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Northern Ireland Assembly

Monday 18 October 2021

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

Members observed two minutes' silence.

Assembly Business

The Death of Sir David Amess MP and the Security of Elected Representatives

Mr Speaker: Members, before we move to Matters of the Day, I will make some brief remarks about the killing of Sir David Amess MP. Although I did not know Sir David personally, he chaired a meeting of the Westminster Committee examining the legislation relating to New Decade, New Approach (NDNA) when I appeared in front of it on behalf of the Assembly earlier this year. It was very clear that Sir David had a friendly and amenable manner and that his colleagues were comfortable and at ease under his chairmanship. That brief encounter was just a snapshot for me, but it serves to underline the very warm tributes that have been paid to him over the weekend.

Very serious issues are raised by Sir David's death. Wider society is in shock, and, clearly, the specifics of the incident are subject to legal proceedings that we cannot focus on today. However, first and foremost, I want to record that the Assembly's thoughts and sympathies are with Sir David's wife, Julia, his four daughters and his son. I have also written to Sir Lindsay Hoyle and sent the condolences of the Assembly to Sir David's colleagues at Westminster. It is tragic that someone who was so obviously devoted to championing his constituency was killed while seeking to give assistance to his constituents.

The constituency role of an elected representative is vital and, perhaps, not understood enough. It is a reality that receiving abuse, harassment and threats has become almost routine for elected representatives, and there have been many cases across the Assembly. Friday's events have, therefore, emphasised existing concerns. I have had discussions with senior Assembly officials, and they will write to all Members to remind them of the specific provision in respect of security

measures in constituency offices that was made available by the Assembly Commission last year. Officials have also been in contact with the PSNI, and I have informed the Chief Constable that any advice that the PSNI has in relation to measures from the perspective of the Assembly Commission will be seriously considered. Assembly Commission members will be updated on those matters at the Commission's next meeting on Wednesday.

I strongly encourage Members to contact the PSNI directly if they have any concerns in specific cases.

I know that Members will agree that engaging with the people whom we represent is an essential foundation for the work of the Assembly. Elected representatives should be able to conduct their duties free from abuse, threat or attack.

When we are dealing with these issues, it would be remiss of me not to acknowledge that, a few times more recently, the temperature of debate in this Chamber has been heated, and I have written to a number of Members in recent weeks to address that. None of that can in any way be taken as an excuse for threats or attacks in the community. However, it underlines that we need to be aware of the nature of debate in the Assembly. In that regard, I echo the remarks that have been made by a range of people over the weekend that we must consider the tone and the language that we all use at all times.

Friday's events have made us all reflect, and we do live in troubling times. However, in such times, the need for elected representatives to engage is arguably even greater. If politicians were forced to become remote because of the actions of a minority, that would only be to the disadvantage of those in our community who need our help the most. I know that the House will unite in agreeing with that.

We will now allow the House to pay its condolences to Sir David Amess.

Matters of the Day

Sir David Amess MP

Mr Speaker: Mr Paul Givan has been given leave to make a statement on the killing of Sir David Amess MP, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should do so by rising in their place and continuing to do so. All Members who are called will have up to three minutes in which to speak on the subject. I remind Members that interventions are not permitted and no points of order will be taken on this or any other matter until the item of business has finished.

Mr Givan: It is right that, today, at the start of proceedings, we come together to pay our respects to Sir David Amess MP, who was brutally killed when serving his community. We remember especially his wife, Julia, and his five children.

Sir David Amess was a Member of Parliament since 1983, which is nearly 40 years of service. He was a giant of Westminster politics, and, rightly, tributes have been paid from right across the political spectrum. A tireless Back-Bencher who never held government office, he used his role to champion the cause of his constituency, not least, recently, in respect of city status for Southend but also on causes that were close to his heart, such as animal welfare, fuel poverty and supporting refugees. I listened to the Minister of the church in which he was so cruelly slain pay tribute to Sir David and the work that he was doing to assist refugees in the community.

Sir David was a close friend of the Democratic Unionist Party and a close friend of Northern Ireland. He was someone with whom we shared common values. He was passionately pro-Union and passionate about Northern Ireland's place within it. He was deeply pro-life, caring for people at all stages of their life, and we mourn his loss.

The police are now investigating under terrorism laws. Northern Ireland has never been immune from attacks on democracy from terrorists. We think of Robert Bradford MP, who was killed in 1981. We think of those who served in these institutions: Edgar Graham, Assembly Member, killed in 1983; Captain the Right Honourable Sir Norman Stronge, killed in 1981, having served, at one point, as Speaker of this place; Senator Jack Barnhill, 1971; and Senator Paddy Wilson, 1973. We have

memorialised those who served in this Building in the Rotunda just outside the Chamber.

There have been multiple attacks on public representatives over the years, and Members of this House from all sides continue to receive threats. That is to be condemned. We need to think about how we treat each other and how we speak to each other. That goes beyond just this Assembly Chamber; it goes to wider society. Too often, I hear public representatives being dehumanised by people and dehumanised by the media. We are very much part of this society, not separate from it, and all of us need to reflect on that.

Social media is like the Wild West. So, too, at times, is the mainstream media. It brings on commentators who engage in character assassination. We need to reflect on that.

Today is about remembering a faithful public servant. We join in mourning his loss, and we send our deepest Christian sympathies to his family and friends.

Mrs O'Neill: I also put on record my condolences to the family and friends of David Amess following the shocking news of his tragic death on Friday past. No public representative should face any attack when carrying out their duties on behalf of their constituents. To hold public office is a privilege and an honour. It comes with many highs, but, equally, it comes with many lows. We are all trying to do our best by our constituents and the people who elect us. Mr Amess was also doing his public duty: listening to and representing the views of the people he served and the people who elected him. Whilst I did not know him personally, I have seen the expressions of sympathy from across the political spectrum. That usually tells a lot about a person. For people with political differences to be able to come forward and pay their respects together is significant. He was obviously well respected not only by his party colleagues but by many others across Westminster.

I imagine there are few MLAs in the Chamber who have not, at some time or other, been subjected to abuse, whether that be in person or online. Few of us escape it. I think that everybody here will understand the level of anxiety you feel at times as an elected representative and the threat that we can experience on a fairly regular basis. We still carry on with our public duties, but it is not acceptable in any shape or form that anybody who steps into public office is subjected in any way to threats, intimidation or harassment. I think, Mr Speaker, you referred to it as an

almost daily occurrence: that is the fact, particularly on online platforms. I have received numerous threats that have had to be reported to the PSNI. Last year, I made a report to the police, and an arrest was made as a direct result of an attack. I have had to physically remove an uninvited person from my home. That is the type of thing that we experience as public representatives. It is not acceptable for anyone to have to deal with that.

Before I came into the Chamber, I spoke to one of our MPs, who this morning had to call the police to remove people from his office — people who had come to protest at the office but had intimidated the staff to the point that they were frightened and the PSNI had to be called. That is not acceptable. Staff and all workers should be able to go to work without fear of intimidation or harassment. I think we are all united in saying that none of those behaviours are acceptable, whether they are a nuisance or something more sinister, as with what happened last Friday. As legislators, we must defend democracy. We must also promote the rule of law.

Today, and for now, our thoughts are very much with the family of David Amess. We send them our deepest condolences. Again, my thoughts and prayers are with David's family, his wife and five children and his friends at what is a truly awful time.

Ms Mallon: I thank Paul Givan for tabling the Matter of the Day. I did not know Sir David Amess, but I express my condolences to his family, friends, colleagues and constituents. The character of the man is clear when we look at the tributes from across the political spectrum. This morning, I spoke to Mark Durkan, who knew him, and he said that he was a man of great kindness who cared deeply and had always asked after John Hume and Seamus Mallon.

This brutal murder comes after the murder of Jo Cox. They were MPs murdered while carrying out their duties to serve the public. Those brutal murders are devastating to their families and communities, but they are also an attack on and an affront to democracy. We live in an environment of increased risk. That risk is faced by people who work in public-facing roles across our society. I think of our healthcare workers, shopworkers, journalists, medics and constituency staff who are being subjected to abuse, harassment and, at times, threats of violence.

We have a volatile concoction in our society right now. We have increased levels of

vulnerability in mental health. We have increased numbers of people who are susceptible to and at risk of radicalisation, and we have a deep anger that has emerged as a result of the pandemic.

There is a rage and an undercurrent in our society that I have not seen in the 10 years that I have been an elected representative. It manifests itself in a number of ways. We need to be honest with ourselves about the challenge in society. We need to deal with it and reflect on our role in it.

12.15 pm

As others have said, we need to lay down a challenge to the social media companies. They need to do more to tackle those who target people online and to challenge the misinformation and mistrust that is being sown across society.

I will end on this: I listened this morning to testimonies of people who were great friends of Sir David Amess. One said that the greatest tribute that could be paid to him was for us all to encourage more people to go into politics, to serve their constituents and to try to shape our society for the better.

Mr Beattie: I join the rest of the Assembly in passing my condolences to the family of Sir David Amess MP, his friends and his colleagues in the Conservative Party and across the wider political divide, who seem to have had the utmost respect for him. I did not know Sir David, but it is clear that he was committed to those whom he had served for nearly 40 years. He was kind and open, and he had an affinity with some of the issues that faced wider society, including animal cruelty, warm home schemes and the effects of endometriosis. Those are just some of the things that he looked at.

Sadly, his real need to reach out into the communities that we represent, which we all face, led to his brutal murder. It was a brutal murder of a man who was simply doing a constituency service, speaking to the people whom he represented. We all know that there is an issue with the safeguarding of people who are involved in politics. As a party leader, I have a duty of care to look after my MLAs, my councillors and, in particular, those who work for us in constituency offices. I spoke to one of my constituency staff this morning. A young female and a single mother, she told me that she feels physically sick at times from the

targeted hate and bullying that comes via the phone and email and on social media.

She is not alone. I have had placards forced into my face and people have followed and shouted at me. I always said to myself, "Do you know what? This is part of the job", but, actually, it is not part of the job. There are people out there who feel empowered to be angry. They feel empowered to abuse at will because they can stay anonymous. They feel that they can get away with it. We all need to deal with it. We should not just stand and accept it. We have to tackle and challenge it. I have to do that for my MLAs, my councillors and my staff, and I have to do it in consultation with other party leaders for the other MLAs and councillors in politics in Northern Ireland. We all need to stand together.

Today, we remember Sir David Amess MP and his life. Let us stop the angry, negative messaging that is out there and that is leading people to murder. That is what we saw on Friday.

Ms Bradshaw: I add my voice of sympathy for the family and friends of Sir David Amess MP. It is truly appalling that, in a democratic society, those who have been elected by the people to represent and serve them should be so brutally attacked and murdered while doing so.

The tributes to Sir David over the past few days have been so powerful. By all accounts, he was incredibly diligent, while maintaining a healthy work-life balance. We all saw the beautiful photos of his family who, I have no doubt, provided him with stability and unwavering support in what we all know is a 24/7 role.

Sir David was noted for being an MP whose first objective was to represent the people who elected him. That meant that he would go against the party on some issues. My colleague Naomi Long MLA spoke in the last few days about her work with Sir David on animal welfare, an area in which he stood apart from most of his party colleagues and showed ongoing commitment.

He was a passionate representative for his local area, and I am sure that he will be sorely missed by all his constituents. May he rest in peace.

Finally, I place on record my thanks to the PSNI for reaching out over the weekend, as it did, I am sure, to many in the House, to offer advice and support regarding constituency office security.

Mr Allister: I join in the condolences to Sir David Amess's wife, five children and wider family following his murder. No doubt this is a moment of unspeakable grief for them.

As is evident from the tributes, Sir David was an exemplary parliamentarian who died as he lived: giving his life to serving his constituents. It is very poignant that those are the very circumstances in which he was murdered. Of course, he is not the first, but, hopefully he will be the last. I recall the murder of six MPs in this generation. Recently, we had Jo Cox. Before that, we had Airey Neave; Sir Ian Gow; Sir Anthony Berry, who was murdered in the Brighton hotel bomb; and, of course, from our Province, Rev Robert Bradford. It will be 40 years next month since Nora Bradford was widowed by the brutal acts of IRA terrorism. Indeed, three of those named died at the hands of the wicked IRA: Ian Gow, Sir Anthony Berry and Robert Bradford. Would it not have been helpful today if the leader of Sinn Féin, who represents the republican movement in this Province, had been able, in this moment of grief for another widow, to say to Nora Bradford, "Sorry for the murder of your husband"? Would that not have been a decent thing to do, and would this not have been a timely occasion on which to do it? Instead we get words:

"No public representative should face attack when carrying out their duties on behalf of their constituents."

Robert Bradford died in almost identical circumstances: serving his constituents while meeting them in a community hall. He, along with a doorman, Kenneth Campbell, was murdered brutally and viciously by the IRA. Should our words not be matched across the piste by actions of condemnation, even yet, of that brutal murder, as well as all the rest?

Mr Speaker: The Member's time is up.

Mr Allister: Then people could speak with more credibility.

Miss Woods: I thank the First Minister for bringing this matter to the House today. It was truly awful to hear of the death of Sir David Amess MP on Friday and what had happened to him. We can all reflect on the activities. We all know what it is like to be in public life and to have that kind of attention. It is an essential part of our democracy that politicians are able to meet their constituents, and we must find ways to make sure that they can do so safely. This kind of violent behaviour cannot be tolerated, and no one ever deserves to have their life

taken from them for representing their constituents and being in public life.

It is so unfortunate that we have been here before. We heard earlier from Mr Givan and Mr Allister about something that will always sit with me: the brutal murder five years ago of Jo Cox. My deepest sympathies are with Sir David's family, his friends, his loved ones, his staff and his colleagues at this very difficult time and into the future.

Ms Sugden: I, too, offer my condolences to the family, friends, colleagues and constituents of Sir David Amess, MP for Southend West. His killing is an attack on democracy, on representation and on humanity. He was a husband and a father. On Friday, like most of us, he was serving his constituency. He did not deserve to die for holding views and values that were different from someone else's. He did not deserve to be a consequence of a radicalised society and a palpable anger that exists amongst us. Challenge should be positive and an opportunity to improve and share ideas, not incitement to hatred, not incitement to kill. We all need to take responsibility and reflect on our words and actions, both of which can move others to a bad place. We must lead them towards a better place.

I stand in solidarity today with colleagues who have experienced threats and with those in other roles who do not feel safe in their work owing to aggression, sexual abuse, assault and murder. We take for granted our safety, particularly given where we have come from in Northern Ireland. Sadly, however, in 2021, we should not, and, like others, I have had unwanted attention in my home, in my office and online. We do not think of what happens next, because it is unthinkable, so we just get on with it, but that is not enough any more. We have to do something about this, not just for our individual safety but so that we can get society back to a better place. I stand with everyone in trying to do that.

Mr Buckley: It is appropriate that we start today's business with tributes to Sir David Amess MP. As has been said, he was without doubt a gifted and experienced parliamentarian who was committed to the needs and aspirations of his constituents. He was a man who attached himself to noble causes, and, most notably for me, he was a fervent champion of the right to life of unborn children.

Sir David stood head and shoulders above the cowardly terrorist who took his life on Friday past. Today, however, I want to say that, among all the things that David was, he was a

family man, a loving husband, a loving father and a valued friend, as is evident from the tributes that have been paid to him. What an impact this must have had on his colleagues. We all know how close we can become to individuals as we walk the political path with them, how difficult it is and how we need a shoulder to lean on. They have lost a friend.

Northern Ireland is no stranger to the targeting of elected representatives. We have had to walk that difficult line in times past as well as now. The names have been mentioned: Robert Bradford MP; Edgar Graham; Jack Barnhill; Senator Paddy Wilson; and Sir Norman Stronge and his son, James Stronge. It was not just our MPs who were targeted, and it did not happen just in this place. It also happened to our local councillors. I think of the late Charles Armstrong, who was the mayor of Armagh city. He left a council meeting and was blown up by a terrorist bomb under his car. His colleagues ran from the council chamber to come to his aid, but, sadly, his life was taken by cruel and cowardly terrorists.

There is no doubt that Northern Ireland has paid a heavy price, and, today, its representatives put their lives on the line in order to represent and serve their constituents. As the debate moves towards security arrangements, I thank the Police Service for contacting me — I am sure that they have done the same for other Members — to talk about my personal security arrangements and to review and assess how those are working, not just for me but, more importantly — I am sure that it is the same for other Members — for my staff, who often act as the buffer when Members are targeted by abusive constituents and those who want to harass them.

I thank the police, but I will say this: my priority when I was elected, and still is today, is to serve my constituents, many of whom live in very vulnerable settings. We can never, ever ignore the fact that, as public representatives, we —

Mr Speaker: The Member's time is up.

Mr Buckley: — are there first and foremost to serve the community. The tragic murder of Sir David Amess will not stop me or other colleagues from doing just that.

Mr Butler: I am sure that if, like me, you had not had the pleasure of meeting Sir David Amess, and I did not, you will have done a lot of reading over the weekend to find out what sort of a person and politician he was.

It was a desperately sad thing that happened, but I was reading about the person he was, and he recently gave an interview that stood out for me. He has been talked of as an MP of very high calibre and quality, as well as being very constituency-minded. A question in one of his last interviews was, "Why did you never make it to the Front Bench and into the bear pit?". He said that it was because he did not change. He said that he had values that he worked to and that, if there was a need for him to change, he would not. I will remember that as a lasting testament to Sir David Amess, and I am sure that his family will hold fast to that too.

12.30 pm

As has been said, this country and this island are not immune to deaths of elected representatives. Edgar Graham, Robert Bradford, Sir Norman Stronge, James Stronge and Charlie Armstrong felt that hand, amongst others from my party. There was also Robert McBirney and Paddy Wilson. We must also remember the humanity that sometimes surfaces. The Member for Upper Bann talked about Charlie Armstrong: I read a report about Pat Brannigan, the SDLP mayor at that time, who perhaps was the first on the scene to assist Charlie. We must think of that. What are we going to do? What will we learn? How will we react to this event?

Much has been made of social media. I noticed that Nichola Mallon received an absolutely disgusting and horrendous Twitter message last night that looks like a direct threat of hurt and violence. That is absolutely despicable. We need to do something collectively, whether in the Assembly or collaboratively with the Westminster Parliament. We need to find ways to tackle this scourge. It does not just affect elected representatives: as said in the Chamber, it affects teachers, health workers and shopworkers. It affects society, and it is not good enough.

This has been said in the Chamber and has been tweeted out about 100 or maybe 1,000 times: "Dial down the rhetoric". There is a message for us today. We have responsibility for our own button. We can dial down our own rhetoric. In the highest elected office in this country, we must take responsibility if, by omission or by ramping it up, we contribute to it. Let us, as leaders in the Assembly, not wash our hands of our responsibility to ensure that we turn the volume down. Let us work together for the betterment of everybody as a lasting tribute to Sir David Amess.

Mr Blair: I thank Mr Givan for tabling the Matter of the Day. He will be aware that other Members of the House attempted to do that so that we can reflect.

We all shared the shock and sadness following the killing of Sir David Amess MP last Friday as he was carrying out his duties as a public representative and meeting his constituents. The horror of that event has been felt across this House, in the Parliaments and Assemblies across these islands, amongst people in the respective jurisdictions and, of course, far beyond. Our thoughts are first and foremost with the family of Sir David: his wife and their five children. We also sympathise with his friends, his parliamentary colleagues, his Conservative Party colleagues and his staff team, especially the members of his staff team who were present as the tragic events unfolded last week.

Sir David's parliamentary colleagues from across the political spectrum have paid sincere tribute to him as a dedicated parliamentarian, a real gentleman, a considerate person and one who devoted time to help others who were new to Parliament or to politics. He was clearly firmly committed to his Southend West constituents and passionate about various causes, including animal welfare. It would be remiss of me, as chair of the all-party group on animal welfare, not to mention that.

As a consequence of the events, there will, of course, be discussion and review of the safety of public representatives and their colleagues. In this place, such discussion will be set in the context of recent appalling threats made to the Infrastructure Minister, the Health Minister, my party leader and Justice Minister and others in the House as well as journalists and broadcasters. In addition to the impact that they have on the affected individuals, such threats and the associated outworkings, when they happen, are an attack on democratic principles and process. Threats, whether from fanatics, extremists, terrorists or bullies, have no place in a democracy. They should always be called out and condemned. Everyone with a role in public life should strive to ensure that no words or actions assist or excuse intolerance or hate.

Those of us who serve the public want to be and will be accessible and visible to those whom we represent. We can work together to defeat extremism, intimidation and threat because cooperation based on mutual respect despite differences is the means by which democracy prevails. In the words of the family of Sir David Amess MP, a family who are in their own words "broken", we should:

"set aside hatred and work towards togetherness".

That is how we should move forward as a fitting tribute to Sir David Amess.

Mr Speaker: That concludes this Matter of the Day. Members should take their ease for a moment or two before we move on to the next Matter of the Day.

