us her views on that proposal, which I can assure her has the support of Women's Aid, the Men's Advisory Project, Men's Action Network, Nexus and Victim Support NI. As I draw my comments to a close in the reduced time frame, I want to put

on record that I pay tribute to all the organisations, staff and volunteers who work with victims, but, most of all, I want to pay tribute to the courage of the victims who have spoken out.

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

**Ms Mallon:** It is because of them, and because of those who are suffering this torment and have not spoken out, that we must act.

**Mr Deputy Speaker (Mr McGlone):** Before I call the Minister, I advise the House that, as the business on the Order Paper is not expected to be disposed of by 6.00 pm, in accordance with Standing Order 10(3), I will allow business to continue until 7.00 pm or until it is completed.

**Ms Sugden (The Minister of Justice):** I thank the Members who proposed the motion and those who tabled amendments. I will say from the outset that I am happy to support both amendments, albeit that they are mutually exclusive. Domestic and sexual violence and abuse are issues that concern all of us, and I welcome the opportunity to debate this in the Chamber and the interest that has been shown from all corners of the House. I have already stated publicly that tackling domestic and sexual violence is one of my priorities as Justice Minister not just because of the harm it causes to victims but because of the wider societal impacts that domestic abuse has across Northern Ireland.

Domestic violence takes many forms. It can be mental and emotional abuse; controlling, coercive or threatening behaviour designed to isolate, manipulate or terrorise a victim into complete fearful obedience; physical and sexual violence and rape; or a combination of all those. It can result in death. None of those behaviours is acceptable. None should be tolerated. Domestic violence and abuse is not a one-off incident in an otherwise healthy relationship. It is an ongoing pattern of behaviour that can continue for weeks, months, years or even decades, and I think it is important to emphasise that physical violence does not have to be involved for it to be domestic abuse.

Slap me, punch me, kick me, but don't put me through one more hour of mental torture. Victims have told me they are almost numb towards the physical abuse. However, the psychological abuse that is imposed on victims is what tends to break them. Abuse, whatever form it takes, has a devastating impact on

victims, and it is well-evidenced that the negative impact of psychological abuse and coercive control can be just as traumatic as the experience of being physically attacked. I know from speaking to survivors of domestic abuse that the compound effect of sustained physical, emotional, financial and sexual abuse can be totally life shattering.

Domestic and sexual violence and abuse can affect anyone, no matter where they live or how much money they have. Equally, perpetrators of domestic abuse are as likely to be lawyers, doctors, accountants, politicians and those who are unemployed. Domestic violence knows no boundaries. It does not discriminate with regard to age, marital status, race, ethnicity or religious group, sexual orientation, social class, disability or geography. It affects women, men and those from the LGBT community. Some Members speculated why people commit domestic abuse. It is not something I understand. Perhaps alcohol is to blame, as suggested by Lord Morrow. It could also be addiction, mental health issues or trauma. Perhaps the perpetrators were victims themselves.

Whether we realise it or not, every one of us in the Chamber will know someone who is suffering at the hands of a violent and controlling abuser. It may be a family member, a work colleague, a friend or even an acquaintance. Let us not forget the hidden victims: our children. I am glad other Members mentioned them. Statistics provided to me by Women's Aid indicate that, in 2006, approximately 32,000 children were living with domestic violence in Northern Ireland and, in 2014-15, 13 babies were born to mothers living in refuges. Clearly, that is evidence that we need to do more.

Many victims are unaware that what they are experiencing is domestic abuse. Some may argue that the abusive man or woman has just lost control. The truth is that that person is very much in control and their actions are designed to intimidate and frighten their victim over a sustained period with a view to denying their personhood. I often hear the comment, "If it was that bad, why not just leave?" Other Members mentioned that. It can be extremely difficult to leave an abusive partner, and the woman may, for example, fear what her partner will do if she leaves, particularly if she has children. Evidence has shown that the point of separation is the time when a victim is most likely to be killed or seriously injured. She may not have access to money or anywhere to go or may not know where to turn to for help.

## 6.00 pm

When the victim is elderly or lives in an isolated rural community, seeking help can become even more challenging, for a variety of reasons. Often a woman's self-esteem and confidence have been totally eroded by her experiences. Her abuser may have convinced her that the abuse was her fault, that no one will believe her or that she is useless and will not manage on her own. One woman told me, "I covered it up for so long because I was embarrassed and ashamed. I am an educated woman, and I was ashamed that I had allowed it to happen." Another said, "Every time it happened, he made me feel like it was my fault, that I deserved it." One woman talked about how her partner had systematically isolated her from her family and friends, cut off access to her finances and prevented her from using a car. She said, "Even if I could have got away, where would I have gone? I had no one." Consequently, many victims, both men and women, suffer in silence, with no hope of an escape from their situation.

We have seen such tragedies in our own community in the recent past. Since 2010, 22 women and 10 men have lost their lives to domestic violence in Northern Ireland. In my view, the death of one person is one too many, and we must act now to stop this. PSNI statistics note that approximately 28,000 domestic abuse incidents were recorded in 2015-16 — the highest level recorded since the data series began in 2004-5. Around 3,000 sexual offences were recorded in 2015-16 — an increase of 11.3% compared to the previous year. In 2015-16 the number of rape incidents recorded increased by 5.8% to 780 and other sexual offences increased by 13.3% to 2,257.

I believe that this upturn in reporting illustrates an increase in victims' confidence in the support services available to them as they seek protection and justice through initiatives now in place, such as the multi-agency risk assessment conferences and the Rowan centre. This is to be welcomed. However, it is widely accepted that domestic and sexual violence continue to be under-reported. From talking to representatives from the voluntary and community sector, such as Women's Aid, who provide front-line services to victims of domestic and sexual abuse, and to the victims of violence themselves, I have learned that there are a number of reasons for this. Often, women fear the repercussions of coming forward. One woman told me that she did not press charges against her abuser for fear that he would "come back and finish her off" as punishment for reporting his actions. Another

said she had endured so much already that she could not bear the thought of reliving her drama in court. She wanted her ordeal to be over so that she and her child could get on with the rest of their lives in peace.

That is why I am committed to enhancing the current justice system to encourage victims to come forward, safe in the knowledge that they will be protected not just from their abuser but from the trauma of re-victimisation. I take on board the comments made by the SDLP about the support services available. That is definitely something that we should consider because, as many Members noted, this is not for me alone, or for the Health, Communities or Education Ministers or even for the entire Executive. It is for this House and wider society in Northern Ireland to shine a light on this dark shadow.

Domestic violence is a unique crime that requires a unique response, and, as an Executive, we have already made efforts to address domestic and sexual violence and abuse through the previous tackling violence at home and tackling sexual violence and abuse strategies, which were published in 2005 and 2008 respectively. But we must do more. In March 2016, following Executive endorsement, the Departments of Health and Justice published the stopping domestic and sexual violence and abuse strategy, a new strategy to address both issues. The vision of the strategy is to have a society in Northern Ireland in which domestic and sexual violence are not tolerated in any form; where effective, tailored preventative and responsive services are provided; where all victims are supported; and where all perpetrators are held to account. It is a challenging vision but one that I believe is achievable if we work together as an Executive and an Assembly to effect positive change and improve the lives of thousands of women, men and children in Northern Ireland.

In producing the strategy, there was extensive consultation and engagement with a wide range of interested groups, including statutory, voluntary and community sectors and, indeed, the victims themselves. The consultation sought views on whether a specific offence should be created to capture patterns of coercive and controlling behaviour in intimate relationships, in line with the proposed new definition of domestic abuse contained within the draft stopping domestic and sexual violence and abuse strategy. Having considered the responses to the consultation, I have now committed to bringing a domestic abuse offence and a domestic violence disclosure scheme to Northern Ireland. In the light of the previous

debate, I am also considering how we can incorporate stalking into the legislation.

This domestic abuse offence will recognise the repetitive nature, behaviour, and cumulative effect of domestic violence and abuse on victims and the devastating impact that it can have on mental health. The disclosure scheme will provide potential victims with the right to ask for the disclosure of relevant information that will enable them to make informed decisions about continuing their relationship. My officials will brief the Committee for Justice on these subjects later this month, and I welcome its views and opinions on how we can take this forward.

I am aware that significant work will be required to embed this new offence and that that will of course require the provision of training and guidance for all relevant criminal justice practitioners against the backdrop of a challenging financial environment and limited resources. Nevertheless, I assure you that I am committed to ensuring that the offence is implemented effectively in Northern Ireland, and my officials will work with practitioners to identify the training and resources needed as soon as possible.