Protocol on Ireland/Northern Ireland: EU Commission Proposal

Mr Speaker: Dr Caoimhe Archibald has been given leave to make a statement on proposals by the EU Commission on the NI protocol that fulfils the criteria set out in Standing Order 24. If other Members wish to be called to speak, they should indicate that by rising in their place and continuing to do so. All Members called will have up to three minutes to speak on the subject. I remind Members that interventions are not permitted, and I will not take any points of order on this or any other matter until the item of business has been concluded.

Dr Archibald: Go raibh maith agat, a Cheann Comhairle. Thank you for accepting the Matter of the Day.

On Wednesday, the European Commission published what it described as:

"bespoke arrangements to respond to the difficulties that people"

in the North

"have been experiencing because of Brexit".

It is important that the Assembly has the opportunity to discuss them. The package proposes:

"further flexibilities in the area of food, plant and animal health, customs, medicines and engagement"

with stakeholders here. According to the European Commission:

"It proposes a different model for the implementation of the Protocol, in which the flow of goods between"

Britain and the North

"in respect of goods destined to stay [here] is facilitated to a significant extent."

Since the beginning of the year, we have been dealing with the reality of post-Brexit trade. With the lateness and thinness of the Trade and Cooperation Agreement (TCA) leading to little time to prepare for the new arrangements, problems, inevitably, have arisen. For some time, many of us have called for solutions that make it easier for businesses to trade, particularly for those that trade mainly between Britain and the North.

The proposals that have been brought forward have been broadly acknowledged by business representatives as a significant package that can go some way to resolving the issues, but, of course, they stressed the need for clarity and detail. On behalf of Sinn Féin, I welcome the proposals from the European Commission, which show that it has listened to business and political representatives and taken on board the issues and concerns raised and indicate that it is willing to be pragmatic and take action to alleviate them.

We now need to see a meaningful and constructive approach from the British Government to ensure that progress can be made in providing the certainty and stability that businesses want and broader society here wants and needs. Unfortunately, the prelude to that announcement and the response from the British Government have not been constructive, with new red lines and barriers put up that, frankly, have led to questions about how serious they are about achieving solutions. Ultimately, the British Government and unionist politicians have to acknowledge that all the consequences that impact on businesses and everyone else are a direct result of the Brexit that they championed. While chaos reigns in Britain, the protocol has insulated us from some of the effects.

The unfortunate reality is that, no matter what flexibilities are found, any new arrangements will still be less than what we had pre Brexit, and there will not be solutions to every problem. However, we need a way forward to provide clarity and stability, and all efforts should be focused on genuinely achieving that. Anything else is a shameful dereliction of duty. People here deserve better than to be collateral damage in Tory wrangling.

Mr Buckley: I rise to speak on the protocol, not for the first time. It is good to see that we have the opportunity on a Monday afternoon to debate it, after Sinn Féin's insistence on a potential recall. I am glad to see that other parties saw a need to stand back, maybe, and assess what was on the table and give the House the opportunity to discuss it this week.

I think that it is finally dawning on Members in the Chamber that the imposition of the protocol has indeed harmed the balances created under the Belfast Agreement. It has harmed Northern Ireland economically, and it continues to cause harm constitutionally; indeed, the societal impact and reverberations last to this day. There is no unionist consent to the Northern Ireland protocol, so the fine and delicate balance that the Belfast Agreement attempted to construct and attempted to intervene on is flawed on the premise that the Europeans, through means of the protocol, overrode the Belfast Agreement and threw aside the needs and concerns of the unionist community.

Here we are today with an attempt by Members opposite to whitewash their rhetoric on the protocol over the past months and years. While Europe told us that the protocol could not be renegotiated, while Ireland said that the protocol could not be renegotiated and while the SDLP, Alliance and Sinn Féin voted in the House for its rigorous implementation, we now have the parties coming to the Assembly to welcome the progress that has been made by means of the European paper and say that they were calling for action in relation to the programme. What hypocrisy we have heard from the Members opposite on the issue.

The European paper that is on the table falls well short of the fundamental change required, and forthcoming negotiations will represent a real opportunity if Europe is serious about addressing the issues that arise from the Northern Ireland protocol. My party will watch closely how Europe and indeed its partners engage in the conversation. Their actions to date certainly do not fill with me great enthusiasm about their real desire to see change and to see the east-west barriers lifted and to restore economic and constitutional sovereignty to Northern Ireland. That, my friends, is the way by which we can get to a lasting place where we all can get back to normality.

Mr O'Toole: Before I talk on the Matter of the Day, I associate myself with the remarks made by others on the appalling actions that resulted in the loss of Sir David Amess MP on Friday. People in this Chamber and elsewhere are, I am sure, still reeling from that appalling event. Thoughts are with family and his colleagues.

Last week, the EU published a series of proposals on the implementation of the protocol on Ireland/Northern Ireland that were substantive and substantial. I do not want to get into a huge barney with the party opposite, but, for the sake of clarity, it is worth saying once

again that nobody in my party wanted the Northern Ireland protocol because nobody in my party wanted Brexit. Brexit has erected trade barriers across these islands and between Britain and the European Union. Northern Ireland was always going to be in the most vulnerable position because of its unique geographical, political and economic circumstances, so we always needed unique arrangements to cope with that when the UK made the decision to pursue a very hard Brexit. That ultimately became the Northern Ireland protocol.

I want to see the Northern Ireland protocol implemented. My party wants to see the Northern Ireland protocol implemented, but we have always said that we want to see the protocol implemented in a way that reduces the burden on businesses and individuals in Northern Ireland and deals with some of the real consequences for all-Ireland trade. Lest it be forgotten, the Northern Ireland protocol covers only a relatively small amount of economic activity.

There are huge new trade barriers on the island of Ireland for services, financial services, roaming charges and a number of other things.

12.45 pm

Last week, we saw a package of proposals from the European Union that would substantially reduce the burden of checks on goods moving from Britain into Northern Ireland. That is, of course, welcome, and it is, indeed, what people have been calling for, particularly people in the party opposite. They have called for a reduction in the number of checks. It now looks like we will have a reduction in the number of checks, so much so that Northern Ireland will be in an even more unique position vis-à-vis the European single market. We also have proposals on increasing democratic accountability in consultation with the EU. That also has to be welcomed, and we will debate it more today.

In summary, we have a package that should alleviate the vast majority of legitimate concerns from people in this society. We have, of course, seen a broad welcome from business. My strong hope is that the UK Government and others in the Chamber move on and get on with agreeing those arrangements because we have the opportunity not just to deal with the very real consequences of Brexit for our society but to finally take some advantage of being at the crossroads of two major markets. Let us get on and deal with it. There is no perfect post-Brexit

arrangement for us; we have to make this one work. I urge people on the opposite Benches and, indeed, everyone in the Chamber to —

Mr Speaker: The Member's time is up.

Mr O'Toole: — finally come to that conclusion.

Dr Aiken: I thank Dr Archibald for bringing the matter to the House.

First, I will make some remarks on Sir David Amess, because today, like some Members of the Assembly, we should be at the British-Irish Parliamentary Assembly (BIPA). Sir David was an associate member of that assembly, and it is sad that, in the circumstances, it was not able to sit. However, we fully understand that. I pass on my condolences and those of my fellow members of the British-Irish Parliamentary Assembly to his family. It is something that we must all reflect on.

I will move to the remarks made in the earlier part of our conversation today when we talked about what we are doing about the protocol in particular and the issues connected to it. The first thing we need to recognise is that, at long last, both the British Government, through Lord Frost, and the EU, through Maroš Šefčovič, have recognised that the protocol is not working. There is no way that the recommendations made by the European Union would have been made if there was not a recognition that the protocol has failed and continues to fail day in, day out.

The fact that the non-papers point to a reduction in customs duties and sanitary and phytosanitary (SPS) checks suggests a direction of travel that should be followed through on. If there is no risk, there should be no checks. There is no need to have 50% of all goods coming into Northern Ireland checked. If the goods are only staying in Northern Ireland, none of them should be checked. The same goes for SPS checks. If we are in a situation where SPS items are staying in Northern Ireland or being moved to the United Kingdom as a whole, there is no need for those checks. That is self-evident. We have started on a journey, and we need to continue on that journey.

We note very clearly that there has been no discussion about the role of the European Court of Justice (ECJ), which, again, is fundamental and goes to the question of democratic accountability. Last week, I had a discussion with Maroš Šefčovič about the non-paper's position on improved democratic accountability

here in the Northern Ireland Assembly. That would mean our having the ability to actually veto or amend legislation or to be in a position to fully understand it and have those views represented. None of that has been laid in the paper or in the non-papers that have been brought before us.

Mr Speaker, we are approaching the three-minute mark. I know we will have the opportunity to talk about the matter this afternoon. However, given the remarks of both Lord Frost and Maroš Šefčovič, we have made a start, but we are on a journey, and there is a long way to go until we get rid of this invidious protocol and get something that works for the people of Northern Ireland.

Mr Dickson: Last week, the EU published papers focusing on medicines, food, customs, governance and oversight. Those proposals have the potential to address the concerns expressed by many of our local businesses, although it is also worth stating that many local businesses are benefiting from the current arrangements, let alone the prospects of these arrangements, which will make life even better.

The challenges facing Northern Ireland come from Brexit. The protocol was a symptom of the problem, not the cause. If we had not Brexited, we would not have had a protocol.

The Alliance Party does not want to see, nor would we ever wish to see, any new borders or friction across our islands. Unfortunately, leaving the EU made that a reality. As undesirable as it may be, we must now accept the new reality. In doing so, we should make the implementation of the protocol as smooth as possible. That is what I hope that Lord Frost and the EU Commissioner will negotiate and work upon, obtaining as many derogations and flexibilities as possible. That is what my party has been working at over the last months here, at Westminster and in negotiations and discussions. I just wonder what other parties have been doing.

A lot of time has already been wasted in seeking mitigations due to the delusional and confrontational approach of the United Kingdom Government. They need to be called out for the actions that they have taken. Trust is central to maximising flexibility. These proposals have the potential to address many of the practical issues raised by local businesses and other stakeholders. We need to reduce the temperature of these discussions, not increase it.

The reality is that, short of the United Kingdom returning to the customs union and single market, these arrangements will not be scrapped. Opponents of the protocol, such as the DUP and others, now have the opportunity to move from their unrealistic and undeliverable demands and provide more much-needed stability and certainty for Northern Ireland's political structures, businesses, communities and society as a whole. I welcome some of the comments made earlier today by my colleague Steve Aiken. I detected a slight movement in the language that he used in representing his party.

To quote my party colleague and deputy leader of the Alliance Party, Dr Stephen Farry MP, it would be an act of supreme folly to squander this chance to move on or, indeed, to impose even more delusional red lines.

Mr Allister: Is it not intriguing that the sycophantic embrace of this proposed tinkering comes from the very same EU sycophants who embraced the original protocol, who decreed that it was wonderful and welcome in every jot and tittle, and who, in fact, on multiple occasions in this House, voted through the demand for its rigorous implementation?

It is not the oversold hype attaching to these EU proposals that matters; it is the content of the four non-papers — they are well named — that matters. When you read them, you see that they convey the same unyielding dogma of the EU, and, of course, that they spectacularly fail the most important test that can ever be applied to any such proposals, namely the sovereignty test. They insist that the rest of this United Kingdom is to remain a third country to Northern Ireland, with customs tariffs and checks on goods coming from what they say is that third country; and that this part of this United Kingdom must remain in a foreign single market for goods, subject to a foreign customs code, a foreign VAT regime, overseen by foreign laws and the supremacy of a foreign Supreme Court.

There we come to the nub of the issue about the protocol, and the reason why, despite any tinkering, it will never be rendered acceptable to the unionist community in this Province: because it entails the EU clinging to its ill-gotten sovereignty over Northern Ireland. I find it beyond comprehension that those in the House with the word "democratic" in their party's title think that it is a good thing that Northern Ireland should not be able to make the laws that govern much of its economy, that we should be rule takers and that those laws should be made not

in Belfast or London but in a foreign jurisdiction over which we have no control.

Mr O'Toole talks about the "unique position" that the protocol gives Northern Ireland. Yes, it does. It is a very unique position in which, as a part of the United Kingdom, Northern Ireland is governed by laws that the United Kingdom does not make and which Stormont does not make. That is so appallingly unique —

Mr Speaker: The Member's time is up.

Mr Allister: — that no one who claims the name "democrat" should be embracing it.

Mr Muir: At the outset, like others, I offer my condolences to the family, friends and colleagues of Sir David Amess, who was tragically murdered on Friday. I also offer my outright condemnation of that act.

I will be brief, but, in relation to this matter, the Alliance Party welcomes what has been proposed and hopes that the UK Government will engage constructively with the European Union over the weeks ahead. We need a focus on dialogue and the engendering of trust, which is the solution to this issue and so many other things in life. I am disappointed to see that, as my colleague Stewart Dickson outlined, hours before and after the EU proposals were circulated, some people were raising yet more red lines and looking for yet more problems. I acknowledge that some aspects need to be resolved, such as, for example, pet travel, but we need to be solution-focused.

I have not been contacted by one business about the latest red line that has been brought up: the European Court of Justice. As reported in 'The Irish Times', the corporate lawyer Richard Gray, a partner at the law practice Carson McDowell, advised that:

"concerns about ECJ oversight have not featured in any queries from the firm's clients nor is he aware of any business organisations raising it on behalf of their companies."

We need to be careful about creating more red lines rather than focusing on solutions.

The Alliance Party has been consistent in highlighting its fears of the implications and repercussions of Brexit, both running up to the referendum and thereafter. Unlike others, we have been solution-focused, and we recognise — we wish that others would — that there is no other credible alternative to the protocol. The

time ahead must be used to engage, to resolve and to give certainty to businesses.

Mr Speaker: That concludes the Matter of the Day. I ask Members to take their ease for a moment, please.

Mr Dickson: On a point of order, Mr Speaker. In Mr Allister's contribution in the debate, he described people as "EU psychopaths". Will you review Hansard in relation to the use of that word? A psychopath is someone who is callous, unemotional and morally depraved, and I find that word objectionable.

Mr Speaker: I will give the Member the opportunity to clarify that.

Mr Allister: The word that I used was "sycophant", which fits Mr Dickson to a tee.

Mr Speaker: That is what I presumed the word to be. We will rest on that matter. I ask Members to take their ease for a moment.

Assembly Business

Committee Chairperson and Deputy Chairperson Resignations

Mr Speaker: I advise Members that I have received notification of the resignations of Colin McGrath as Chairperson of the Committee for the Executive Office and Sinead McLaughlin as Deputy Chairperson of the Committee for the Economy with immediate effect.

Committee Chairperson and Deputy Chairperson Appointments

Mr Speaker: The nominating officer for the SDLP has informed me that Ms Sinead McLaughlin has been nominated as Chairperson of the Committee for the Executive Office and Mr Matthew O'Toole as Deputy Chairperson of the Committee for the Economy, also with immediate effect. I am satisfied that the requirements of Standing Orders have all been met.

1.00 pm

Members' Statements

Mr Speaker: If Members wish to be called to make a statement, they should indicate that by continually rising in their place. Members who are called will have up to three minutes in which to make their statement. Members are reminded that statements will not be subject to debate or questioning and that interventions will not be taken. I will not take points of order on this or any other matter until the item of business has finished.

Driving Test Backlog

Ms Sheerin: I raise the problem of the driving test backlog, something that has been brought to my attention by countless constituents since the onset of the pandemic last year. It still poses issues, particularly for rural dwellers in Mid Ulster, the area that I represent, and, more specifically, for our young people in country areas. I understand and appreciate that the Department for Infrastructure introduced measures early on to alleviate the pressures, including extra temporary testing sites, Sunday driving tests and extensions on theory tests, but I ask that more measures be taken or that those extensions be reintroduced or extended further.

A constituent who had had their original theory certificate extended for eight months contacted my office recently. That extension was helpful and very much appreciated by them at the time. However, with the pandemic bringing a stop to physical lessons and a backlog when things started to open up again, many who were able to avail themselves of the theory test extension still had not had an opportunity to complete their physical driving test in time. A gap of months after the lessons might have meant that refreshers were needed. Given that test waiting times are reaching five or six months, people are being forced to pay for a second theory test when, had we not been in the middle of a global pandemic, they would probably have been on the road and out of their "R"s this long time.

The anxiety and frustration that it causes for people who have not been able to get on the road are unparalleled. Job opportunities have been missed because of it. Young people are relying on others to take them to college and work, which means that they are often out of pocket. That creates a further barrier to their ability to take more lessons and pay for another test. I know of one teenager who was applying to a university course to become a paramedic

and needed a valid licence as a prerequisite. At a difficult time for any young person, the stress that that young woman was experiencing, through no fault of her own, was awful to watch.

People have contacted me to tell me that they have tried to book a test and have been given a next available date in five or six months' time. That is totally disheartening and means further time and money has to be spent and, indeed, wasted. The Department's advice to look at other test centres is totally impractical. Nervous learner drivers will not be able to do their test in a town with which they are unfamiliar. The instruction just to keep trying for a cancellation leaves people under pressure, frantically checking an online system while they may be working or holding down studies and other things.

At the other end of the scale, I have been contacted by a constituent who is trying to become an instructor. He told me that he has not been able to sit the required theory test, despite being ready for it since the summer, because of an issue with the computer system. At the beginning of October, there were reportedly over 60 potential instructors in the same position. That is incredibly worrying and needs to be addressed urgently.

We need further extensions on theory certificates so that people who were not able to book their practical test will not have to go to the extra expense of a second test unnecessarily. Similarly, the Minister needs to look into the issue with the computer system as a priority.

Mark Allen: Northern Ireland Open Championship

Mr Clarke: Before I make my statement, I associate myself with all the remarks made today about Sir David Amess's wife and family on his death at the weekend.

I wish to speak about the victory at the Northern Ireland Open Championship last night, where a local Antrim man rose to fame once again. Mark Allen, a 35-year-old who grew up in Antrim and is well known in Antrim circles, rose to prominence as an amateur in 2004, became a champion in 2005 and has won various titles. In 2016, he reached only the quarter-finals — I say "only", but that is an achievement in its own right — of the competition that he went on to win last night.

This is a man who, a number of months ago, had considered stepping back from snooker for

personal reasons. Given his victory at the weekend, however, I am glad that he has made it back to winning form. We often talk about professional snooker players, footballers and people in other professions, but Mark Allen has also given a lot of his time to charity; indeed, in the past, he has volunteered to help me with a coffee morning that I run every year for Macmillan Cancer Support. Mark Allen, like many people last year, gave up his time freely to help with the response to COVID. He was regularly seen around Antrim doing deliveries to people's homes, particularly to the vulnerable, giving them supplies that were necessities and which they otherwise would not have got. That shows the mark of the man who is famously known as "The Pistol" due to his sportsmanship on the table.

The win will mean a lot to Mark, and it means a lot to the people of Antrim and further afield who have followed him throughout his career. I hope that this is the start of his winning days being back.

Justice for Derry

Ms McLaughlin: My role here is to represent the people of Derry, and I have to tell the Assembly that people in Derry are angry. They are angry because our city has the highest unemployment in the North of Ireland, which has been the case for many years; because the rate of poverty in our council area is the highest in the North, which has also been the case for many years; because the people who live in Derry and Strabane have the lowest rate of pay of any council area in the North; and because Derry has very high levels of poverty-related illness. Those statistics show that Stormont is not delivering for Derry. Stormont has delivered 1,600 jobs for Belfast this year through Invest NI, yet not one job through Invest NI support has been announced for Derry. That is neglect of the worst kind.

I say "neglect", because I do not want to say "discrimination", which is what my city suffered in the past. I hope that those days are behind us, but, if they are, why do we still suffer the neglect? What is the difference between neglect and discrimination? One is deliberate, and the other is because the decision makers do not care.

John Hume campaigned for a university for Derry over 50 years ago, yet we still have only a quarter of a university with fewer than 4,000 full-time students, many of whom are on near-permanent placements elsewhere. Yes, we have a medical school and the promise of more

students. When the student places for the faculty of life and health sciences were announced for Magee, the DUP's former Economy Minister expressed concern that they were not going to Coleraine. 'New Decade, New Approach' promises 10,000 students at Magee, but we need delivery not just a commitment.

I know that some people in Belfast talk about the "Derry whinge", but this is the Derry solution. We do not want pity; we want jobs, prosperity and skills. We keep telling others how to achieve that and how to increase the tax revenues for our Government's needs. The answer is to have more university places and more vocational places at the North West Regional College. It is about boosting the skills that create jobs and prosperity. That is what has happened in Belfast, and good for it, but, if it is right for Belfast, why is it not also right for Derry? We have poverty due to low incomes in Derry, but we do not have a poverty of spirit or ideas. We know what needs to be done: we just need the two parties that lead the Government — Sinn Féin and the DUP — to deliver what is needed.

Mr Speaker: The Member's time is up.

Ms McLaughlin: I demand justice for Derry.