In addition to the introduction of a domestic violence offence, I am committed to raising awareness and to achieving the changes in attitudes that are necessary to end violence against women, children and men. Ultimately, I want to improve the experience of victims so that they are treated as we would all want to be treated if we were in their shoes. I take Mr Beattie's point that this needs to be an education; it needs to be a change of mindset. We need to educate young boys that it is not OK to treat women in a particular way, and we need to educate girls that it is OK to say no.

The victim charter, placed on a statutory footing in November 2015, advises victims of crime about their entitlements as well as the standards of service that they can expect when they come into contact with the criminal justice system. It builds on the good work that has been done to date, including the setting up of a victim and witness care unit that provides a single point of contact for victims to receive information about their case and have their needs assessed for additional support.

We will shortly pilot the prerecorded cross-examination of vulnerable and intimidated victims and witnesses, which could include victims of domestic and sexual abuse and violence. That will enable victims to give evidence ahead of their trial away from the

main courtroom and their abuser in a place where they feel supported.

The inter-ministerial group on domestic and sexual violence and abuse oversees the delivery of the new strategy. I am pleased to co-chair that group along with Minister O'Neill. As I co-chair that group, I will be fully engaged in the development of all future action plans. I anticipate that members of the inter-ministerial group can, by working together over the lifetime of the strategy, provide the direction needed to make a significant difference to these issues. A cooperative approach is essential if the awareness raising, early intervention and preventative action that are necessary to address these issues are to be effective.

I note the concerns raised regarding prosecutorial decisions and advise that that is a matter for the Public Prosecution Service to consider. I meet the DPP regularly and am quite happy to share the views of the House on this area. It is important that I say that moving this forward is not just a job for the Executive or the Assembly but for the wider criminal justice family.

**Mr Frew:** I thank the Minister for giving way. On that very point, there have been cases, for example, where someone who has been convicted of sexual abuse has got a lesser sentence by a number of years, been let out on probation and then been able to get themselves off the sex offenders' list because they did not complete their full term in prison. That could ripple down with regard to any statutory disclosure scheme. Will the Minister look out for and investigate such cases?

**Ms Sugden:** Yes. I appreciate the comments of the Chair of the Committee for Justice. Indeed, when we bring these issues to the Committee, I would be keen to delve further into the areas that he raises because there are difficulties in the system, and it is important that we acknowledge that if we are to be effective in trying to tackle domestic abuse.

I would like to take this opportunity to highlight a facility for those who have experienced sexual violence. The Rowan Sexual Assault Referral Centre was established in May 2013, jointly funded by the Department of Health and the PSNI. It offers a range of services and support to victims of sexual violence. Since going live in May 2013, over 2,500 individuals have been referred to the Rowan, and I have no doubt that the excellent work of the centre has contributed to an increase in reported sexual crimes.

We have an opportunity to commit clearly to working together to address domestic abuse, rape and sexual crime. As elected representatives, we have the opportunity to raise these issues in our constituencies through, for example, ensuring that our offices are safe places for victims of domestic and sexual violence to approach and seek support. In my East Londonderry constituency, my office has been designated as a safe place. The Causeway Coast and Glens Borough Council is taking forward initiatives such as the ONUS Safe Village initiative and the ONUS Gold Award status including the development of a workplace charter on domestic abuse —

**Mr Deputy Speaker (Mr McGlone):** Just to remind the Minister that it is coming near close.

**Ms Sugden:** — with associated training for staff.

We all have a role to play in this, because we are all affected by domestic abuse, and we have a responsibility to speak out against it: one day, it will end.

**Mr Attwood:** As my colleagues indicated, we will not be dividing the House on the two amendments, and we will be supporting the Green Party's amendment.

If you think about it, today should tell the narrative of this mandate. At lunchtime, victims and survivors of institutional and clerical abuse produced further proposals on financial redress, given the horrors that they experienced many years ago and continue to do so to this day. Here, at the end of the day, we have a debate on the abuse of men and women, and particularly women, in Northern Ireland society. So, a defining feature of this mandate should be what we are doing to support victims and survivors, whether they suffered historical or current abuse.