HMS Caroline

Mr Nesbitt: I begin by offering my sympathy to the family of Sir David Amess and stand in solidarity with all elected representatives at this time. I echo Mr Clarke's congratulations to Mark Allen for his success in the Northern Ireland Open snooker competition yesterday. Let us also recall that Rory McIlroy won the CJ Cup in Nevada at the same time, which was his twentieth win on the PGA Tour and made him a lifetime member. That is some achievement.

Some time ago, the Ulster Unionist Party asked for a briefing on the future of HMS Caroline, which is moored at Queen's Island. On Friday, I had the pleasure of visiting it with two soldiers and a sailor: Andy Allen and Doug Beattie were the soldiers, and Steve Aiken was the sailor, although he kind of lost interest when he realised that there was no periscope to be found. HMS Caroline is an historic vessel. It is the last floating survivor of the Battle of Jutland in 1916, which was the last encounter between the German Imperial Navy and the British Grand Fleet. It has been docked here since 1924, but there is a risk to its future. It is here thanks to the National Museum of the Royal Navy, the Heritage Lottery Fund and Arlene Foster, who, as Enterprise Minister, found the

money to make sure that it was here for the centenary of Jutland in 2016.

When you arrive on the ship, you are shown a video of the Battle of Jutland, which is an emotional experience, not least because it is projected not onto a screen but onto part of the hull of the ship. There is a moment when you are told that one of the major battle cruisers has been blown up; in an instant, 1,000 lives are lost. I am not talking about HMS Caroline because it is about being British or unionist. If you visit, one of the storyboards that you will see states that 350 Irishmen lost their lives in the Battle of Jutland and 10,000 Irishmen died at sea during World War I. This is about all our communities, our past and our future.

The ship is critical as part of our maritime history links, as a tourist attraction and as a community asset. Anybody can hire it out and use the rooms for community meetings. I call for the Department for the Economy to think seriously about its future. There is a risk of it being towed away to the south of England. We could lose it, but we should not. The Economy Department should work with the Heritage Lottery Fund and the National Museum of the Royal Navy to secure HMS Caroline's future in Belfast.

Flood Alleviation: Sicily Park/Marguerite Park

Ms Bradshaw: On what is a very wet day, I raise the severe impact that our increasingly extreme weather has on my constituents in the Sicily Park and Marguerite Park areas. To live with the constant threat of flooding is to live with the constant dread of storm clouds. It is sleepless nights, feelings of helplessness and strained family relationships. It places a huge burden on individuals as they carry the knowledge that everything that they have, have worked towards and do their best to protect could be submerged under out-of-sewer floodwater at a moment's notice. That is the reality for individuals and families in the area, who have endured out-of-sewer water flooding in their streets on numerous occasions since as far back as 2008. While I welcome the fact that work has begun on phase 1 of the Sicily/Marguerite flood alleviation project, it will address only the flooding in Marguerite Park. Flood alleviation works for Sicily Park are part of phase 2 of the project and will commence only after the completion of the extension of the Belfast storm water tunnel to Musgrave Park.

As recently as last month, I wrote to the Infrastructure Minister for an update on the

project. I was informed that the extension of the Belfast tunnel is not scheduled to start until the later part of Northern Ireland Water's business plan for 2021-27. In the absence of a detailed project plan from NI Water, residents and homeowners in Sicily Park can only assume that they will continue to endure continued flood risk for, at best, another eight years. Northern Ireland Water needs to publish a detailed project plan as soon as possible, and, even more essentially, the Executive need to commit the funding that is required to complete the whole project.

Northern Ireland Water has highlighted the impact of historical underinvestment in our water systems. I welcome the fact that the Infrastructure Minister has allocated the funding requested by the government-owned company for this year. However, the Executive must ensure that, as our finances continue to be squeezed, the money is found in future Budgets to address the scale of our water problem. We must remain committed to our New Decade, New Approach obligation to urgently invest in waste water infrastructure. After all, what is the alternative? No new homes because of a lack of water capacity, the risk of breaching our environmental obligations and sandbags at the doors of Sicily Park residents, who could be continually under siege from overflowing sewage. The issue will only get worse if we continue to kick the much-needed investment further down the road. We cannot allow inadequate finance to delay the delivery of a much-needed flood alleviation project.

1.15 pm

Classroom Assistants

Mr Delargy: As I am sure all Members will agree, classroom assistants play a vital role in our education system. They provide caring and individualised support for children to help them through their time at school and to guide them at the beginning of their journey through life. During my teaching career, I worked with an array of classroom assistants who always went above and beyond the call of duty, particularly over the past 18 months, during the period of the pandemic.

Today, I raise the issue of the retention of our classroom assistants. We are losing brilliant people from our schools, and we can stop that happening. We are losing classroom assistants because of low pay and because there is little incentive for them to remain in their roles. A lot of the classroom assistants with whom I worked constantly upskilled and went on courses, but

that did not show any benefit in their pay. They did that training purely out of the goodness of their hearts to help to support the children that they worked with.

I would like us to come up with creative solutions to support classroom assistants and make sure that we keep those brilliant people in their jobs; that we support them as they support our children. A lot of classroom assistants in our schools struggle to balance their work and family commitments. They have to take on part-time jobs in other sectors, and, ultimately, that reliance on other employment ensures that many feel that they cannot sustain their roles as classroom assistants.

I, again, put it to the Assembly and our Education Minister that we need to start to come up with creative solutions to retain those people who play such vital roles in our schools.

Human Trafficking and Modern Slavery

Ms Bunting: I, too, wish to be associated with the tributes to Sir David Amess.

Today is UK Anti-Slavery Day, which is an annual reminder to us that human trafficking and modern slavery still exist across the world. Today also marks the beginning of Anti-Slavery Week, and there will be a number of events that aim to raise awareness of the harrowing reality of modern slavery, not least of which will be a meeting of our all-party group (APG) on modern slavery tomorrow lunchtime, at which we will hear from our guest speaker, Lord McColl. I encourage Members with an interest in the subject to attend that virtual meeting.

What does slavery mean to us now? Sadly, we have not moved far from the images of old, and the impact on victims is as grave as ever. The uncomfortable truth that we need to grasp is that the problem is real and is happening in our beloved Northern Ireland. We need to know the signs, and we need to report.

Recent figures show that the number of potential victims entering the national referral mechanism has increased by 750% in eight years. Although that might be the result of increased awareness and identification, those staggering numbers are indicative of the extent of modern slavery in our Province. Those figures should greatly trouble us. As the chairperson of the APG on modern slavery, I am so glad that other MLAs participate in that group who are just as committed to the eradication of modern slavery and to giving

support to and getting justice for its victims. We are all inspired by those who deal with this scourge every day, who see and hear horrendous accounts of appalling abuse and strive to assist and restore victims, bring justice to perpetrators and tackle this massive and growing problem in our world.

As I have said many times in the House, Northern Ireland has a strong history of leading the way in the fight against modern slavery, but our responsibility to victims does not and should not stop there. We have an obligation to ensure that victims receive the support that they need to begin to rebuild their lives. I take the opportunity to reiterate to the Assembly that we should provide at least 12 months of statutory support to confirmed victims of trafficking. That support is imperative to ensure that survivors of human trafficking and modern slavery have a stable pathway to recovery. It is time that our legislation provided statutory support for confirmed victims of modern slavery on a discretionary basis.

I welcome the passing of the Second Stage of the Justice (Sexual Offences and Trafficking Victims) Bill, particularly its extension of support to potential victims where there is no trafficking element. That represents a first step.

Today, on Anti-Slavery Day, I call on the Assembly to prioritise long-term victim support in this mandate. Anti-Slavery Day is an annual reminder that modern slavery exists —

Mr Speaker: The Member's time is up.

Ms Bunting: — but, for the sake of the victims, it must not be the only time that we engage with the issue.

Student Housing Problems

Mr Carroll: Shortly, representatives from the National Union of Students - Union of Students in Ireland (NUS-USI) will gather outside this Building to express their concern about how students have been once again sidelined and left behind during the pandemic. I salute them on their No Keys, No Degrees campaign and will briefly mention some of the issues they are highlighting.

Issues affecting students were very much ignored throughout the pandemic. Students who were told to go to university and college last year without any consideration of the impact of the virus on them were, with their lecturers and education staff, subsequently blamed for the virus circulating in communities.

Students who are now experiencing real challenges in getting access to affordable and suitable accommodation have, once again, been failed by the Executive, who have operated a hands-off approach in regulating the private rented sector. This institution has repeatedly failed to stand up to landlords and those pushing their interests. It has refused to introduce a cap on rents that would mean that students, as well as other people in my constituency, cannot be charged a fortune in rent that has shot up extraordinarily for properties.

Once again, we are seeing another price rise, this time in rent, for so many, but wages continue to remain stagnant, which, in reality, is a cut for many. We absolutely need to see action from the Executive to cap and reduce already extremely high rents. We also need to see action on pay and financial assistance for all those nursing and student midwives who are struggling to pay their rent, not to mention our health workers.

We are seeing a wave of anger in places like Germany and across the rest of Europe over housing and how vulture funds and private interests are being put ahead of the interests of the public in regard to housing. Several decades ago, housing and the denial of it to some people sparked a movement on the streets of Belfast, Derry and places in between. We need a similar movement on our streets and in our communities to pull together students from all communities, including not only international students but those who are not students but are subject to landlords hiking rents with no action being taken against them. Action needs to be taken to put pressure on this institution.

Accommodation for students should not be left up to the market or the private rented sector. Universities and colleges also need to step up, alongside the Department and the Minister. We cannot continue to brag about the skills of our students if we cannot even ensure that they have keys to get access to a house.

World Menopause Day

Mrs Barton: I, too, wish to be associated with the tributes to Sir David Amess today.

Mr Speaker, you may or may not be aware that today is World Menopause Day, and I want to say a few words about that. While the menopause is a natural part of ageing, it is not considered an illness, but going through the menopause brings about an experience of so

many varied symptoms that it has an effect on the health and well-being of women, particularly those over the age of approximately 45.

With the numbers of women increasing in workplaces and their being in the gender majority in some careers, consideration needs to be given to them and the different experiences that they have with the onset of the menopause. Many articles have been written about the menopause, but there is no definitive guide on the specific experiences of those who are in the menopausal stage. It is now essential that there is improved support in places of employment, and menopausal issues need to be given urgent consideration.

While not all women present with severe menopausal symptoms, many do. Those can be physical, including headaches, aches and pains, a reduction in bone density and hot flushes. It is often the non-physical symptoms that are the greatest cause of concern for women. Poor sleep patterns and sleepless nights result in constant tiredness. There is also the anxiety, which is not only another symptom but can be brought about by the lack of understanding of what women are experiencing in their voyage throughout life and in their respective workplaces.

It is time that awareness of the subject is increased and policies are designed and developed with improved resources and support put in place for all those affected by this really important healthcare issue.

Subregional Stadia Programme for Soccer

Mr Dunne: I wish to raise the lack of action to date by the Communities Minister in delivering the subregional stadia programme for soccer. Despite that money being allocated to the Department in 2015, six years ago and counting, local football clubs right across Northern Ireland are still, rightly, crying out for the release of the long-awaited funding. There is a real appetite for progress and delivery after such an unacceptable delay.

Many clubs have invested significantly in drawing up innovative plans and designs to improve facilities in and around their football clubs, with many clubs receiving planning permission and others having live planning applications in the system. Football clubs are real community hubs. Those plans will not only benefit the football clubs directly on the pitch but transform local football clubs even further into vibrant community centres. Better facilities

will increase participation among all age groups, including children and young people — importantly, improving both physical and mental health — and also address issues like poverty. Those are just some of the benefits and reasons why investment delivery is needed.

Given the delay in releasing that funding, unfortunately, we have seen material costs rise significantly since it was first allocated six years ago. That will have a knock-on impact on the overall costs of any redevelopment programmes and schemes. It raises a real question about the need to increase the level of funding allocation for this important sector.

Football in Northern Ireland has enjoyed a positive six years since the funding was originally allocated, from the success of the international men and women's teams, through to the Irish Premiership and Championship, and right down the divisions to grassroots. All have seen increasing interest and attendance levels across the seasons. Now is the time for kick-off from the Communities Minister. Clubs deserve delivery and certainty. The Minister must now move and get on with delivery.

Mark Allen: Northern Ireland Open

Mrs Cameron: I, too, want to put on record my solidarity with the Amess family after the brutal murder of their loved one. Our thoughts and prayers are certainly with his family, friends and colleagues at this terrible time.

I rise to congratulate Antrim's own Mark Allen on his victory in the Northern Ireland Open at the Waterfront Hall in Belfast. Whilst, admittedly, I am not an expert in snooker or any sport at all, it was difficult not to be glued to my TV screen last night as Mark made his dramatic comeback to beat John Higgins 9-8. After making a 147 maximum break on his way to the final, the 2021 Northern Ireland Open becomes his sixth ranking tournament title of a career that includes triumphs in two big invitational events, the 2018 Masters and the Champion of Champions in 2020. Over the years, Mark has cemented his status as a Northern Irish sporting icon. I have no doubt that there is more success to come.

As an MLA for South Antrim and a resident of Antrim town, I know only too well of Mark's popularity, not just locally but across Northern Ireland. Despite his global successes, Mark has remained rooted in his local community. He helps to develop the sport of snooker, supporting up-and-coming talent through Antrim Sports Club on the Crosskennan Road, and

raises the profile of the Bur through his achievements and, as we heard earlier from my colleague, his charitable work.

Another talent of Antrim Sports Club is Mark Allen's friend and practice partner Jordan Brown, who won the Welsh Open earlier this year despite coming into the tournament with odds of 750-1. I have no doubt that, as Jordan progresses in his professional career, he will add to Antrim and Northern Ireland's haul of snooker trophies.

In conclusion, I want to congratulate the organisers of the championship at the Waterfront for the successful staging of another major event, with its welcome return for supporters following two years behind closed doors. The positive remarks from the professional players about Belfast and the venue are a great acknowledgement of local sport and tourism.

Assembly Business

Committee Membership

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

Resolved:

That Ms Cara Hunter replace Mrs Dolores Kelly as a member of the Committee for Infrastructure; that Mr Colin McGrath replace Ms Cara Hunter as a member of the Committee for Health; and that Ms Cara Hunter replace Mr Matthew O'Toole as a member of the Public Accounts Committee. — [Mrs D Kelly.]

1.30 pm

Executive Committee Business

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period in Schedule 8) (No. 2) Regulations (Northern Ireland) 2021

Mr Speaker: The next items of business are motions to approve two statutory rules (SRs) that relate to the Corporate Insolvency and Governance Act 2020. There will be a single debate on both motions. I will call the Minister to move the first motion and then to commence the debate on both motions that are listed in the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. I will then call the Minister to move the second motion, and the Question will be put on that motion. If that is clear, we will proceed.

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

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period in Schedule 8) (No. 2) Regulations (Northern Ireland) 2021 be approved.

The following motion stood in the Order Paper:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 11) Regulations (Northern Ireland) 2021 be approved. — [Mr Lyons (The Minister for the Economy).]

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

Mr Lyons: I seek the Assembly's approval of two statutory rules that have been made under powers in the Corporate Insolvency and Governance Act 2020.

There is no doubt that the measures that had to be taken to curb the spread of coronavirus over the past 18 months have had a significant impact on businesses, employment and economic output. There are, however, positive signs that the economy is making a strong recovery. That is due in no small part to the success of the emergency provisions in the

Corporate Insolvency and Governance Act 2020. The Assembly passed a legislative consent motion that allowed my Department to include measures in that Act to ensure that local businesses received the same support and protection as in the rest of the United Kingdom. The Act introduced permanent and temporary changes to insolvency and company legislation. The permanent changes included a new moratorium, giving companies encountering financial difficulties breathing space, free from creditor pressure, during which to explore options for rescue and recovery. Similarly, amendments to company legislation established a new restructuring plan that can be used by viable companies struggling with debt obligations. That provides a mechanism for them to reorganise and restructure, to allow them to keep trading and help protect employees.

Of particular benefit in ensuring the survival of companies impacted by the pandemic, however, was the inclusion of a number of temporary modifications and easements to insolvency legislation. The regulations being debated today relate to two of the temporary measures that were included in the Act. The first regulation relates to schedule 8 to the Act. The schedule contains a set of temporary procedural rules for the new moratorium that was introduced to help the rescue and recovery of financially distressed companies. Permanent rules have only just been made for Great Britain, and it will take at least another six months for corresponding rules to be adapted for use in Northern Ireland. Accordingly, it is essential to keep the temporary rules in operation for at least another six months. That is the purpose of the first set of regulations for which I seek approval. The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period in Schedule 8) (No. 2) Regulations (Northern Ireland) 2021 will keep schedule 8 in operation until 30 March 2022.

The second set of regulations for which I seek approval relate to the winding up of companies at the High Court. One of the most important temporary measures included in the Act was what amounted to the virtual prohibition of the winding up of companies by creditors through the High Court. In effect, the Act placed an outright ban on the presentation of petitions to have companies in Great Britain and Northern Ireland wound up on foot of statutory demands served after 1 March 2020. That was to ensure that viable businesses whose finances were affected by the restrictions on trading during the lockdown periods were not unnecessarily forced into insolvency. With the opening up of

the economy, there is less need for the continued suspension of the normal insolvency regime, and those temporary measures were allowed to expire on 30 September 2021.

It is desirable that normal creditors' rights to petition to have insolvent companies wound up should be restored as soon as possible. It is recognised, however, that there are a number of companies that will remain in a fragile financial position until they can trade their way to profitability and solvency.

That has led to concerns that ending all restrictions before businesses have had the opportunity to trade for a sustained period risked creating a cliff edge, with a sudden and disastrous spike in the number of corporate insolvencies. Accordingly, it is considered that further short-term transitional measures are warranted to provide additional support to local businesses. Those measures will in particular help smaller companies to get back on their feet and give them more time to trade their way back to financial health before creditors can take action to wind them up.

The second set of regulations is therefore aimed at addressing that concern by providing for a tapered easing of restrictions, over a six-month period, on the winding up of companies. The regulations replicate measures taken in Great Britain to provide continuing support and assistance to businesses. Those measures will ensure that businesses in Northern Ireland have the same protection and support as those in the rest of UK. The regulations have replaced the outright ban on the winding up of companies with three new temporary modifications. In normal circumstances, creditors can petition to have a company wound up if they are owed a minimum of £750 and can prove to the satisfaction of the court that the company is not able to pay its debts. The usual way of doing that is to serve a statutory demand on the company, informing it that winding-up proceedings will be commenced if the debt is not paid within 21 days.

The first temporary measure in the regulations is that, before presenting a petition to have a company wound up, a creditor must deliver a written notice to the company. That notice must seek the company's proposals for the payment of the debt due, and the creditor must give the company 21 days to respond. The courts will therefore require evidence that an attempt has been made by the creditor to come to an arrangement with the company for the payment of debt before a petition for winding up will be considered.

The second measure is an increase in the threshold for petitioning for the winding up of a company from £750 to £10,000. For the next six months, it will therefore be possible to petition to have a company wound up only if the debt owed to the petitioner is at least £10,000 and is currently due. That temporary increase in the threshold for serving a petition will ensure that only significant debts that are due will be considered by the court.

The third measure relates to commercial rent. Businesses should continue to pay their contractual rents where they are able to do so. The previous restrictions will remain in place, however, and commercial landlords will not be able to present winding up petitions against companies to repay commercial rent arrears built up during the pandemic for another six months.

In conclusion, in the light of the strong recovery in the economy, it is considered that the temporary insolvency easements that have been applied for the past 18 months are no longer required. They have been replaced by less stringent, interim measures that will provide much-needed short-term support and protection to local businesses. The regulations therefore represent a huge step forward towards the restoration of a normal business environment by providing for an orderly and phased progression towards the full restoration of creditors' rights early next year. Both sets of regulations have been agreed by the Economy Committee, and the Executive were notified of them prior to the debate. I therefore ask that the Assembly approve both regulations.

Dr Archibald (The Chairperson of the Committee for the Economy): As Committee Chair, I will speak briefly on the Committee's consideration of the SRs, which I will address individually.

As the Minister indicated, the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period in Schedule 8) (No. 2) Regulations (Northern Ireland) 2021 make temporary provision for company moratoriums to remain in effect until 30 March 2022. The Committee agreed the statutory rule at its meeting on 29 September, subject to the Examiner of Statutory Rules' report. The rule came into operation on 29 September 2021. The Examiner of Statutory Rules had no issue with the rule, and, on the Committee's behalf, I support the motion.

As the Minister indicated, the second SR, the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule

11) Regulations (Northern Ireland) 2021, will replace schedule 11 with a substitute that provides for new tapered restrictions on creditors' rights to petition to have companies wound up on grounds of inability to pay debt to apply for a six-month period from 1 October 2021 to 31 March 2022. The Committee agreed the statutory rule at its meeting on 29 September 2021, subject to the report of the Examiner of Statutory Rules. The rule came into operation on 29 September. The Examiner of Statutory Rules had no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

I will make some brief remarks as Sinn Féin's economy spokesperson. These are the latest in a number of SRs on corporate governance. As said in previous debates, the pandemic has had a huge impact on businesses and has lasted a lot longer than was initially expected. It was important that mitigations were put in place on a number of levels in order to support businesses, including in relation to governance.