In that regard, I want to press the Minister on a number of points made during the debate. The first was referred to by my colleague Mark H Durkan, and it is the roll out of the justice support worker scheme across Northern Ireland. This is something that has been endorsed by charities and organisations working in support of women. I think that it is something that the Minister should endorse and encourage the PSNI to roll out.

The Minister referred to her commitment to legislation on coercive control. All of us endorse that. There is now a commitment for that legislation to be on the statute books in the

course of next year. That is a challenging timetable and, therefore, I say to the Minister that there is a need to accelerate the processes around this to ensure that that legislation will be on the statute book when we stand in this place in autumn 2017 and that that which we all endorse will have happened.

The Minister read into the record chilling comments in respect of the number of children who are affected by, and are living in the environment of, abuse of a parent by a parent. That suggests to me that there is still more work that is required arising from Steven Agnew's Children's Services Co-operation Act to ensure that every remedy and intervention is pursued regarding those who are the most vulnerable in those abusive circumstances, the very young in particular.

I thought that Clare Bailey's comment on the PPS publishing figures was very worthwhile. If the PSNI is reporting the highest number of cases of alleged abuse and real abuse since records began, the PPS needs to publish its records of what is coming on the far side of that reporting.

I ask the Minister to ensure, when she takes forward the panel report on the enduring legacy and influence of paramilitary organisations, that she looks at whether there is control of communities and individuals that is subject to paramilitary or other organisations when it comes to this issue in the lives of the people of Northern Ireland. There continues to be a narrative about the influence that is being brought to bear, including by people who claim to be associated, or are involved, with paramilitary organisations. They have a role when it comes to the abuse of individuals in our society. I ask the Minister, when she is taking that work forward, to look at that issue.

Mr Douglas referred to the bravery last week of Terri-Louise Graham, and he was right to name it. We are also right to name all those who have shown the same bravery, including, not least, Máiría Cahill whose voice is still loud, whose dignity is still clear and whose experience still endures as a warning to people in our society about the influence of those self-appointed people who think that it is their job to deal with these issues.

We do not play politics with this issue. We do not play politics with Máiría Cahill. We do not play politics with any person who is subject to abuse from any organisation or society.

**Mr Deputy Speaker (Mr McGlone):** I ask the Member to bring his remarks to a close.

**Mr Attwood:** It is for others to judge whether others stand in solidarity with her and with them.

**Ms Bailey:** It is very heartening to hear such support and understanding from the House today, as well as the Justice Minister's commitment to the work programme ahead. As a member of the Justice Committee, I know that the Committee is absolutely committed to working on this issue and looks forward to scrutinising and helping where it can to introduce legislation.

A lot has been said today about men and women, and about the impact of domestic abuse on long-term relationships. Suffice it to say that Nexus NI put out a report that states than one in four of us should expect to be abused at some stage in our life. Much of that abuse occurs in childhood. Nexus believes that a large number of our prisoners have suffered sexual abuse or exploitation. The links between poor mental health and childhood sexual abuse are well known. Clients present with suicide risks, addiction problems, low self-worth, depression, anxiety and a plethora of other ailments. Our current rehabilitation system addresses some of the symptoms of trauma, such as anger, alcoholism and drug addiction. However, the underlying cause of the problem is often left unaddressed. Maybe we could start looking at what is causing this abuse. Maybe it is not alcohol but learned behaviour in our society, given that it is so endemic.

I want to mention the Probation Board for Northern Ireland because it does really good ongoing work with convicted perpetrators. However, this work can be done only when perpetrators have been convicted, and, as the figures given today show, the majority are not convicted, their problems unaddressed. Our judicial system should be capable of doing much more, and it should do better as a matter of urgency because, as every day passes, new victims are created.

**Mr Sheehan:** Domestic violence is intentional and persistent abusive behaviour. As many have said today, it is an ongoing pattern of abusive, coercive and controlling behaviour that can include physical, psychological, economic, sexual and emotional abuse. Domestic abuse is, by its nature, not a single incident of violence in an otherwise healthy relationship. Domestic abuse is characterised by coercive control. Mark Durkan defined coercive control as a deliberate and calculated pattern of behaviour and psychological abuse designed to isolate, manipulate and terrorise the victim into

complete, fearful submission. Unfortunately, coercive control is not currently a crime here in the North, and I welcome the Minister's commitment to introducing legislation within the next year to make it so. Many victims of domestic abuse say that the coercive control element of their abuse is much more difficult to endure and recover from than physical violence. This has been corroborated by victims and survivors of domestic abuse in other jurisdictions and across the globe. Indeed, numerous studies have shown similarities between coercive control and tactics used to control hostages, prisoners of war and concentration camp inmates.