Hopefully, we are emerging from the pandemic and the restrictions at this point. The SRs that we are discussing today are indicative of that. Schedule 8 refers to the development of new procedural rules and will be in place until 31 March 2022, while schedule 11, as the Minister outlined, somewhat modifies the measures that have been in place. We concur that it is important that normal creditors' rights are restored but that, obviously, we want to give companies the space to be able to recover. It is important, therefore, that these temporary measures are put in place. We do not want businesses to be pushed over a cliff edge. It is important that we continue to support businesses and to protect workers' livelihoods and jobs. Therefore, on behalf of Sinn Féin, I support the SRs.

Mr Speaker: No other Members have indicated that they wish to speak. I call the Minister for the Economy, Gordon Lyons, to make a winding-up speech on both motions.

Mr Lyons: I thank the House and the Economy Committee for their support for the statutory rules. I agree with the points that the Chairperson outlined, and I commend the motions to the House.

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of

Relevant Period in Schedule 8) (No. 2) Regulations (Northern Ireland) 2021 be approved.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 11) Regulations (Northern Ireland) 2021

Mr Speaker: The second motion on the corporate insolvency and governance regulations has already been debated.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Schedule 11) Regulations (Northern Ireland) 2021 be approved. — [Mr Lyons (The Minister for the Economy).]

Mr Speaker: I invite Members to take their ease for a few moments.

1.45 pm

Committee Business

Appointment of an Acting Commissioner

Ms Dillon (The Chairperson of the Committee on Standards and Privileges): I beg to move

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to any complaint relating to an ongoing inquiry into a former consultant in the Belfast Health and Social Care Trust; appoints Mr Douglas Bain as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Douglas Bain has reported on all such complaints; and directs that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

Mr Speaker: The Business Committee has agreed to allocate 30 minutes for the debate. The proposer will have five minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms Dillon: By way of background, a complaint was made to the Assembly Commissioner for Standards. The commissioner had to recuse herself as she indicated that she had an interest to declare. The Committee agreed that Douglas Bain will deal with the complaint. It is normal practice for a commissioner from another jurisdiction to deal with complaints in such circumstances. The Committee felt that this was the right way to move forward, rather than delaying the complaint by trying to put another commissioner in place. All members of the Committee agreed that this is the way to move forward.

Mr Speaker: No other Members have indicated that they wish to contribute.

Question put and agreed to.

Resolved:

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to any complaint relating to an ongoing inquiry into a former consultant in the Belfast Health and Social Care Trust; appoints Mr Douglas Bain as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Douglas Bain has reported on all such complaints; and directs that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

Private Members' Business

Hospital Parking Charges Bill: First Stage

Mr McCann: I beg to introduce the Hospital Parking Charges Bill [NIA 40/17-22], which is a Bill to prohibit the imposition by Health and Social Care hospitals of charges for car parking; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Assembly Business

Mr McCann: On a point of order, Mr Speaker. I will leave this up to your judgement. I think that everybody knows that this is my last day in the Assembly, and I could not leave without first thanking the Assembly staff, officials —

Mr Speaker: First, technically, that is not a point of order. As you are well regarded across the House, however, we will indulge you.

Mr McCann: I want to thank everyone for the help that they have given me over the years, which has made my time here a lot easier. I also thank Assembly Members for the friendship, help and assistance that they have given me, from right across the Assembly Floor. I would love to say that I will miss everybody here; I probably will at times.

Thank you very much for allowing me to say that. *[Applause.]*

Mr Speaker: I think that we are getting soft, Fra. *[Laughter.]*

Mr McCann: I always was a softy.

Mr Speaker: If Members are content, we will suspend until Question Time at 2.00 pm.

The sitting was suspended at 1.50 pm.

2.00 pm

On resuming (Mr Deputy Speaker [Mr Beggs] in the Chair) —

Oral Answers to Questions

Education

Schools: Extracurricular Transport

1. **Ms Ferguson** asked the Minister of Education what assistance is available to schools to transport pupils to off-site extracurricular activities. (AQO 2578/17-22)

Miss McIlveen (The Minister of Education): My Department's home-to-school transport policy provides funding for transport assistance for eligible pupils travelling to and from school each day. Transport assistance is not provided under that policy for off-site extracurricular activities. Transport to off-site extracurricular activities is a matter for schools to organise and fund themselves. The Education Authority (EA) offers vehicle hire services on request and subject to availability.

The extended schools programme supports eligible schools by providing additional activities for children and young people outside normal school hours. That often takes the form of before- and after-school clubs, summer schemes and educational trips and excursions. Schools can use extended schools programme resources to meet the costs of those activities to ensure that all pupils can take part, particularly those from disadvantaged backgrounds. That may include meeting the costs of travel. The programme guidance requires schools to ensure that there are adequate arrangements in place for pupils to travel to and from school for extended schools activities over and above standard home-to-school transport arrangements. Close cooperation with the EA's transport section is therefore essential.

Ms Ferguson: I thank the Minister for her response on extracurricular activities. St Columb's College, in my constituency, was delighted to partner with the Steven Gerrard Academy to add a new innovative course to its post-16 curriculum. It is a full-time BTEC level 3 extended diploma in sport. The course is to be run at a satellite site in Greysteel, where the necessary facilities are available.

Mr Deputy Speaker (Mr Beggs): Can we have a question, please?

Ms Ferguson: OK. The financial demands of travelling to the site four days a week is a barrier to the young people who are looking to avail themselves of the opportunity. Will the Minister look at the situation and put in place the necessary support so that those young people can access the opportunities that they deserve?

Miss McIlveen: I thank the Member for her question. I am aware of the situation, because other Members have written to me about the Steven Gerrard football course at Greysteel. The Vale Centre is not categorised as a school, so it cannot be determined to be eligible for transport assistance, nor can home-to-school transport be provided to the venue under the policy. As I said in the substantive answer, the EA assists with vehicles that can be hired. I will speak to officials about the issue to see whether anything can be done, but, as I understand it, it is not possible under the current policy.

Mr McNulty: Has additional funding for school transport been made available through the education catch-up programme?

Miss McIlveen: If the Member does not mind, I will come back to him on that.

Strule Shared Education Campus

2. **Mr McCrossan** asked the Minister of Education to outline what action she is taking to advance the Strule Shared Education Campus in Omagh. (AQO 2579/17-22)

Miss McIlveen: I am fully committed to delivering this educationally and strategically significant programme. Following Executive endorsement last year, I have issued a ministerial direction to move to the next stage. Pre-tender engagement with the construction industry was completed in August. The next step is to formally commence a fresh main works procurement competition to build five post-primary schools and shared facilities, with the release of the invitation to tender scheduled for autumn this year. At that point, progress will be reviewed on a number of important elements of the programme, including the ongoing development of the work required to realise the educational benefits and the outcome of engagement with the construction industry.

The memorandum of agreement, which details the arrangements for the management, ownership and governance of the campus, has been reconfirmed with the Education Authority and trustee bodies of the schools moving to the Strule campus. The Department continues to work closely with the six school principals and their teams to build on the culture of sharing in Omagh, albeit within the context of ongoing challenges due to the COVID-19 pandemic. Work is also progressing across a number of other work streams, including the development of detailed arrangements for the ownership, governance and management of the campus; consideration of how best to plan for and manage the future use and/or disposal of the existing school sites following relocation; and ongoing liaison with Fermanagh and Omagh District Council on the Department's planning application for the proposed development works on Gortin Road and Mountjoy Road.

Mr McCrossan: I thank the Minister for her answer and for providing some clarification on the process. Will the Minister agree that this has met with considerable delays? It needs to be given considerable prioritisation by the Department. Can you provide a definitive date when you expect work to begin on the site so that the schools that have been waiting for so long, the children in particular, can benefit from those much-needed facilities in Omagh?

Miss McIlveen: I thank the Member for his question. The site is incredibly significant, hence I was keen to move forward with a ministerial direction. A considerable amount of money has been spent to date — over £46 million. It is an incredible investment in that area that I am keen to see progress. I understand that work will continue to move forward to tender. I still hope that the construction can complete in 2025. We are looking for works in advance of that, particularly around sports facilities and so on; at least they will then be on site. It is a positive news story for the area. While it is overdue, I am confident that we are moving in the right direction.

Ms Brogan: The Strule Shared Education Campus will transform education provision and provide great opportunities for young people throughout West Tyrone. As you have already said, the development of the campuses has had lengthy delays. Will you ensure that the campus is still a top priority for your Department?

Miss McIlveen: I thank the Member for her question. In response to Mr McCrossan, I mentioned that I had shown my commitment early in my tenure by issuing a ministerial

direction to move the project forward. I know that it has been welcomed by the schools and by those in the vicinity. It certainly is a priority and will remain a priority while I am in post.

Mr T Buchanan: I thank the Minister for her commitment to the ongoing works at the scheme in Omagh. The Minister may be aware that there are concerns about the prospect of substantial sites being left vacant when the new campus opens. Can the Minister give us an update on what work has been done in relation to those sites and the works to widen the Gortin Road?

Miss McIlveen: I thank the Member for his question. There will be five post-primary schools relocating to the campus, which will leave significant gaps in the area. Two of the sites are owned by the Education Authority and three by individual trustees. It is for the site owners to decide on the future and/or the disposal of those sites. In recognition of the significance of the vacated sites to the town, the Department established the vacant sites working group in November 2016. The working group comprises members representing the site owners, Fermanagh and Omagh District Council and relevant government bodies. The working group is actively considering how best to plan and manage the future use and disposal of the existing sites. Site-specific disposal strategies have been prepared as a first step in determining plans for their future use. Those plans have been developed in line with and feed into the Fermanagh and Omagh District Council local place-shaping plan and the Omagh opportunity sites task force.

The Gortin Road scheme relates to the widening of the existing route on the Mountjoy Road and Gortin Road immediately adjacent to the Strule campus. That was discussed at the Fermanagh and Omagh District Council planning committee meeting on 21 October 2020. It was agreed that the application would be deferred to enable discussions to take place between the Department of Education, Department for Infrastructure Roads and the council's planning department to allow for further consideration, clarification and resolution of the outstanding issues. I understand that a revised scheme has been submitted to the council that addresses those concerns.

Mr Lyttle: Minister, by how much is the Strule Shared Education Campus over-budget, and what is the total amount by which the project is predicted to be over-budget?

Miss McIlveen: I thank the Member for his question. The estimated overall cost has risen from £169 million in 2016 to £228 million in 2021. The 2016 figure did not, however, include an allowance for inflation. The increase is due largely to increases in building and site-work costs and the potential impact of construction price inflation in future years. The additional cost is due to a number of reasons, including costs exceptional to Strule for site preparation works to transform a former military base into a site fit for schools; significant external roadworks; a changing pavilion; and a maintenance building. The designs also provide for teaching accommodation that is deemed to be within acceptable tolerances and for more ancillary accommodation that is deemed justified educationally and functionally than would be provided for five stand-alone post-primary schools.

To ensure that the campus promotes genuine sharing, equality and full inclusivity for all, the needs of SEN pupils were incorporated into the design from the outset. While that has added to the area size and costs, the most cost-effective design has been developed and can ensure that the campus functions smoothly, provides optimum facilities and supports learning for all students who use it.

Education Capital Plans

3. **Mr McNulty** asked the Minister of Education what assessment has been made of the impact that increasing costs of raw materials and labour have had on the delivery of her Department's capital plans. (AQO 2580/17-22)

Miss McIlveen: The increase in cost and delivery times for raw materials is having an impact on a number of my Department's capital projects. For the schemes that are under construction, the Department of Finance has provided guidance that seeks to deal with the current market uncertainty. My officials are working with professional colleagues in the Education Authority and DOF on the implementation of that guidance. They are also working with EA colleagues to ensure that appropriate mechanisms are included in future contracts to permit consideration of material price inflation in the context of each contract. My Department will continue to deliver future schemes within the capital budget allocated by the Executive.

Mr McNulty: Minister, you say that the Department of Finance has issued guidance. Does that guidance amount to additional funding for the contracts? What is the impact on

the programme's time frame? Are contracts being delayed, and are long-awaited school builds being delayed even further?

Miss McIlveen: I thank the Member for his question. As I said, my officials have engaged with colleagues in construction and procurement delivery in the Department of Finance. They are finalising guidance that will assist parties to work out material costs and so on under a procurement advisory note that was issued on 3 August 2021.

There are discussions taking place at the moment about ongoing projects. If you have a build that is of particular concern to you, contact me, and I will see where it is and how it has been impacted on.

Mr Sheehan: The pandemic and the need for greater ventilation and physical distancing in schools have brought into sharp focus the unsuitable, out-of-date and even crumbling infrastructure in some of our school estate. We must prioritise investment in modern, up-to-date facilities for children and young people. Will the Minister tell us when she expects to make her next announcement on capital projects?

Miss McIlveen: I thank the Member for his question and, indeed, for his comments. I have spoken in the Chamber as well about the disparity of provision across our school estate.

It is my intention to make a further major capital call before the end of this financial year that will hopefully address some of the issues. As the Member will be aware, however, a long line of schools has already been announced, through either major capital calls or the school enhancement programme (SEP), for which the works are still not on the ground. I am sure that there will be Members who will ask questions about the schools for which projects have been announced.

While it is positive that there are capital calls, it is about ensuring that the money is available as soon as possible in order to action those calls.

2.15 pm

Mr Nesbitt: The original question was about concerns regarding the increased costs of raw materials and labour. Does the Minister have any concerns about the availability of appropriate raw materials and suitably skilled labour?

Miss McIlveen: I thank the Member for his question. I do. The availability of various

aspects of that and of labour has been impacted particularly by COVID. I know that, for example, in some schools, key trades have not been able to be at their work as a consequence of COVID-19, and that has produced delays of perhaps six weeks when teams are out. I have a concern about that and the slippage that that causes for a number of projects, but we are in exceptional circumstances, and we need to be mindful of that.

Home-to-school Transport: Rural Areas

4. **Ms Sheerin** asked the Minister of Education for her assessment of how the home-to-school transport policy meets the needs of rural families. (AQO 2581/17-22)

Miss McIlveen: The purpose of my Department's home-to-school transport policy is to facilitate pupils' attendance at school. It aims to ensure that all children are able to attend a suitable school, regardless of where they live. The Education Authority (EA) is responsible for the operation and delivery of the policy. That includes assessing eligibility, determining the appropriate form of transport to provide and managing the school transport network in line with the policy. The EA currently transports approximately 92,000 pupils to and from school every day, and 70% of those pupils live in rural areas. The service is highly valued by parents and pupils and enables pupils to travel to and from school each day.

Whilst there will always be some exceptions, it is my view that the vast majority of pupils in rural areas receive a service that gets them to and from their school in a safe, comfortable and timely manner. There is no doubt that it is more challenging to deliver home-to-school transport in rural areas while ensuring the practicality and efficiency of routes and that pickup and drop-off points on rural routes are more difficult to facilitate. However, the investment made through the provision of home-to-school transport plays a fundamental role in sustaining the rural public transport network in Northern Ireland. The current EA contract arrangements guarantee income to Translink for the provision of 52,000 seats on the Ulsterbus network.

Ms Sheerin: Minister, thank you for your answer. You will know that I have written to you about that matter, because I want an assessment of how likely you are to change the current policy that sees primary-school children who live just underneath the threshold of 2 miles from their school and high-school children who live just underneath the 3-mile threshold

unable to access any transport assistance. I had a situation in my constituency with a child in Castledawson —

Mr Deputy Speaker (Mr Beggs): Will the Member come to her question, please?

Ms Sheerin: — who was not able to get transport assistance to their chosen school of St Mary's Grammar School, but had they been going to St Pius X College in the town —

Mr Deputy Speaker (Mr Beggs): Can we have a question, please?

Ms Sheerin: — I have to ask the question — they would have been able to get help. Are you likely to change that policy?

Miss McIlveen: I thank the Member for her question. As she knows, the walking distances for home-to-school transport are set out in the Education and Libraries (Northern Ireland) Order 1986. As she will also be aware, the independent review of education is ongoing, and, as a consequence of that, the review of home-to-school transport has been held back in order to ensure that the proposals that come out of the independent review will be accommodated in any future policy on home-to-school transport.

Mr Harvey: The Minister will be aware that many children walk along rural roads without footpaths to the bus pickup points or, indeed, even to the school itself. They are often unaccompanied. What consideration is given to pupil safety in rural areas? Will the Minister provide an update on the review of home-to-school transport? In what circumstance is a parental allowance offered in lieu of a seat on a bus?

Miss McIlveen: I thank the Member for his question; he asked me several. I share the Member's concerns around representing a rural constituency. Obviously, pupil safety is a very important issue when ensuring that a home-to-school transport policy operates effectively. Although the EA is responsible for a pupil's safety once the pupil steps onto a vehicle that is part of the home-to-school transport service, parents remain responsible for getting their children to and from the bus pickup point and deciding whether they should be accompanied. Sadly, not all pupils have a parent who will take them safely to a pickup point. Specific issues may need to be raised regarding particular roads that are unsafe, and those conversations may need to be held with the Department for Infrastructure. If the EA is required to do

individual assessments, it will do them in line with Road Safety GB guidelines. As I mentioned to Ms Sheerin, however, the review of home-to-school transport is, unfortunately, being held back until the conclusion of the independent review of education.

Mrs Barton: Minister, cases have been brought to my attention of children who are applying to a comprehensive school and have been refused school transport because they have not applied to their nearest school, which happens to be a non-grammar secondary school. Will there be a review of that situation?

Miss McIlveen: I thank the Member for her question. A number of Members have asked that question, particularly in relation to the transfer procedure that took place in summer last year. As I have said to other Members, at this point, there are no plans to review the policy until the independent review of education is complete.

Mr Allister: Will the Minister undertake to speak to her Executive colleague the Infrastructure Minister about an impossible transport situation, which that Department has created, at Slemish College in my constituency, whereby the Department's active travel unit, without consultation with the school or Translink, removed the parking bays for buses on the public road in front of the school? It has created traffic chaos. Hundreds of pupils at the school travel by bus of necessity. Will the Minister discuss with the Infrastructure Minister the need to reverse that situation?

Miss McIlveen: I thank the Member for his question. He may be aware that, some weeks ago, I met the Infrastructure Minister because there are a number of issues on which our Departments should be working more closely, particularly on road safety at schools. I am not familiar with the exact details of the issue that the Member raises, but I am happy to raise it with Minister Mallon.

Larne High School

5. **Mr Dickson** asked the Minister of Education to outline her plans to improve the school estate at Larne High School. (AQO 2582/17-22)

Miss McIlveen: Since 2019, four minor capital works projects have been completed at Larne High School. These were accommodation works for special educational needs, completed in November 2020 at a cost of £54,000; refurbishment of a 2G synthetic pitch,

completed in July 2021 at a cost of £300,000; a Disability Discrimination Act (DDA)-specific accommodation scheme, completed in 2019 at a cost of £163,000; and a school meals accommodation project, completed in October 2021 at a cost of £828,000.

The school also submitted minor works applications for an upgrade of boiler flues and roof works during the last minor works call in 2017. Unfortunately, those applications were not ranked highly enough to progress at that time, but they will remain on the new call list and will be considered for progression, should additional funding become available. Senior officials from the Department and the Education Authority visited the school in early July to discuss minor works with the principal and are aware of the issues at the school.

The EA has completed a condition survey, which will inform the identification and prioritisation of any work at the school, and it will continue to engage with the principal in that regard.

Mr Dickson: Thank you, Minister, for your answer. I am aware that the moneys that you set out have already been spent on the school. In reality, however, much of it has been painting over the cracks. For example, the new meals hall was needed because the old one fell down. That is the state of the buildings that we are talking about. Minister, will you undertake to visit the school to see at first hand the parlous state of the building? Despite the additional works that have been done, the building is not fit for purpose, yet the principal and staff are delivering an excellent education.

Miss McIlveen: I thank the Member for his question. Obviously, we have had discussions before in relation to that school and others in the east Antrim area. I gave a commitment to visit the school, and that was planned for September but, unfortunately, had to be rescheduled. I will be in contact with the Member with an update on a date for the visit when it is put in the diary.

Schools: Contact Tracing

6. **Ms Hunter** asked the Minister of Education for her assessment of the effectiveness of contact tracing in schools. (AQO 2583/17-22)

Miss McIlveen: When the new school term began, it was evident early on that the position regarding contact tracing was not sustainable, with high numbers of close contacts in a school setting being identified. That caused disruption

in schools, with large numbers of children missing school and increased pressure on principals. Therefore, I agreed with the Health Minister that the Public Health Agency (PHA) would take over the role of identifying close contacts in schools.

In his letter of 9 September to parents, pupils and schools, the Chief Medical Officer (CMO) explained that it was the right time to introduce a more targeted approach to the identification of close contacts in schools. That aligned with the easing of restrictions in society, and, with high vaccination rates, it was the right time for the PHA to lead the contact tracing in schools, as it does in all other settings.

The new approach has led to fewer close contacts being identified in schools. With fewer close contacts being identified, we have seen an increase in the numbers of pupils attending schools. Attendance data for the week commencing 4 October showed that 0.7% of total pupil sessions were recorded as pupils self-isolating having been identified as a close contact of a positive case. That is significant reduction on the corresponding figure of 2.7% of sessions for the week commencing 6 September. There has also been a reduction in the number of children who are learning from home due to social distancing, with the absentee rate coming down from 0.4% to 0.1%.

Therefore, the more targeted approach to identification of close contacts in school has resulted in improved attendance figures in schools, with fewer pupils being required to self-isolate. The PHA taking on responsibility has also reduced the burden on teachers and school leaders as they are no longer required to have a role in contact tracing and can focus on the safe and effective education of our children.

Ms Hunter: I thank the Minister for her answer. Can she outline whether her Department will revisit keeping records of COVID-19 infection rates in our schools in order to inform policymaking?

Miss McIlveen: I thank the Member for her question. A number of Members have asked for specific numbers on infection rates in schools. That is something that I will keep under review and discuss with my officials and officials in the Health Department.

Mr Delargy: The Minister will be aware of increasing reports of pupils testing negative on day two but positive on day eight. Obviously, that is a serious concern for our schools and for the health of our children and the staff. Why is

your Department not recording the number of pupils who test positive in the days after their negative PCR test on day two?

Miss McIlveen: I thank the Member for his question. That is not data that my Department holds, but it may be held in the Department of Health. Again, I would need to have conversations with officials from the Department of Health on whether it would be permissible to share that information.

Mr Butler: What update can the Minister provide on the feedback from principals and teachers on the revised contact-tracing methodology to help build confidence?

Miss McIlveen: I thank the Member for his question. He will be aware that the previous system, where the responsibility lay completely with schools, was unsustainable. As a consequence, I had discussions with his colleague the Minister of Health and with the CMO on how that could change, after which the PHA began carrying out the close-contact notifications.

I have received mixed views on that. The majority of principals who I have spoken to said that it has been a welcome relief to not have to spend weekends doing that work. There are others who feel that, perhaps, a little bit more could be done and that the guidance on close contacts should be looked at. Again, that would need to be discussed at Executive level as it was a decision that was made at the Executive. Generally, with some exceptions, there is relief that the process has changed.

You will also know that a considerable amount of work has gone into webinars and corresponding with principals about that. I welcome any feedback that I receive, and I certainly pass it on.

2.30 pm

Mr Deputy Speaker (Mr Beggs): That is the end of the period for listed questions. We now move to topical questions.

General Teaching Council NI: Dysfunctionality

T1. Mr Gildernew asked the Minister of Education to explain what she is doing to deal with the dysfunctionality of the General Teaching Council NI (GTCNI), given that, although we are two months into the school term, many newly qualified teachers are still

unable to get GTCNI registration, which has led to the completely unacceptable situation of them being prevented from taking up jobs in our schools, and is now threatening the livelihoods of young workers and making it hard for schools to ensure that they have sufficient cover, given the continued impact of COVID-19. (AQT 1681/17-22)

Miss McIlveen: I thank the Member for his question. I do not disagree that there is dysfunctionality in the GTCNI. A number of issues over the last few months have created a perfect storm. There have been difficulties with completing applicants' UK Disclosure and Barring Service checks. As the Member said, there have been delays in the registration of locally educated newly qualified teachers, those who were educated on the mainland and those who are regarded as the rest of the world. That is unsustainable. He will be aware that my predecessor, who was also cognisant of those issues, introduced an independent review of GTCNI and all its processes.

With regards to the immediate issue, I have instructed my officials to work alongside GTCNI to ensure that young teachers, in whom we place great value given the fact that they have spent quite a considerable length of time studying for their PGCE and equivalent degrees in order to teach, are not in any way inhibited from getting a position. We have been working alongside GTCNI to ensure that the issue is moved on as quickly as possible.

Mr Gildernew: The Minister should seriously consider the future of the General Teaching Council and whether we need to look at winding down the organisation. When was the Minister first made aware of issues with teacher registration? What were the main issues driving those unacceptable delays?

Miss McIlveen: I thank the Member for his question. I outlined some of the issues with completing the UK Disclosure and Barring Service checks. There was also an issue with the computer system and payments at that time, which created a backlog. I have been aware of the issues that have beset GTCNI for quite some time — I was aware of them before taking up office — but I became aware of the most recent issue in August.

NI100 Art Competition

T2. Mr Dunne asked the Minister of Education to outline how schools can apply to her Department's recently announced NI100 art

competition and to state the time frame. (AQT 1682/17-22)

Miss McIlveen: I thank the Member for his question. I launched the NI100 art competition for schools across Northern Ireland on 11 October. The competition is open to all preschools, primary schools, post-primary schools and special schools and will run until 15 November. The aim is for pupils to share their love of the stunning landscapes, the natural beauty, the people and the places of Northern Ireland in 2021 and to reflect on the meaning of home and family. Prizes of £200, £150 and £100 will be awarded for first, second and third place across five age categories. There are also separate categories for pupils attending special schools. The school of the overall winner will receive £1,000 to spend on art materials for pupils, and a celebration event for the competition winners will be held in Parliament Buildings in December.

It is an exciting opportunity for children and young people across Northern Ireland to participate in a centenary art competition. It is a great way to motivate young artists and to showcase their talents and further develop their creative skills. I am also delighted that the Ulster-Scots Agency has come on board, because I noticed that it has been encouraging schools to give their artwork an Ulster-Scots theme. If any school wishes to do that, it can apply for additional funding of around £500 for art supplies. That is on a first-come, first-served basis.

Mr Dunne: Thank you, Minister. Are any additional Department of Education NI100 projects scheduled to start before the end of the calendar year, this centenary year of our great country?

Miss McIlveen: The art competition forms just part of the Department's NI100 education programme. A number of projects are being launched this year including a range of shared history resources, a coding programme for primary-school pupils, NI100 time capsules, a school in 1921 celebration event and a 'Dragons' Den'-style entrepreneurial programme. The NI100 education programme has a very strong curricular focus. It is designed to underpin and enhance key areas of learning across the curriculum, particularly the world around us, history, ICT and entrepreneurship education.

Education: Budget 2022-23

T3. **Mr T Buchanan** asked the Minister of Education whether, given growing concern about the Education budget for 2022-23, she can shed any light on how close the Finance Minister is to publishing his Budget and to state whether she is confident that she will receive the necessary funding to underpin her Department's projects in the next year. (AQT 1683/17-22)

Miss McIlveen: I thank the Member for his question. The budgetary outcome for 2022-23 has not yet been announced. The first step will be the announcement of the UK spending review outcome, which will take place on 27 October. I understand that the Finance Minister will engage with all Ministers prior to publishing a draft Executive Budget for consultation as soon as possible thereafter. With regards to my Department's budget, I cannot say at this stage.

Mr T Buchanan: Thank you for that. Minister, you will be aware that the Assembly recently passed a motion that called for continuing support for our schools. That motion received cross-party support. Do you have any confidence that that support will carry through into the Executive and be replicated in their Budget-setting process?

Miss McIlveen: I thank the Member for his question. At this stage, I am not in a position to comment on whether my Department will receive the necessary funding for next year. The indications are that the Northern Ireland block will face considerable pressures next year and beyond to meet the financial costs of education, health and so on.

I am strongly of the view that cutting existing education services is not a viable way of facilitating reprioritisation elsewhere. I am committed to working with Executive colleagues to ensure that education is adequately funded. In recent years, my Department has had to very much rely on significant additional in-year resources simply to meet inescapable costs and demand pressures and avoid cuts to essential front-line services for children and young people, such as special educational needs. That is absolutely appalling. Ensuring that schools are adequately resourced is a commitment in New Decade, New Approach. That can be addressed only if we have additional funding, and I will be looking for support for that.

School-starting Age: Flexibility

T4. **Mr Irwin** asked the Minister of Education whether her Department is working on

legislation to introduce a flexible school-starting age, in which many people are interested, and, if so, to outline the time frame. (AQT 1684/17-22)

Miss McIlveen: I thank the Member for his question. I am fully committed to introducing flexibility in the school-starting age. I have asked my officials to carry out further targeted consultation with key stakeholders, with a view to commencing a public consultation later in the autumn.

Ultimately, the time frame for moving through the legislative stages is not wholly within my control. It is likely to be impacted by a significant number of Executive and private Member's Bills that are all vying for Assembly time. Any decision to take a Bill forward is very much dependant on it being viewed as an Executive and Committee priority and on the capacity of the Office of the Legislative Counsel to draft a suitable Bill in time to allow Assembly scrutiny. However, it remains a top priority for me to bring that legislation forward.

Mr Irwin: I thank the Minister for her response. Minister, do you believe that the Education Committee will support the legislation and do all that it can to make sure that it is brought to the Assembly before the end of this term?

Miss McIlveen: I am encouraged that the Education Committee previously indicated its support for bringing forward such legislation. As I said, it is important to make sure that the policy that underlies any changes is right and to take the time to engage. I am sure that, if required, the legislative process in the Assembly could be shortened. While I would be reluctant to ask for accelerated passage, with the agreement of the Committee, we may need to look for that.

Devenish College, Enniskillen

T5. **Mrs Barton** asked the Minister of Education, who will be aware that, after waiting for considerable time, Devenish College in Enniskillen is to benefit from a new build, for an update on when she expects the new building to be open for business, especially in light of the shortage of labour and the current difficulties in getting material. (AQT 1685/17-22)

Miss McIlveen: I thank the Member for her question. Devenish College has waited for a long time, as its new build was announced way back in 2013 and the work did not start until 2019. I understand that, at the minute, the

expected date for completion is July 2022, and I hope that that will still be the case.

Mrs Barton: Minister, you will be aware that Enniskillen Royal Grammar School is waiting for some work to be started on the Portora site. Will you give me an update on when you expect that to get going?

Miss McIlveen: As the Member will be aware, I visited Enniskillen Royal Grammar School in the first week of taking up this post, and I spoke to the principal and governors about the challenges that they have, particularly with having a split site. The project is currently in design, with the RIBA stage 2 concept design submitted to the Department for review on 18 August. The Department's review is expected to be complete by the end of October, at which time the project may progress to RIBA stage 3, which is developed design. In parallel with the design process, an addendum to the approved business case is being developed to reflect increased costs associated with the Portora House listed building.

Educational Underachievement

T6. **Mr Clarke** asked the Minister of Education for an update on progress to implement the recommendations in 'A Fair Start' to deal with educational underachievement. (AQT 1686/17-22)

Miss McIlveen: I thank the Member for his question. That was a commitment in New Decade, New Approach, which was brought forward by my predecessor. We have got to the stage now of having a report with a long-term action plan containing 47 actions spread across six years and beyond. The focus of the report is very much on early years. My Department has begun to look at implementation of the report and an action plan. A programme board has been established. Three meetings have taken place to date, and a schedule of meetings has been agreed. Senior responsible officers have been established for each of the eight key areas identified in the report.

Due to the cross-cutting design of the report, there was representation on the programme board from a number of Departments and arm's-length bodies. A stakeholder reference group has been established to support the programme board to develop and refine the actions. That includes trade union representation, schools and community groups. I have allocated £4 million in this year's budget to begin the work, and I am pleased to report

that two of the 47 actions are already being delivered.

Mr Clarke: I thank the Minister for her answer. She referred to New Decade, New Approach. Has there been any firm budgetary commitment from the Finance Minister that the funding necessary to take the recommendations forward will be present for the baseline for 2022-23?

Miss McIlveen: Unfortunately not. As I said in a previous response, the Northern Ireland block is facing considerable pressure next year and beyond to meet the financial costs of Education, Health and other Departments. I have met Executive colleagues, including the First Minister and deputy First Minister and the Economy Minister. I have meetings set up with the Minister for Communities, and I am meeting the Health Minister tomorrow.

I wish to express the importance of delivering on this cross-cutting report. Commitments to implementing 'A Fair Start' and the action plan can only be fully delivered with additional funding. In recent years, as I have said, my Department has been relying on significant additional in-year resources to meet inescapable pressures, but, for me, 'A Fair Start' is an incredibly important piece of work. I want to ensure that, unlike other reports that have been put on a shelf, there is a pathway forward and that we see significant work coming out of it. We need to make a long-term commitment if we mean what we say, in that we do not want to have further underachievement, particularly for our young boys. It is something that I and my party are committed to.

2.45 pm

Shared Education: Ballycastle

T7. **Mr Storey** asked the Minister of Education, after her time in his constituency a few weeks ago, for which he thanked her, to visit a number of schools, including Ballycastle High School, that are getting new builds and to see at first hand the plans, whether she is content, albeit there are some concerns about the procurement process, that sufficient progress is being made and that the much-needed scheme and plan, which is an exemplary example of shared education, will be delivered. (AQT 1687/17-22)

Miss McIlveen: I thank the Member for his question. I had an interesting day in North Antrim, although it was a very long one. I very much appreciated the opportunity to visit the

Ballycastle campus and meet those from the two schools involved in it. When the Member was the Chair of the Education Committee, he was passionate about shared education, particularly that example, which has now been in place since the 1960s. It was a real trailblazer for shared education and shows how it works. As a reward for the hard work and vision of those who have gone before, I would be delighted to see the project move forward.

As the Member said, owing to current uncertainty in the construction market, there has been some delay in appointing a contractor for the project. The procurement process is ongoing, however. My Department continues to work towards appointing a contractor in the near future.

Mr Deputy Speaker (Mr Beggs): That ends the period for topical questions to the Minister of Education. I ask Members to take their ease for a few moments before the next period of questions.

Finance

Brexit: Impact on EU Funding

1. **Mr Muir** asked the Minister of Finance for his assessment of the impact of Brexit on the level of funding received from the European Union. (AQO 2593/17-22)

Mr C Murphy (The Minister of Finance): The impact of Brexit on funding has not been positive. We will no longer have access to programmes such as the European social fund (ESF) and the European regional development fund (ERDF) and to competitive programmes such as the Connecting Europe Facility (CEF). In its 2017 manifesto, the Conservative Party promised full replacement of EU structural funds via the Shared Prosperity Fund (SPF). We have, however, been excluded from the policy development and design of that fund, which is likely to be delivered centrally by Whitehall, bypassing the Executive. The result is an annual loss of £70 million to the Executive's spending power. Agricultural support of £315.6 million has been agreed for 2021-22. Treasury will, however, deduct from that the receipts that we will get from current programmes. That deduction is estimated at £34 million over the next three years, which I consider money lost.

On a more positive note, Brexit has not impacted on the PEACE PLUS programme, which is due to have a fund of some €1.1 billion

over the next seven years. That is approximately double the total allocation to the 2014-2020 Peace IV and INTERREG programmes.

Mr Muir: I thank the Minister for his response. An area of real concern for me is the European social fund support, which has helped a significant number of organisations across Northern Ireland. What work is being done to mitigate the impact of the loss of that funding? Will he meet the NOW Group, which operates in my constituency and other areas to provide valuable support funded through the ESF?

Mr C Murphy: We have had numerous engagements, particularly with people in social enterprise, who provide a valuable service not only by creating businesses but by ensuring that people who perhaps do not have access to employment or who need other supports can get support through them to find work and develop skills. They perform a hugely valuable service.

Of course, its replacement, the Community Renewal Fund (CRF), and other funds, such as the Shared Prosperity Fund, are, as I said, operated directly from Whitehall. While there may be an opportunity for such groups to bid into them, we are unable to prioritise or match the funding to the Executive's priorities. There is really an element of chance involved in whether groups will get funding through them. Some Departments have been asked for a high-level view on whether some of the applications match their priorities, but we do not have any sense of what value that would have and whether it would ensure that they get the funding or, indeed, the reverse. If we say that it does not match our priorities, are we denying a project funding that does not come back into our coffers to be distributed against our funding priorities?

It is an unsatisfactory issue. We have continually raised it with Treasury. I was there last week with the Scottish and Welsh Finance Ministers, and we pressed the Chief Secretary to the Treasury on the dissatisfaction of the devolved areas in their entirety with how that funding operates. Those groups are left to compete with other groups from England, Scotland and Wales, and the Executive have little or no influence over the distribution of that money to very valuable projects that are deserving of support.

Ms Dolan: Peace funding has been valuable to community groups not only in my constituency but across the North. Will there be a reduction

in the administrative burden on small community groups applying to the PEACE PLUS programme?

Mr C Murphy: I am pleased that the programme got the necessary approval of the North/South Ministerial Council last week, albeit not in the meeting that it was intended to go to; nonetheless, it is important. We have had many discussions with the Special EU Programmes Body (SEUPB) and the Department in the South and with the community and voluntary sector and others who apply for Peace funding about their experience over the years and the difficulty in accessing funding.

There is a strong push on the new programme to make sure that it is more accessible and less bureaucratic. Economists from our Department have advised SEUPB on that. It has had strong input from the community and voluntary sectors and others, and it has assured us that it is listening to that feedback, so I expect to see a much more streamlined and accessible approach for funding applications.

Mr O'Toole: The Minister mentioned economists from his Department. A lot of what has happened, particularly since January of this year, has been a result of either a lack of information or faulty information. I ask the Minister to commit, as part of the Budget exercise that we are all expecting in the run-up to the election next year, to getting people in his Department, working with the Economy Department if necessary — I am coming to my question, Mr Deputy Speaker — properly to map the costs of Brexit to the economy, including lost ESF and structural funding and the potential economic benefits of unique dual-market access. I ask the Minister and the economists in his Department to undertake and publish that work ahead of next year.

Mr C Murphy: That would require strong input from the Department for the Economy. The Member may know that I and Executive colleagues, including his colleague, previously asked that the Department for the Economy put forward a prospectus on the benefits of having one foot in the British markets and one foot in the European markets. As yet, we have not received anything.

I am happy to do whatever mapping and information gathering we can in the time ahead, but I cannot vouch for the Department for the Economy in that regard. It is incumbent on us to give a clear picture of the funding that has been lost and the opportunities that still arise.

Mr Allister: Despite his and his party's doom and gloom predictions, does the Minister acknowledge that direct payments to farmers in Northern Ireland have increased significantly post Brexit? On this very day, £301 million is going out in direct payments, with more to follow, compared with a total of £281 million in the last year of common agricultural policy payments.

Does the Minister acknowledge that there is one restraint on agricultural aid and that is the limit in the protocol on the amount that can be granted? Does the Minister support the protocol cap on agriculture?

Mr Deputy Speaker (Mr Beggs): There is a number of questions there. Minister.

Mr C Murphy: "Clutching at straws" comes to mind, given the complete chaos that Brexit has been in Britain and, potentially, here. The fact that we have the protocol arrangements has in some way insulated us against that, and that makes it all the more incumbent on us to get a sensible arrangement between the British Government and the European Union.

Some £315.6 million in agricultural support has been agreed for 2021-22, but the Treasury will deduct from that the receipts we get from the current programme. We previously had the ability to carry those over into future funding for agriculture. We estimate that £34 million will be lost over the next three years.

Review of Arm's-length Bodies

2. **Mr McHugh** asked the Minister of Finance for an update on the New Decade, New Approach (NDNA) commitment of a review of arm's-length bodies (ALBs). (AQO 2594/17-22)

Mr C Murphy: The NDNA commitments envisage that the number of ALBs will be rationalised and that there will be efficiency savings, a strengthening of democratic control and improved accountability. The Executive have agreed that the review should proceed. The Department of Finance has provided guidance to Departments, and it will be for individual Ministers to take forward a review of their ALBs, produce an action plan and report on progress to the Executive. I am determined to drive that work forward. I expect that all Departments will be in a position to bring their timetables for reviewing their ALBs to the Executive early in the new year. The Department will then produce an annual report. It will also bring forward a draft public bodies

Bill to facilitate the subsequent change process and to help to drive progress.

Mr McHugh: Gabhaim buíochas leis an Aire as a fhreagra. Will the Minister give an update on recruitment to the Civil Service, which has caused us great concern, given the numbers retiring, the age profile of staff and, in some areas, the lack of skill sets?

Mr C Murphy: As the Member will know from his time on the Finance Committee, that reform, which was primarily driven by the renewable heat incentive (RHI) report but was certainly necessary in any circumstances, is pressing ahead. There is a focus on recruitment and the methods used to fill vacancies in the Civil Service. There is more use of external recruitment or the transfer of existing staff. We are moving from the use of internal promotion boards to external recruitment, and that will be the default method to fill vacancies. That is one among a suite of policies, if you like, to try to bring the necessary skills into the Civil Service, to change the age profile of Civil Service staff, which is much too high, and to ensure that we have an influx from, as I say, all sectors, genders and regions in order to make sure that the Civil Service is balanced and represents the broad swathe of the population.

Dr Aiken: Minister, have you set any targets for a reduction in the number of arm's-length bodies? Have you discussed with the independent fiscal council how we can reduce the overall administrative burden of our arm's-length bodies?