The presence of coercive control in a relationship can be an effective indicator of the likelihood of serious violence, resulting in the death of victims. Some victims of domestic homicide do not have a history of previous physical abuse, but they were victims of extreme forms of coercive control. Let us remember that this is a serious issue: in 2014-15, there were six murders with a domestic motivation here in the North; in fact, 37.5% of all murders in the North were domestic-related. As has been pointed out, the PSNI responded to over 28,000 domestic incidents; 13% of all crime in this jurisdiction. These statistics are just the tip of the iceberg. Lord Morrow pointed out that it takes an average of 30 instances of abuse before a victim will report it. All of this shows that women are still more at risk of crime in the home than anywhere else.

The crux of the matter is that domestic violence is not, in itself, a criminal offence. Instead, perpetrators are charged with regular offences such as assault, criminal damage, harassment or false imprisonment, and the PSNI records that the crime had a domestic motivation for statistical purposes. The PSNI and the criminal justice system treat each occurrence of domestic violence as an individual incident. However, this is at odds with the nature of domestic violence, which is a pattern of abusive behaviour. The upshot of this is that most incidents of domestic violence are treated as minor crimes and misdemeanors, resulting in short or suspended sentences. The sentencing does not take account of the weeks, months or even years of psychological torture that the victim has been subjected to.

Pam Cameron gave us a horrendous example of a woman who had been abused for over 60 years — almost all of her lifetime being tortured and abused by her husband within her own home. Of course, we have recently heard the testimony of Terri-Louise Graham, who was subjected to absolutely diabolical abuse in her

relationship. Making domestic abuse an offence will send a strong message to perpetrators that they cannot act with impunity, and it will also send a message to victims that the abuse they have suffered will be taken seriously by the Executive and legislators here.

Innovative evidence collection approaches should be considered to secure convictions. These could include the use of a register, showing the number of times police have been called to a house, in order to build a picture of the frequency and nature of the abuse. There is also evidence that use of body-worn cameras by police has led to a rise in convictions. There is also a need for a domestic violence disclosure scheme, and, again, I welcome the Minister's commitment to introduce that into the legislation. The fact is that most perpetrators of domestic violence are serial offenders, and if someone in a relationship becomes suspicious, she or he would be able to go to the police and find out whether the person that they are now in a relationship with has a history of domestic abuse.

Statutory agencies also have a role to play in helping victims of domestic abuse. As an example, if someone is intimidated by paramilitaries and seeks to be rehoused, their case is designated as high priority by the Housing Executive. The same does not apply to victims of domestic abuse. Alicia Perry's name has been mentioned on a number of occasions today. She has been waiting years to be rehoused without success; there needs to be changes there. We must send out a clear message from the Assembly that there will be zero tolerance of domestic abuse and coercive control.

I commend the motion to the House. I support the two amendments. In fact, I think they both add to the motion. I welcome the Minister's commitment to look at justice support workers. The victims and survivors of abuse have spoken to me in glowing terms about the work they do and how much easier it is to navigate the criminal justice system with the help of those workers.

I will leave it there.

**Mr Deputy Speaker (Mr McGlone):** Before I put the Question on amendment No 1, I remind Members that, if it is made, I will not put the Question on amendment No 2.

*Question, That amendment No 1 be made, put and agreed to.*

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

*Resolved:*

*That this Assembly expresses deep concern at the levels of domestic abuse, rape and sexual crime; encourages victims of these crimes to come forward; welcomes the increased reporting of domestic abuse, rape and sexual crime but recognises that a high level of under-reporting still exists; notes that an analysis of final prosecutorial decisions between 2010 and 2014 shows that in 83% of rape cases no prosecution was recommended; and calls on the Executive to work together to address domestic abuse, rape and sexual crime and to support victims and survivors of such crimes; and further calls on the Public Prosecution Service to work to improve rape prosecution and conviction rates.*

*Adjourned at 6.26 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](#)

**[846]**