Mr C Murphy: As the Member knows, that commitment was part of the NDNA agreement, which brought the Executive back into being. That process has been long talked about over many years by many Executives. Most of the arm's-length bodies are a product of direct rule over those years, and there is a strong case for a reduction in their number. When the parties agreed 'New Decade, New Approach', they recognised that there was a need not only to review but to rationalise and reduce the number. Quite a number of them are surplus to requirements and could be brought back into Departments, merged or have their functions dealt with in another way. That would provide more transparency and democracy and give the House more influence over those bodies than is currently the case. I am keen for that to go ahead. We have engaged with the Departments on it. We have given them a template for conducting a review. We expect that to be with us early in the new year. We will push ahead with legislation to facilitate that. Each

Department has a responsibility for its bodies, so I cannot set a target for everyone. I am firmly of the view that we have substantially more bodies than we need. They are a product not of devolved government but of direct rule government, and we need to address them.

Mr Lyttle: How will the Minister ensure that independent advocacy is retained for key sectors such as the arts and sport as part of that review?

Mr C Murphy: It will be for each Department to assess their arm's-length bodies' accountability, affordability and range of functions and how those relate to the Department. Each Department will obviously have a different set. I have no doubt that some of them perform good functions, but this question has to be asked: do those functions continue to be required in a devolved scenario where you have a functioning Assembly and Committees for each Department? Bear in mind that many of those bodies were set up during, as I say, the period of direct rule in order to provide some veneer of local democratic input into decision-making by NIO Ministers. There is not only a cost attached to them but an accountability and responsibility deficit in their relationship with Departments and, through those Departments, to this institution. For those reasons, we need to take a long, hard look at each of them, as well as ensuring that the advocacy that you talk about continues, be that in a Department or through this institution.

3.00 pm

Shared Island Fund: Update

3. **Ms Kimmins** asked the Minister of Finance for an update on the Irish Government's Shared Island Fund. (AQO 2595/17-22)

Mr C Murphy: This is an Irish Government initiative, with further details published on 4 October 2021 as part of the national development plan. The plan includes significant references to a number of major strategic investment initiatives, including the PEACE PLUS programme, the economic corridor and the strategic rail review.

Some €500 million in capital funding has been made available for the Shared Island Fund as part of the national development plan. The key criteria for the fund will include delivery of all-Ireland benefits. I am also aware that, over the past year or so, the Irish Government have announced that the fund will provide funding for a number of projects in the border region.

I hope to meet Minister McGrath later this month to discuss further how the national development plan will be delivered and how the Executive might usefully engage at the strategic level with its delivery and that of the Shared Island Fund alongside our own investment plans.

Ms Kimmins: I thank the Minister for his answer. He will be aware — it will come as no surprise that I am raising it — of the proposal for the city park in Newry. It is a key priority for the vital regeneration of Newry city. Whilst it is heartening to hear that Newry, Mourne and Down District Council has submitted a bid for the project to the Department's complementary fund, I am keen to hear, based on the Minister's engagements with the Shared Island unit, what scope he sees for the Shared Island Fund to finance the park.

Mr C Murphy: I thank the Member for her question. I know that she has been very keen on this particular project as a key component of the overall Newry regeneration proposition, some of which is coming through the city deal proposals. It is hoped that another major staging post for those proposals will be announced in the not-too-distant future. Of course, the bid for the complementary fund will be assessed with other bids across the North, with the exception of the north-west city deal. The complementary fund applies right across the North, and I welcome that the council has put in a bid for that.

I am aware, as is the Member, of the strategic location of the proposed park in Newry, with the greenway linkage from Carlingford right to Portadown, if you take the towpath in as well. The park will be in a very strategic location along that route, and it has that all-island component to it. I know that the Member has already had some dialogue with the people who operate the Shared Island Fund. I hope that that is a fruitful proposition in the use of that fund, which, hopefully, will complement Newry, Mourne and Down District Council's pursuit of funding in that regard.

Mr McNulty: As an SDLP representative, I am delighted to say that my party has supported the Albert Basin park proposal every step of the way. It is fantastic that other parties have come on board of late, and that is very positive.

The Minister talked about the Irish Government's commitments through the Shared Island Fund. What are his commitments, as Finance Minister, to delivering funding to develop infrastructure opportunities on this

island? What are his commitments to the Albert Basin park development as Finance Minister in this part of the island?

Mr C Murphy: I am not sure who the Member is referring to when he talks about latecomers to the party when it comes to the idea of a park in Newry. I am sure that he will articulate that at some stage.

I have engaged very frequently with the Department of the Taoiseach and others who run the Shared Island Fund. I want to bring a prospectus from that to the Executive in order to make sure that the Executive, and the Infrastructure Minister in particular, have an opportunity to engage with that so that the plans that the Executive have, with the limited capital pot that we have, can add maximum value when they are being used across the island. We want to hook up with the national development plan and the Shared Island Fund, which is a component part of that. I am very keen to do that in order to make sure that our Executive programmes and the funding that we have can be enhanced through engagement with other sources of funding, be that the PEACE PLUS or the Shared Island Fund, and that we maximise the potential for cross-border infrastructure, which has suffered from a lack of investment for decades.

Mr Muir: Will the Minister outline what impact the potential continued boycott of North/South bodies by the DUP will have on this very welcome investment in Northern Ireland?

Mr C Murphy: Regardless of our political outlook or the current nonsense that is going on in relation to the protocol, it is incumbent on all of us to ensure that whatever limited funds we have — we always recognise that we have limited funds — we make maximum use of them for the benefit of all the citizens that we represent here and right across the island. Therefore, when other funding is available, be that PEACE PLUS or the Shared Island Fund, we must cooperate and collaborate as best we can. There is a willingness from the South to do the same and to get the maximum benefit for citizens right across Ireland.

North/South arrangements are a component part of the three strands of the Good Friday Agreement. There is this institution, North/South arrangements and east-west arrangements, and most parties want to operate them fully for the benefit of all citizens and in faithful observance of the agreement. Interference with those arrangements only serves to disrupt potential investment and

arrangements between the Governments, North and South, that would make sure that we get the best benefit for all our citizens. Those things are built on the premise of mutual benefit. When you disrupt them, you undo the benefit for the citizens that the DUP claims to represent.

PEACE PLUS: Update

4. **Ms Dillon** asked the Minister of Finance for an update on the PEACE PLUS programme. (AQO 2596/17-22)

Mr C Murphy: The budget for PEACE PLUS has now been confirmed at almost £1 billion. The Special EU Programmes Body (SEUPB) produced a final draft cooperation programme document, which the Executive approved under urgent procedures last Wednesday. The North/South Ministerial Council (NSMC) agreement was obtained on Thursday 14 October 2021 at the health and food safety meeting. Irish Government approval is also in place. The programme will now be submitted to the European Commission for its consideration and approval. It is hoped that all the necessary approvals will be in place in order to allow the SEUPB to open the programme for calls in early 2022.

Ms Dillon: I thank the Minister for that answer. This question is in much the same vein as Andrew Muir's: what does the DUP's continuing boycott of the NSMC meetings mean for that funding? As a representative for Mid Ulster, I can speak of the importance of EU funding for my constituency, including my immediate area and the wider Mid Ulster area, right across the board, and particularly for infrastructure and education. What does the boycott mean for people who rely on that funding?

Mr C Murphy: The Member may know that the meeting that is intended to deal with the programme, which was agreed by the Executive as part of our schedule of North/South sectoral meetings, is due to take place this Friday. That is the SEUPB sectoral meeting. In the expectation that the DUP was going to continue its boycott and in order to ensure that the required Executive approval was in place for the paper, I asked the Executive to take the paper by urgent procedure. I also asked the Health Minister to bring it to his meeting of the health and food safety body in order to ensure that that North/South meeting, which was going ahead, was able to provide the necessary clearance. I thank the Health Minister for doing that by

putting it on his agenda and ensuring that there was clearance for the paper.

As I said, the funding is only a couple of million pounds short of £1 billion, and it will be spread over seven years. It is a huge funding programme that will benefit communities right across the North, whether they are along peace lines, in rural border communities, whether the funding is capital or resource, and whether they are communities in the six border counties in the South. The potential is enormous. To continue to interfere with that is essentially to cut off one's nose to spite one's face. It would absolutely risk the roll-out of the programme, which is based on a per-year spend. If it is delayed, anything that is lost in the first year will go back to where it came from. It is not kept for continuation of use, so the ongoing boycott will continue to damage that situation.

This Friday's meeting is scheduled to go ahead. It is scheduled to deal with other matters relating to the SEUPB and the roll-out of PEACE PLUS, although not with the approval for the programme, which is thankfully now in place. These meetings are necessary in order to make sure that the programmes can operate smoothly and become more and more accessible to ordinary communities on the ground, which is something that other people asked about.

Mr O'Toole: Since the operation of PEACE PLUS is a component part of the UK's withdrawal agreement, including the protocol, have any DUP Ministers made an on-the-record objection to spending SEUPB and PEACE PLUS money, given that they find that agreement objectionable?

Mr Allister: It is 75% funded by the Treasury.

Mr Deputy Speaker (Mr Beggs): Order.

Mr C Murphy: The contrary is the case. I heard the First Minister lauding the fact that there are health-related funds associated with the PEACE PLUS funding and saying that that is one of the reasons that they allowed it to be put on last Thursday's agenda, which was not the correct meeting for PEACE PLUS to be approved. Clearly, it is a very substantial fund with very generous contributions from all the contributors to it.

The fund can do some valuable work on the ground for communities. As I say, we will meet on Friday. We want to make sure that the processes are right. We now have the funding

package in place. Any interference in that serves only to the detriment of all our citizens.

Ms Armstrong: I absolutely welcome the announcement of PEACE PLUS coming forward. I was fortunate to meet representatives of Community Development and Health Network across Northern Ireland, and they have asked for clarifications. How will the PEACE PLUS money meet social and economic development needs? Will it be provided to councils, or straight to community-led organisations to reduce administration?

Mr C Murphy: A range of pillars is attached to it. I encourage people to engage with the SEUPB and the programme. There will be a variety of delivery mechanisms. Some of the money will be delivered directly to community groups, and some will be delivered through councils. It is a very substantial fund. It is almost double what we previously had. It is over seven years. We expect some of the pillars to be rolled out early next year, when there will be a call for at least some of them. It will then progress into the full programme. Many community groups have been involved in the consultation. The issues of accessibility and reduction of bureaucracy and red tape have been very much to the fore, and I have raised them with the SEUPB. I encourage groups to access the information and ensure that they know how to access the funding and make the appropriate applications.

Subregional Stadia Programme for Soccer: Funding

5. **Mrs Barton** asked the Minister of Finance what discussions have taken place with the Minister for Communities regarding an increase in funding for the subregional stadia programme for soccer. (AQO 2597/17-22)

Mr C Murphy: The Minister for Communities raised the matter of funding for the subregional stadia programme for soccer at a bilateral meeting with me on 16 September. I am aware that the Minister is progressing that issue, and I anticipate its forming part of the discussion on the upcoming multi-year Budget.

Mrs Barton: Minister, we are all aware of financial pressures across all the Departments. Are you content that there will be sufficient budget to commit to this programme?

Mr C Murphy: Some £36.2 million was committed to the programme, and that commitment remains in place. As we all know,

the cost of building has gone up very substantially. We hope that it will begin to level out or perhaps even come back down. This is a substantial figure, but it is to be spread out across all the facilities that might need it. We could always be doing with more. From my engagement with her, I know that the Minister for Communities is very keen to get as much money into these programmes as she can. She is very keen to support soccer, in this instance, and other sports. I have no doubt that she will make a strong argument for it in the Budget discussions.

Mr Sheehan: Minister, will funding be available for the Casement Park regeneration as part of the Executive Budget?

Mr C Murphy: The Casement Park project is part of the regional stadia programme, which is separate from the subregional stadia programme for soccer. Executive flagship programmes have been awarded priority, ring-fenced funding in recent Budgets. Funding for flagship programmes has, therefore, been separate and distinct from other departmental budgets. I have no doubt that the Minister for Communities is looking at the business case for Casement Park. The Executive recognise that it is a flagship project, and those projects are dealt with somewhat separately from other funding projects.

Mr McNulty: Minister, will you confirm whether you have received any bids from the Communities Minister for the additional costs that it will obviously be necessary to meet on account of delays to the Casement Park project?

Mr C Murphy: It is not a case of making bids. This is not a monitoring round, where people come forward with bids. The money is already there, this year, to do the work that is needed. Once all the necessary clearances are there, it is ready to be spent.

The question is about the forthcoming Budget and Budget discussions, which have only just begun. We have not got the final amount. We will not know until the end of this month how much money is in that Budget. I have no doubt that the Communities Minister will assess the business case for Casement and make sure that the required case is put forward. It is, as I have said, an Executive flagship project. It is not simply a responsibility of the Department for Communities; the Executive have agreed that this is a priority project. The funding will go to the Department for Communities to be allocated. I have no doubt that the Communities

Ministers will be looking to that project as part of the Budget process, which we will get into in the next couple of weeks.

Aluminium Composite Material Cladding

6. **Mr Lyttle** asked the Minister of Finance for an update on his Department's call for evidence on aluminium composite material cladding. (AQO 2598/17-22)

3.15 pm

Mr C Murphy: The public call for evidence of unsafe aluminium composite material (ACM) cladding on properties over 18 metres high was launched on 21 September. To date, my Department has received one application for the remediation of ACM cladding. This is being assessed against the eligibility criteria for the £1 million ACM remediation fund. The public call is also open to high-rise residential buildings with unsafe non-ACM cladding to ascertain the extent of the issue here. When this is known, I will bring the information to the Executive for their consideration of a non-ACM fund. The call for evidence will remain open until 31 October.

Mr Lyttle: The Finance Minister will be aware that a number of residents, such as those in Titanic Arc apartments in my East Belfast constituency, have been seriously concerned to learn that they may be living in buildings with unsafe cladding. What total funding will those residents receive, and when will they receive it, to complete the necessary remedial works to make their properties safe?

Mr C Murphy: I have met some of the residents, or certainly some of the building operators from those apartments. Given the experience in Britain, the priority has been buildings 18 metres-plus with ACM cladding. They are deemed to be at the highest risk, and that is why the priority has been there. The Department of Finance does not have an overall role for this, but we have stepped up in this instance to operate the fund for that ACM cladding.

I did engage with Minister Gove, who has taken over the Department in London with responsibility for this, when I was over last week. We are expecting a further funding to roll out as a consequence of looking at other cladding issues, and the Executive will receive their Barnett consequential of that. When our call for evidence is complete, we will have a sense of what the actual issues are here and

what might be required to fix them, but I will certainly be asking the Executive to ring-fence that Barnett funding so that it can be put to that use.

Mr Newton: Minister, regarding those apartments that may be in receipt of funding, there is a myriad of potential applications coming forward from owners, tenants, those who have owned a number of apartments or, indeed, the developers themselves. What mechanism will there be for paying compensation to the individual tenant?

Mr C Murphy: It is a question of whether the mechanism will apply only to the individual tenant, to multiple owners or to facility owners. These issues are currently being worked through in London by the new Department there that is dealing with it, the Department for Levelling Up, Housing and Communities, which has the unfortunate acronym of DLUHC. It has all of the necessary facilities in the one Department, while here the responsibilities are spread across a number of Departments. We in the Department of Finance have been engaging very closely with that Department, and we will continue to engage to get information and a sense of how it is intended to roll out the fund in England and where the lines, if you like, will be drawn between not only various materials but various occupying circumstances. We intend to take advice from that. As I said, we are expecting a fund to be put in place in England, and we expect a Barnett consequential from that. I will be arguing that we ring-fence that to meet whatever requirements there are here.

Mr Deputy Speaker (Mr Beggs): That is the end of our period of time for listed questions. We now move on to topical questions. I advise Members that question 1 has been withdrawn.

Universal Credit: Mitigation

T2. **Mr McNulty** asked the Minister of Finance whether he has accepted a bid from his party colleague for £55 million to mitigate the cut to universal credit, given that he will know that more than 100,000 households across the North are being impacted on by the cut. (AQT 1692/17-22)

Mr C Murphy: I remind the Member that, when we were dealing with the issue of welfare reductions and putting forward the argument for a welfare mitigation fund, we were on our own among the Executive parties. The other four parties, including the Member's, had agreed to a process of dealing with welfare reform without mitigations. I also remind him that, when the

first Budget was put together to put in the mitigation funds for welfare cuts, his party voted against that Budget. I further remind him that the proposition that he has put forward in his party's motion will create another cliff edge on this matter within a short number of months, when people will be faced with exactly the same issue.

I want to see a solution, if the Executive are willing to do it, that not only deals with the issue over the next number of months but, if the Executive want to continue on this programme and not create the cliff edge in accordance with the Member's motion, puts in the three-year Budget a programme to meet the cost in full. In a number of years, that could go up as far as £200 million a year.

Those are calls that the Executive will have to make. I know that the Member and perhaps his party colleagues are more interested in a headline than a solution, but it is not simply a matter of my making a bid. It is about the Executive deciding whether we have the funds to continue to undo the damage that the Tories are doing to ordinary citizens across Britain and here. Scotland faces the same dilemma, as does Wales. Those are issues that the Executive are going to have to face, not only in this monitoring round but in setting the three-year Budget.

Mr McNulty: I thank the Minister for his answer. I remind him that his party handed over welfare to the Tories. I am really disappointed that the Minister and his party refuse to accept responsibility for the situation. First, they blamed the British Government, and now they are accusing the SDLP of being responsible. I am here representing families who have been left with nothing. Will he accept responsibility and reverse the cut?

Mr C Murphy: The uplift in universal credit was brought in by the British Government. He knows that, I assume. His party failed to stop its withdrawal in Westminster, although it has lectured us about being where —.

Mr McNulty: [*Inaudible.*]

Mr C Murphy: If you will allow me to finish my answer —.

Mr Deputy Speaker (Mr Beggs): Order.

Mr C Murphy: His party failed to stop —.

Mr Deputy Speaker (Mr Beggs): Order. The Minister is being asked to answer the question. Please allow him to do so. I also ask the Minister to address the House through the Chair and to keep things in order.

Mr C Murphy: I will indeed, a LeasCheann Comhairle.

The Member's party failed to stop the cut in Westminster. It has lectured us about being where it counts, when it counts, but it did not count for the SDLP over in Westminster. It has now tried to impose the problem not on the Executive but on Sinn Féin as a political party. If the Executive, who take the decisions on the issue, want to deal with the issue of the universal credit uplift, they will need to do so on a long-term basis. Otherwise, his proposition will bring the people whom he professes to be here speaking on behalf of back to a cliff edge within a short number of months. It is a call that the Executive are going to have to make. I am happy to provide the Executive with the information and to facilitate the reduction from each Department, if that is the way in which the Executive want to go, but it is a call that they will have to make, and I will be there to support them if that is the call that they want to make.

RHI: Lessons

T3. **Mrs Barton** asked the Minister of Finance to outline his oversight of and input into delivering the renewable heat incentive (RHI) lessons that were identified. (AQT 1693/17-22)

Mr C Murphy: The RHI inquiry report has finally been through Executive clearance. The Member will know that the subcommittee met for some time when the Executive were reformed. All parties in the Executive were involved in the subcommittee that produced the report that deals with the recommendations. We therefore now have an agreed corporate response from the Executive. It was published on 6 October. The corporate response looks at issues relating to the codes and the strengthening of accountability and transparency, as well as at broader issues of Civil Service performance and recruitment.

The response has therefore been published. I want to ensure that we continue with the reform programme arising from the lessons learned from RHI and bring reform forward so that we have a better system and can ensure that such a scheme can never again be conceived, operated, developed and conducted in the same manner as the RHI was.

Mrs Barton: The written statement from the Minister, two weeks ago, showed a marked similarity to the response made by senior civil servants to the RHI inquiry in 2018. Bearing in mind the seven significant areas for improvement that were identified then, why has the report taken so long, particularly as he is chair of the Executive subcommittee?

Mr C Murphy: The Executive subcommittee reported back to the Executive in, I think, April. In fact, I think that it was earlier. It was perhaps nine months ago. I do not have control over what papers are allowed on to the Executive agenda. The subcommittee, however, did its work in good time and presented to the Executive. The report did not get on to the agenda until the week before last, and it was published, eventually. We have continued working on a range of issues from the response, such as codes and Civil Service reform, and I want to see those matters progressed as quickly as possible.

NICS Injury Benefits Scheme

T4. **Mr Butler** asked the Minister of Finance whether he has had any discussions with the Minister of Justice about the Northern Ireland Civil Service injury benefits scheme. (AQT 1694/17-22)

Mr C Murphy: We have been communicating with all Ministers, particularly those affected. The Minister of Justice will have some employees in her Department who will be affected by the outcome, so yes, we have been consulting all Executive colleagues about it.

Mr Butler: I thank the Minister for his answer. Is the Minister confident that the provisions on permanent injuries in the generic Northern Ireland Civil Service policy fully and safely address the unique environment in which prison officers work?

Mr C Murphy: We have to operate on the advice that we get. The advice that we get is that that is the case. I know that it has gone to the Committee as well. It will come to the scrutiny of the House, and, if people have a different argument to make, that is the place to make it. Of course, the policy and legislative proposal can be scrutinised as it goes through the Assembly. Certainly, the advice that I have received is that people are confident that it ensures ongoing protection for workers.

Mr Deputy Speaker (Mr Beggs): John Stewart is not in his place.

Technical Booklet F1: NIHE Stock

T6. **Ms Armstrong** asked the Minister of Finance, in light of the welcome consultation on proposals to amend technical booklet f1, which covers the conservation of fuel and power, with the Northern Ireland Housing Executive (NIHE) holding stock that may never be able to meet the proposed standard, whether any capital moneys will be allocated in the multi-year Budget to bring those many thousands of Housing Executive homes up to the new home standard. (AQT 1696/17-22)

Mr C Murphy: Obviously, we will talk to all Departments ahead of the multi-year Budget. We had a high-level planning session about a number of themes, with health being the number one theme for the Executive. We are looking at other issues such as anti-poverty, vulnerable people and the green growth agenda, which will include retrofit. I am sure that the Department for Communities will make propositions about that when it comes to put its case for the three-year Budget.

Ms Armstrong: Thank you very much, Minister. Can you outline how the cross-departmental Budget planning and the management of that Budget will go forward to ensure that no Department is working in a silo? You mentioned that. Housing, for instance, is a cross-cutting theme.

Mr C Murphy: To break that down, a point that I made to my Executive colleagues is that we are setting the Budget for the next Executive. None of us may be in the position that we are currently in when that Budget comes into play. In that sense, I asked people to set aside their departmental interests and to look at the broader interest of what will continue to be a very limited Budget. However, at least that Budget gives us a chance to plan on a three-year basis. There is an opportunity to set priorities. There is an opportunity, however painful that might be for Departments, to set the necessary resources to meet those priorities, and that involves the Executive working together as a team without focusing on the internal priorities of their Departments.

Victims' Payments Scheme: Funding

T7. **Ms Ferguson** asked the Minister of Finance, following his meeting with the Chief Secretary to the Treasury, for an update on funding for the victims' payments scheme. (AQT 1697/17-22)

Mr C Murphy: I met the new Chief Secretary to the Treasury in London last week. We have had an ongoing discussion and potential dispute with the Treasury on the funding. It is no secret that the Executive have an agreed position that the British Government, having developed the policy for the victims' payments, legislated for that and brought it through under their statement of funding policy and procedures, have a responsibility to fund it. To ensure that the scheme can get up and running and that victims are paid in the here and now, the Executive have agreed to cover the cost, but we reserve the right to press the Treasury to meet its obligations. I continue to do that. I had a good conversation with the Chief Secretary to the Treasury about that. The Treasury is in the middle of the spending review, and the outcome of that will be known at the end of the month. He has promised to come back to the matter very quickly on the other side of that, but we reserve the right to examine legal options if that dispute resolution process with the Treasury does not work.

Ms Ferguson: Minister, did the Chief Secretary to the Treasury give any indication about what to expect from the spending review?

Mr C Murphy: No. Unfortunately, not. The Treasury always keeps its cards very close to its chest on those matters. They do not want us to make their announcements for them ahead of 27 October. We have no clarity, but we met the Treasury Minister, along with representatives from Scotland and Wales. We pressed him on a number of issues of common interest. Obviously, we hope for the best possible outcome from the spending review.

3.30 pm

Cuilcagh Mountain

T8. **Ms Á Murphy** asked the Minister of Finance whether he agrees that the £1 billion PEACE PLUS funding is hugely important to the preservation of local reserves such as Cuilcagh Mountain. (AQT 1698/17-22)

Mr C Murphy: I had an opportunity to visit Cuilcagh for the first time last week. I was impressed not just by the beauty of the place but by the work that is going on there. That was a consequence of an EU-funded programme that was shared by the North, the South and Scotland. When we were there, we talked to people from the South, and, by Zoom, to a guy from Aberdeen who was doing a lot of the technical research required for saving and restoring boglands and wetlands here.

The potential of those lands for storing carbon and making sure that there is a reduction in carbon emissions is huge, besides the fact that they need to be restored. There is ongoing work, and that requires collaboration with farmers who have access to and ownership of the land. It is a hugely impressive project. It is a consequence of EU funding, and I hope that, under the PEACE PLUS funding that we have, projects such as that can continue to be supported because they are vital to our future.

Ms Á Murphy: Minister, do you agree that the PEACE PLUS funding is a lifeline for many border communities given that Brexit has had such an impact on those communities, and, indeed, on rural areas, and it is important that that funding is made sustainable?

Mr C Murphy: As I said in response to previous questions, we have seven years now and just short of £1 billion or €1.1 billion. That has the capacity to have an enormous impact for communities on the ground in border areas, across the Six Counties generally and in the border counties in the South.

It is very much to be welcomed. With the loss of other European funding that a lot of communities, organisations and social enterprises depended on to provide skills, jobs and programmes for people, PEACE PLUS is the only funding from Europe that we have left to which ordinary community groups and other projects on the ground can apply, so it is hugely important that it continues to play a role. I look forward to the next seven years to see many more community projects getting support through that fund.

Energy Costs

T9. **Ms Sugden** asked the Minister of Finance whether he has received any bids or expressions of interest to support those who will be most affected by the expected rises in the costs of energy and other areas this winter. (AQT 1699/17-22)

Mr C Murphy: No. The Tories announced some Barnett consequentials at the start of their party conference to give some measure of support to people. I think that it is well short of what the Department for Communities provided last year. I am sure that the Minister for Communities is looking to see how she can provide assistance to those who would normally get support for winter heating and allowances.

There has been a substantial hike, particularly in the cost of gas. That will be challenging

because that is a private-sector matter, but it will push more people into fuel poverty. The Executive will have to face those significant challenges. We have had the discussion about the universal credit uplift. We have all the challenges of ongoing opportunities or attempts to try to undo Tory policy by spending money that we would otherwise be spending on our own public services. That is the balance that we continually face.

Mr Deputy Speaker (Mr Beggs): That is the end of questions to the Minister of Finance. I ask Members to take their ease for a few moments before we move on to our next item of business.

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

Private Members' Business

Inter-parliamentary Dialogue

Dr Archibald: I beg to move

That this Assembly welcomes Vice President Maroš Šefčovič's support for formal dialogue between the Assembly and the European Parliament; supports this effort to include the perspectives of local elected representatives and stakeholders on matters relating to the protocol on Ireland/Northern Ireland and the broader peace process; and calls on the President of the European Parliament to undertake, immediately, work to set up direct inter-parliamentary dialogue between the two institutions.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. As an amendment has been selected and is published on the Marshalled List, the Business Committee has agreed that 15 minutes will be added to the total time for the debate. Please open the debate on the motion.

Dr Archibald: I welcome the opportunity to open the debate. The motion simply calls for direct inter-parliamentary dialogue between the Assembly and the European Parliament. Last week, the publication of the proposals by the European Commission included specific proposals on engagement with stakeholders and authorities here. I will come to the specifics of those proposals shortly.

Unlike concerns about the European Court of Justice (ECJ), engagement or consultation has been raised with me on numerous occasions by business and other representatives with whom I have had dozens of discussions this year about the protocol and its implementation. It is also an issue that Sinn Féin, as a party, raised consistently throughout the negotiations that led to the withdrawal agreement and the protocol. Members will likely be aware that we made the case for continued representation in the European Parliament for MEPs from the North and for the Irish Government to allocate their additional MEPs to give continuing representation to citizens from here in the European Parliament's decision-making.

Unfortunately, they chose not to do that, and that was an opportunity lost.

We have since made representations to the Dublin Government about ensuring that the voices and views of citizens here in the North are heard in the EU's decision-making and legislative processes. Our proposals include observer status for MEPs from the North; representation on the Committee of the Regions and the European Economic and Social Committee (EESC); allowing Ministers to participate in the Council of Ministers' meetings as part of the Irish delegation; and allowing civil servants from the North to participate in relevant Council working groups. Those measures would significantly strengthen oversight and allow the views of elected representatives and stakeholders from the North to be shared. We have also raised the need for representatives of business and civic society to have the opportunity to input into the Joint Committee's work on the implementation or ongoing workings of the protocol.

This is not a debate about the merits of the protocol. The fact is that, under the protocol, certain EU regulations continue to apply because we remain in the single market for goods. That, of course, prevents the hard border and the need for checks on this island. Technical regulation of goods and of agricultural and environmental production and regulation apply, and that will continue into the future. Changes to those regulations that are made by the EU would have to be adopted. While any new areas of regulation will be discussed and added to the protocol through the Joint Committee, there should be input from stakeholders and policymakers here.

In April, my colleague Chris MacManus MEP had a resolution passed in the European Parliament that called for direct dialogue between the Parliament and political representatives and other stakeholders in the North. Today's motion is similar in calling for direct dialogue between our institutions to effectively enhance engagement and the ability to contribute.

Mr Allister: On a point of order, Mr Deputy Speaker. Is there a quorum?

Mr Deputy Speaker (Mr McGlone): No. You are quite right. We can notify —. Yes, we are quorate now. Sorry, Caoimhe.

Dr Archibald: Go raibh maith agat, a LeasCheann Comhairle.

When Maroš Šefčovič visited last month, he undertook a series of engagements with representatives from across civic society. Following that, he invited business representatives to put forward proposals for solutions to issues that have arisen because of Brexit and the subsequent implementation of the protocol. He also indicated that he would welcome dialogue between the Parliament and the Assembly.

The proposals were published on Wednesday of last week, and they certainly seem to have taken cognisance of what he heard when he was here. They have been broadly welcomed as a positive step in trying to find solutions and have covered the areas that business representatives highlighted as needing to be addressed. That highlights the benefit of such engagement.

Included in the package from the European Commission are a number of proposals, detailed in the non-paper. To increase transparency, they include a website to detail EU legislation that is applicable here and information on:

"pending public consultations for measures that have relevance"

to the North. It is proposed that, in the agreement with the British Government, through the Joint Committee working group, there could be set up:

"structured groups with the participation of experts from respective authorities to discuss aspects of Union measures that are important for the implementation of the Protocol."

It is further proposed:

"structured dialogue would be established between stakeholders ... the experts working in the Union institutions, bodies and agencies"

and their counterparts in Britain and the North. The Commission states that that would allow:

"dedicated space for dialogue between ... stakeholders and experts in certain fields (e.g. customs, sanitary and phytosanitary measures, and environment) to allow for the views of ... stakeholders to be expressed in the areas relevant for the implementation of the Protocol."

The stakeholders mentioned would be from here.

That would allow for greater understanding of the EU rules that are made applicable by the protocol, and allow the EU to be better able to understand the impact of certain aspects of the protocol on business and civic society here.

3.45 pm

It is proposed that there would be structured dialogue between the co-chairs of the Joint Committee and representatives of business, communities and civic society organisations in the North, and that regular meetings would be set up. Participation of stakeholders at the Specialised Committee is also proposed. The final proposal is the most relevant to today's debate: a stronger link between the Assembly and the EU-UK parliamentary partnership.

These proposals would significantly improve the engagement and the degree of input that elected and civic society representatives from here could have through various structures. Obviously, the joint First Ministers already participate in the Joint Committee on behalf of the Executive. There is, of course, a need to continue to ensure that there is real and meaningful input and oversight, so we as a party will certainly continue to advocate for input that is as comprehensive as possible.

However, today's motion is about inter-parliamentary dialogue and the need to improve engagement. It would send a strong signal if the Assembly formally endorsed direct dialogue between the two institutions, the form of which could be developed. On that basis, I urge Members to support the motion.

I do not want to pre-empt the outcome of today's debate, a LeasCheann Comhairle, but I ask that, if the motion is passed, you ask the Speaker to, on behalf of the Assembly, write to the President of the European Parliament and the President of the European Commission to highlight that the Assembly has supported such dialogue.

Mr Deputy Speaker (Mr McGlone): While I realise that people have pressures on their time, Mrs Dodds, it is normal practice for the proposer of an amendment to be present while the substantive motion is discussed. I invite Diane Dodds to formally move the amendment.

Mrs Dodds: I beg to move the following amendment:

Leave out all after the first "Assembly" and insert:

"notes Vice President Maroš Šefčovič's support for formal dialogue between the Assembly and the European Parliament; supports efforts to include the perspectives of local elected representatives and stakeholders on matters relating to the future UK-EU relationship and the broader peace process; and calls on the President of the European Parliament, subject to wider agreement on arrangements that replace the protocol on Ireland/Northern Ireland and restore the democratic legitimacy of the devolved institutions, to undertake work to enhance dialogue between the two institutions in areas of mutual interest and in the context of the new UK–EU Parliamentary Assembly established under the Trade and Cooperation Agreement."

Mr Deputy Speaker (Mr McGlone): Thank you. You will have 10 minutes to propose and five minutes to wind. All other Members who speak will have five minutes.

Mrs Dodds: First of all, I offer you and the House my apologies. It has been one of those days and a bit topsy-turvy trying to get everything fitted in. My apologies.

As a former Member of the European Parliament, I know from personal experience just how important it is to keep up dialogue and good relations with this very important part of the European institutions. Indeed, I have been on delegations to build relations with a number of countries, including Israel and countries in the wider Mediterranean, and visited many European capitals as part of the Conference of Presidents, which is the ruling body of the Parliament.

Dialogue between member states' representatives and national Governments is a part of European politics and is to be welcomed. We need to be good neighbours. In an uncertain world, we need to cooperate on defence, and we can act on climate change, human trafficking and many other areas that are for the common good.

However, the motion is not about any of those very laudable goals. The motion before us is yet another example of Members rushing to set up dialogue that will ignore the fundamentals of the problems that the protocol has brought to Northern Ireland. The rigorous implementers — the Members who rushed to demand the full and rigorous implementation of the protocol and whose only red line seems to be whatever Brussels says next — are, in the motion,

ignoring reality. They are ignoring the core democratic deficit that has been created and sustained by the protocol, and ignoring rules around inter-parliamentary dialogue within the European Parliament and the Trade and Cooperation Agreement. They are more interested in hanging on to Europe's coat-tails than in acting in the interests of people and businesses of Northern Ireland. Ultimately, that comes at a cost, namely the constitutional, democratic and economic damage that is being done to Northern Ireland.

It suits the narrow agenda of some parties in the House to bypass our national Government, but let us not forget what Maroš Šefčovič said on 10 September. He said:

"I know that European Parliament members are very eager to establish, as soon as possible, an EU-UK inter-parliamentary group and there is strong interest in having, if possible, a specific arrangement for Northern Ireland within that group. It would be up for discussion with the Northern Ireland Assembly and our UK partners."

The commissioner recognises that conversations are to be set up in the context of structures and institutions agreed nationally. Indeed, the European Parliament's rules and procedures provide for joint parliamentary committees that are co-chaired by MEPs and representatives of third countries — in this case, the United Kingdom — and drawn from our national Parliament at Westminster. Not only would the type of structures envisaged by the motion go against the grain; they would be window dressing when we consider the entirely undemocratic and unfit-for-purpose governance arrangements that are at the heart of the protocol.

Let us briefly consider some of the issues. Executive Ministers can attend the Joint Committee only if they are invited, and the Irish Government have a veto. Only the EU and the UK have the power to make decisions. Executive Ministers can give a view, but it is only that.

Mr O'Toole: Will the Member give way?

Mrs Dodds: If you let me develop this point, I will, of course.

There is no direct role for Northern Ireland civil servants or Ministers on the Specialised Committee — the very committee that was set up to deal with the protocol and its impact and influence on daily life here. There has been a

dearth of information and clarity on the functions of the joint consultative working group, which is intended to allow Northern Ireland officials an input into relevant EU law. There is a high level of secrecy around those bodies. Officials are often kept abreast of new laws passing through Brussels, but local legislators are not. We have all heard recently about hundreds of new laws that have suddenly been dumped on Northern Ireland. It will take more than tea and buns with MEPs to fix that.

I give way to the Member.

Mr O'Toole: I very much appreciate the Member's giving way. I take her points. She complained about parties opposite bypassing, or seeking to bypass, the UK Parliament. However, she subsequently seemed to be complaining that Northern Ireland Ministers and local civil servants were not directly involved. Those two points seem to contradict each other. Does she want us, locally, to be involved, or not?

Mrs Dodds: Of course they do not contradict each other. Many who are looking in on the debate will see a superficial motion that helps us to go and have tea and buns — or wine and cheese, or whatever it is that you have in Brussels — with MEPs but does not acknowledge the core fundamental problem of the undemocratic nature of where Northern Ireland finds itself. The same people who seek to open up this front of cooperation between MLAs and MEPs ignore those fundamentally undemocratic arrangements.

Northern Ireland is now in a situation where we are governed by laws that are not consented to by the people of Northern Ireland and which are arbitrated by the EU's own court, the European Court of Justice (ECJ). The protocol does not have the consent of one unionist Member of the Northern Ireland Assembly. Until that is addressed, any further exercise in inter-parliamentary dialogue will be entirely superficial and detached from the needs of our constituents.

I can hear some Members already thinking that there is a consent mechanism in the protocol. Of course, that is true, but it is a mechanism that rips the Belfast Agreement to shreds. That is the same agreement that some Members vowed to protect in all its parts. The current vote offered to MLAs every four years under article 18 has cynically removed the cross-community voting mechanism and subsequent safeguards. It further marginalises one community: the unionist community. Even

Professor Katy Hayward described that process as a:

"pretty miserly offering as far as democratic principles go."

As I close, I ask the House to support the amendment. The motion ignores the fundamentally undemocratic nature of the current arrangements for Northern Ireland in favour of having a talking shop. When I talk to those in business and to people whose life has been impacted on by the operation of the protocol, they tell me that they do not want any more talking shops. We need to get rid of the protocol and the fundamental damage that it is doing to our democracy and economic prosperity.

Mr O'Toole: I support the motion. The problem with debates that become highly polarised — the debate on Brexit has been polarised since it began — is that, sometimes, it becomes very hard for people to find common ground on which to move forward. There is much on which I would disagree with the Member who spoke previously— huge amounts — and I am sure that she would agree that we disagree on virtually everything about Brexit. I would hope, however, that the Chamber could find some common ground on the need to build greater engagement and dialogue with the European institutions on the implementation of the protocol but also on broader questions of Northern Ireland's unique position at the crossroads of the European Union and the United Kingdom. I will come back to that concept of Northern Ireland being at the crossroads, because I know that that phrase will bristle with some Members who dislike the fact that we are in a unique position at that crossroads. In itself, the protocol is a product of being at that crossroads.

To go back to the fundamental position of why the protocol is necessary, I will say that it is not just because of our history, politics or particularly divided society. As much as anything else, it is because of our geography. We cannot avoid our geography when it comes to the European single market and how we move goods and, indeed, people across this island.

As I said, the protocol is a product of being at that crossroads. Is it perfect? Of course not. It could scarcely be anything other than imperfect, given the political and logistical strain under which it was created. I remind some of the parties in the Chamber that, when I and others tabled multiple motions for debate in the Chamber last year — they were passed —

calling for the UK Government to extend the Brexit transition period in order to give us more time to adjust to our new arrangements, including the protocol, they were voted against by parties opposite. In an effort to seek common ground, however, I will not dwell on that point for too long.

For those who complain about those of us who have asked for the protocol to be implemented in good faith — we hear the constant rejoinder and chorus of "Rigorous implementation" as if it were a great gotcha — the question remains of what alternative arrangement they would put in place to best manage our unique position. I have yet to hear a convincing alternative, other than either simply putting the border for goods on land — that is what most of the alternatives amount to, whatever technological solution they claim to be based on — or simply not engaging, at some level, with the reality of the European single market. Like it or not, most of this island is in the European single market, which is the world's biggest and, in many ways, most powerful single market.

There are therefore two realities that we have to engage with: our geography and the fact that the European single market exists on this small island. That does not mean, and has never meant, that we should not work to implement the protocol in the most constructive and sustainable way in which we can. A significant part of that effort will be through engagement between the European institutions and these institutions.

As the motion suggests, last week the EU published a set of draft proposals, which we discussed earlier in a Matter of the Day, that aim to smooth the process of moving goods between Britain and Northern Ireland and strengthen the process of dialogue and consultation on relevant EU laws that will affect Northern Ireland under the protocol. That is welcome. For much of the past 10 months, and, indeed, the two years since the deal was originally signed — a deal that certain people in the party opposite originally celebrated and thought was a great idea — our time would have been better spent perfecting and testing those structures of engagement and accountability rather than engaging in some of the histrionics that we have seen.

4.00 pm

We need work to get this right if we are to benefit from being participants in one part — not all parts — of the European single market. To go back to what the previous Member said, we are in the European single market only for

goods, and, when she talks about lack of consent, I am duty-bound to point out, first, that Northern Ireland did not consent to Brexit. Secondly, the argument that one part of the community does not consent to it should give us pause for thought, but it is a completely circular argument. People here did not consent to Brexit in the first place. We do not consent to article 16 being triggered, and we do not consent to leaving —

Mr Deputy Speaker (Mr McGlone): Will the Member draw his remarks to a close, please?

Mr O'Toole: — the single market in everything but goods.

Rather than dwell on all those points, I will endorse the motion. We should all put our shoulder to the wheel to build the democratic accountability and to engage in proper consultation with the European institutions because that will benefit this place.

Mr Dickson: I welcome the opportunity to speak yet again on the issue and to support the motion. In December 2019, we were told that the Prime Minister would get Brexit done. That meant a rushed and rather threadbare Trade and Cooperation Agreement (TCA). It also meant that the Government had to face up to the fact that with the hardest of Brexits comes a trade frontier with the EU. That is the hard reality of where we are.

My party did not support the protocol, but, once we met and faced that Brexit arrangement, we had to deal with the consequences. Like others, we believe that there is no good Brexit, but we are where we are. A backstop would have been a better arrangement for Northern Ireland and the wider UK, and we should not forget what is happening in the rest of the United Kingdom. It faces many of the difficulties that we face, and, in some ways, its situation is worse. Perhaps now some of my colleagues in the DUP will recognise that and agree with us that we need to negotiate rather than have stand-offs.

Ultimately, we recognise the need to maintain an open border on the island of Ireland and that the United Kingdom Government's decision to lead us to the need for a protocol was wrong. There are problems with the operation of the protocol, but we believe that many of those can be overcome. That is what politics is about at the end of the day. Rather than shouting from the sidelines and misleading people with comments and views about the protocol and Brexit, we need to work together to remove the uncertainties that surround the situation. That is

what my party and its Member of Parliament at Westminster, Stephen Farry, have been doing: working behind the scenes and up front in proposing practical, workable solutions. Unfortunately, it seems that the United Kingdom Government seem somewhat uninterested in a full discussion on the long-term resolution of problems. They were given the opportunity, which, I hope, they will grasp now.

I welcome Vice President Šefčovič's support for formal dialogue between the Assembly and the European Parliament, because it is clear to me that the majority here want workable solutions to improve the operation of the protocol in order to maximise the benefits for Northern Ireland. There are plenty of examples of how that can be achieved. One only has to look at the European free trade areas like the arrangements that the European Union has with Norway. I also strongly welcome the proposals last week from the EU Commission that would remove 80% of spot checks and cut paperwork by 50%. That is a major move and presents an opportunity, but it is not where we finally want to be. The United Kingdom and the EU need to enter into negotiations, and I am convinced that, by negotiation, a great many more of those barriers can be removed. For example, a lorry carrying food destined for retail in Northern Ireland will now require only one certificate if those proposals are taken on board. Animal products will see much lower levels of checks.

What I hear from businesses is that the protocol presents challenges but also benefits. Scrapping it is certainly not the solution. We need to look to the EU and the UK sitting down to work their way through the issues. This is probably the first time in decades that Northern Ireland has had a genuine competitive advantage over surrounding regions. We need to grasp that challenge. Rather than remain a peripheral region of Europe, we could be a pivot point for trade between the United Kingdom and the EU, attracting multinationals, new start-ups and, of course, investment in jobs. The proposal from the EU Commission makes that an even more exciting economic advantage for Northern Ireland, providing stability for the future. That is one opportunity that we must not squander.

There is concern that the goalposts seem to be moving and that the European Court of Justice has been raised as an issue by Lord Frost, despite his role in agreeing the protocol in 2019. I do not hear Northern Ireland businesses raising concern about the European Court of Justice, and nor, indeed, have I heard many Members in the Chamber refer to it in past debates.

Dr Aiken: Will the Member give way?

Mr Dickson: Yes, of course.

Dr Aiken: I thank the Member for raising the issue, because, as Hansard will show, over the past three years, in virtually every debate in the Chamber, I have mentioned the problems with the European Court of Justice.

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

Mr Dickson: Thank you. I will defer to the Member on that. Of course, he will recognise that the EU and the United Kingdom must have a final arbitration system to determine where they are going. For the European Union, it is the European Court of Justice; in the United Kingdom, it is the Supreme Court. They both must have those mechanisms. Of course, what the Member fails to remember is that, in all the negotiations, past and current, there have been many resolution mechanisms that should resolve all those problems long before the two organs or bodies would ever go to their specific courts to deal with those matters. It is a red herring, at the end of the day.

Dr Aiken: Will the Member give way again?

Mr Dickson: Yes.

Dr Aiken: The Member is obviously fully aware of the role of the World Trade Organization (WTO) and the international arbitration system that is already set out. Would that not be a more apposite method? It would not bring in either the European Court of Justice or the Supreme Court; in fact, it is independent arbitration. Would that not be better?

Mr Dickson: The fact is that the negotiations are between the European Union and the United Kingdom. It is for them to resolve those matters between them, and, rather than our troubles and issues being taken to other bodies

Mr Deputy Speaker (Mr McGlone): I advise the Member that his time is up.

Mr Dickson: — they should be dealt with internally between those two organisations.

Mr Deputy Speaker (Mr McGlone): Your time is up, Mr Dickson.

Dr Aiken: I thank the Chairperson of the Economy Committee for tabling the motion. I

rise on behalf of the Ulster Unionist Party to support the amendment. We will not support the original motion. However, we note that the party opposite has, at long last, recognised that its policy and that of the Alliance Party, the SDLP and the Green Party for the full and rigorous implementation of the protocol in all its parts was completely flawed. Indeed, we and many people across Northern Ireland recall those parties' leaders driving down to Dublin for a photocall with Simon Coveney during the COVID outbreak. We should all now recognise that the protocol, even with the amendments proposed by the EU, is a failed treaty that does not enjoy the support of much of the business, economic and pro-Union communities in Northern Ireland.

While we welcome the recognition from Maroš Šefčovič and Lord Frost that the protocol has failed and that it patently does not uphold its supposedly overriding principle to support the Belfast Agreement in all its parts, we recognise that both statements last week set out negotiation positions that will move. Having been told for months by the EU, Coveney, Stephen Farry et al that the so-called concessions in the original protocol were generous ways in which to make Northern Ireland work, that has all been seen to be patent nonsense. There is much amendment to be made if we are ever to have an agreement that recognises the central tenet of Northern Ireland's being an integral part of the United Kingdom while maintaining, on a minimalist risk approach, access to the single market.

Mr O'Toole: Will the Member give way?

Dr Aiken: Certainly.

Mr O'Toole: The Member has just mentioned a minimalist risk-based approach to the EU single market. In order to be absolutely clear about the Ulster Unionist Party's position, will he tell the House whether it wants Northern Ireland to have greater access to the EU single market than Britain, either through the protocol or some other arrangement, or to have exactly the same access to the EU single market as Great Britain?

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

Dr Aiken: I thank the Member for his intervention, and thank you very much for the extra minute, Mr Deputy Speaker. The Member will be fully aware that we have said time and time again that we do not want to see any

borders, North or South, east or west. That is where we want to be. Allow me to move on.

The crux of the problem needs to be resolved, as has been identified by others, by intensive talks that, at the least, should include the parties who sit by right in the Executive. They should have direct involvement in the talks. As for the better communication and involvement with the EU institutions laid out in the non-paper, it is not good enough just being an observer.

If you look at the six items that have been raised, you will see that the first one — I talked to Maroš Šefčovič last week about a list — is about increasing transparency. They will do that by a website. The second item is about the work of the Joint Committee working group. That is item number two, and it merely explains what the Joint Committee working group does. It does not give it any additional work. The paper talks about "dedicated fora" but does not say what those dedicated fora will be or what we will do in the dedicated fora apart from talking. The paper then talks about a timetable for meetings. This is the European Union. We are being told that a timetable for meetings is a major concession. It then talks about participation, saying, basically, "You will be allowed to come to the meeting, but you will not have a veto on anything that affects Northern Ireland. You will not be able to amend anything that affects Northern Ireland, and you will not be in a position to put a stop to anything that affects people in Northern Ireland, but you can be invited to go. You can go to Brussels. You can sit at the back and have your head patted or whatever. You will be put in the position of being there as window dressing". That is not transparency. That is not openness. That is not democratic accountability. It is none of those things.

Mr O'Toole: I thank the Member for giving way. In lambasting the potential approach to accountability set out by the EU and to be agreed by the EU and UK, how would he describe the approach to accountability offered by the UK Government in the years since 2016, including through the beloved and very-well-thought-of Joint Committee? Did he think that that was a useful piece of accountability for the Assembly?

Dr Aiken: I do not think that anybody thinks that a degree of accountability or responsibility was passed to the Assembly. The Member will recall the numerous times when the previous First Minister was in position — sorry, the previous-but-two First Ministers — on which I said to her that one of the things that Northern

Ireland should push for was our own ability to trigger article 16 or to trigger those concerns. That was turned down by the First Minister and the deputy First Minister. Where is the position that we have an actual say in what will happen to us and where we go?

Bear it in mind that this is about the peace process. It is about the Belfast/Good Friday Agreement in all its strands. We are told that the European Union is a guardian of the Belfast/Good Friday agreement; we are told that the British Government are guardians of the Belfast/Good Friday Agreement; but we — the Assembly and Executive — are guardians of the Belfast/Good Friday Agreement as well. We should be able to have a say in what happens to Northern Ireland.

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

Dr Aiken: Thank you, Mr Deputy Speaker.

Far too many forget that we are the guardians of the Belfast Agreement. Making sure that the Assembly has a voice and an influence is indeed a worthy task for Maroš, Lord Frost and everybody.

Ms Sheerin: I support this sensible motion and oppose the amendment, which has been driven by fear, short-sightedness and the prioritisation of insular ideology over the interests of businesses, community groups and farmers and the rights of the citizens whom all here represent.

Halloween is approaching, but we do not need to rehash the horror story of how Brexit happened. We all know that a big-money propaganda machine lied to people, that wealthy Tories funded the ideas of English nationalists and that the North ended up being dragged out of the EU against the will of the people.

The motion calls for exactly what we did not have during the conversations that led to the Brexit referendum but that protected us from the worst ravages in the aftermath. Dialogue about the impact of Brexit on Ireland, the need to avoid the reimposition of a hard border and the importance of protecting the Good Friday Agreement ensured that the 27 member states kept our small island high on the list of priorities when it came to negotiating what we now know as "the protocol".

4.15 pm

Regardless of your position on the Brexit debate or the future of Ireland, why anyone would want to rule out discussion and, indeed, a dedicated channel for such discussion baffles me. At the minute, we have Brexiteers jumping on the continued role of the European Court of Justice as their latest problem with the EU, but who else will provide oversight? The Tory party told us explicitly a fortnight ago that it wants to make significant changes to the Human Rights Act 1998. That party is implementing legacy proposals that no parties here have approved. We still do not have single equality legislation in the North, and we have a rights deficit that has yet to be worked out. The British Government cannot be trusted. In conversation with the EU, we need to represent our constituents, because the House of Commons does not possess the emotional bandwidth to do so. It does not care about the North of Ireland or the people here, be they unionist, nationalist, republican or loyalist.

Mr Allister: Will the Member give way?

Ms Sheerin: No, thank you.

To ramp up tensions, get involved in dangerous rhetoric or make mountains out of molehills is ill-advised. There has not been any constitutional change — yet.

Many Irish citizens in the North are thankful for their retained European citizenship rights, as evidenced, of course, by the flurry of Irish passport applications in the wake of the referendum decision in 2016. Many of us would like to explore our options as we go forward. Students here, who may have older siblings who took part in the ERASMUS programme, are wondering whether something similar will be made available to them. Farmers in Tyrone are wondering what single farm payment they will see in the coming years, whilst their neighbours in Donegal —.

Mr K Buchanan: Thank you very much for giving way. I appreciate that. Will the Member, who is a Mid Ulster constituency colleague, give me some analysis of the number of people who have come into her office to tell her that the protocol is working for them? Since it has come in, I have had none — not one. Will the Member say how many have told her that it is working?

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

Ms Sheerin: I thank the Member for his intervention. I am not able to give you a figure. However, I have constituents who come to me

about a number of issues and problems that have arisen because of Brexit, and I have constituents telling me that business is as good as it has ever been. I have farmers contacting me to say that trade is up as a result of the protocol and the protections that we have and that North/South trade is increasing and improving. I cannot give you statistics off the top of my head, but I have constituents coming to me saying that they are glad that we have the protocol to protect us from the worst impacts of Brexit. Definitely.

The point that I was making is that the Donegal neighbours of farmers we represent in County Tyrone have more security and stability in their income, and they are grateful for that.

We know that academics are looking at outside-the-box thinking to find ways in which Irish citizens here can continue to have a say. The discussions on potential voting rights are particularly interesting. We can see from last week's announcements that the EU is willing to find solutions to any outstanding provisions that have real-life impacts for the people of the North. It is important that that can-do approach continues and that we all find sensible ways of delivering for our constituents. The rigorous implementation of democracy is something that we should strive for at all times.

Mr Delargy: Positive and mature political dialogue has brought us here today. None of us have anything to be afraid of in political dialogue and having those conversations. The motion gives every Member across the Chamber, and, by extension, all citizens in the North, the opportunity to have an input into the protocol. The majority of people in the North want to have their say on the protocol, according to a recent Queen's University Belfast study. Some 75% of people want an input into the protocol, so let us give them that. Dialogue allows us to bring to the table the views of those on the ground, not just to find problems but to create solutions. Our views are best articulated by people in the North and by us having those conversations with the EU, not leaving it up to Westminster to speak on our behalf. I have met many business leaders in Derry who have highlighted the limitations of the protocol, but they are trying to find solutions. They are working within the protocol to find ways in which we can better it and make it work for our businesses and all people here.

The terms of the proposals in the EU non-paper, which, I am sure, all Members will have had the opportunity to look at, offer a number of solutions in the areas of transparency and accountability as we negotiate the new trading

realities that have been brought about by Brexit. This is an opportunity that we should take. The EU wants us to have our say; it wants us to shape this process and determine how we can make it work for all the people who live here. By creating and opening new channels of dialogue, we can make sure that the process of implementing the protocol is informed by those who live and do business here.

Ms McLaughlin: There are many reasons why it is essential that we have a sober and sensible discussion in and around Brexit and its specific impact in Ireland on both sides of the border. We all know that this is not just about trade, but we also know just how important trade is. Above all, it is about respect — respect for all the traditions that exist on this island. Many of us, including me, regard ourselves as Irish, not as British. I am proud to be an Irish passport holder. I am an Irish citizen who lives in the city of Derry, but I respect the identity of those who are British. We must have mutual respect and the self-confidence to be comfortable with others having a different identity from us.

We have been here before, however. The Good Friday Agreement and the work of my party's former leader John Hume was based on ensuring that mutual respect was built into very the foundations of the Assembly and the Executive. I regret that the operations of the Assembly and the relationships in it and the Executive have not always lived up to our lofty collective aspirations. It is sad and unfortunate that the situation —

Dr Aiken: I thank the Member for giving way. I congratulate her on her promotion to being the new Chair of the Executive Office Committee. As the new Chair, can she explain what role the Northern Ireland Executive will have in a:

"Structured dialogue between stakeholders and co-chairs of the Joint Committee"?

Quite frankly, that just sounds like EU gobbledegook to me.

Ms McLaughlin: Thank you very much. There is a lot of work to be done in order for us to get the correct procedures in place so that there is true governance and transparency. However, that work has started as a result of the announcements by the EU. It is on all of us to, collectively, find a pathway through so that we all feel that we are represented and we all have a voice. We are not there yet, but we will get there if we work together.

It is sad and unfortunate that, during the Brexit debate, the situation on the island of Ireland was not treated with the consideration that it deserved. I remember meeting Tony Blair and John Major in Derry back in 2016. They both understood the implications of Brexit for Ireland and the border because of the work that they did, along with John Hume and others, in reaching our peace agreement. Sadly, others who do not have that history of intensive involvement in bringing peace to this island do not have the same understanding. Consequently, the border on our island got only a passing mention in the referendum debate.

The SDLP supports the motion. My party supports dialogue across the border through the North/South institutions and by way of informal, as well as formal, means. We support dialogue east-west. We support dialogue between those who identify as unionist; those who, like me, pursue Irish unity; and those who are, frankly, constitutionally agnostic. Only in that way will we achieve progress, which is why my party has established the New Ireland Commission. We support dialogue with the European Parliament and the European institutions. The European Union has been good to us and good for us. Peace funds have been important to the city of Derry and for the rest of the North. It was highly symbolic when John Major and Tony Blair walked across the Peace Bridge in Derry during their visit in 2016. The EU funded that bridge. It helped to pay for it. The bridge was opened by an EU commissioner and it did much to bring communities together in Derry, particularly the city side and the Waterside.

The SDLP very much welcomes close engagement with the European Parliament. In fact, my party has worked very closely with Barry Andrews MEP to ensure that the European Parliament considers further legislation that affects the North of Ireland and that it consults with the parties here and with local civic society, engaging properly and fully. Of course, that is on top of the existing commitments to engagement with North/South bodies. We support the motion.

Mr Muir: I speak today conscious of the tone of the debate against earlier remarks today and the need to support dialogue. I am also conscious of the context of Brexit and where we find ourselves today. In the run-up to the referendum in June 2016, there were lots of debates and comments about worries and concerns around the implications of Brexit. Subsequent to that, there was the general election in 2017, with the opportunity to shape a Brexit that would not be so significant to

Northern Ireland. Unfortunately, however, a hard Brexit was pursued, and we are in the situation that we are in today. There has been lots of uncertainty and many worrying months since what was described as "Brexit day" on 31 January 2020, which seems like quite a long time ago.

The impact of Brexit is being seen across the United Kingdom as the end of the transition period occurs and COVID restrictions ease. It is important to bear in mind the context of trading relationships under the protocol. Many businesses in Great Britain, particularly those concerned with seafood in Scotland, would give their eye teeth to have the relationships that we do for accessing the UK internal market and also the single market. That fact is lost in an awful lot of the discussions and dialogues about the protocol and in the issues that people cite, but we have a unique position and trading relationship. Of course, there are issues. There were always going to be issues with Brexit. Associating them with the protocol rather than with Brexit is, in my view, disingenuous.

The statement from the European Union last week was welcome, particularly that part in relation to dialogue and engagement. I stand here as a proud European who also considers themselves to be British and Irish. I know that trust and good relations are vital, now and in the future. I find it hard to see anybody disagreeing with me about the fact that Brexit has caused divisions throughout our society and within these islands. Today's motion and the generality of politics show the importance of dialogue.

In Northern Ireland, there is a need for particular and more structured consultations, focused on Northern Ireland, as the EU develops policies and legislation, particularly in relation to Brexit. The Northern Ireland institutions should get early sight of proposed legislation in its formative stages. Our partnership with the European Union started in 1973. It continued until —.

Dr Aiken: I thank the Member for giving way. Does the Member agree that we should probably have something a bit more concrete than the method, proposed in the non-papers, of using a website as the way in which the Assembly is to understand what legislation is coming in its direction?

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

Mr Muir: I think that you will find that there is common ground in the Assembly. People who are elected to this place wish to be able to engage and to ensure that the policy and legislation that influences Northern Ireland is fit for purpose.

It is important that the UK Government genuinely and sincerely engage in dialogue over the next number of weeks to find a solution for Northern Ireland. The fact that we left the European Union does not mean that good relationships cannot continue. If anything, it is more important than ever that we foster those relationships and find different forums and structures through which to engage. We no longer have representation at the European Parliament. We had that through three MEPs. One former MEP is in the House today. Another is my party leader, who I wish was able to continue in that role. We left the European Union, however, so we do not have influence within the European Parliament.

There is an amendment, and I will speak to that. The Alliance Party cannot support the amendment, because we believe that it raises the unfairly ambitious and undeliverable ambition that there is a viable alternative to the protocol.

I have yet to hear it, because there is not one.

4.30 pm

Many warned about the particular impact of Brexit on Northern Ireland. The Member for Foyle outlined how two former Prime Ministers came to Derry and voiced their concerns on Brexit and the impact that it would have. They were ignored. It was always going to be hard to have Brexit in Northern Ireland because of the unique set-up of a land border with the European Union and also, let us note, the hard Brexit pursued by the UK Government.

We are living with the consequences of that, but dialogue, engagement and a focus on solutions, rather than on the problems, is key for the way forward.

Mr Allister: I am not given to quoting the late Tony Benn, but, in one of his last speeches — perhaps it was his last — in the House of Commons, he said:

"in the course of my life I have developed five little democratic questions. If one meets a powerful person—Adolf Hitler, Joe Stalin or Bill Gates—"

— I would add the EU —

"ask them five questions: 'What power have you got? Where did you get it from? In whose interests do you exercise it? To whom are you accountable? And how can we get rid of you?' If you cannot get rid of the people who govern you, you do not live in a democratic system."

A Member: Will the Member give way?

Mr Allister: Perhaps in a moment.

This, of course, is the fundamental, defining question of the protocol: who governs? I wonder, when I listen to some of them, whether those who boast of the title "Member of the Legislative Assembly" have ever even read the protocol. Have they ever read annex 2 to it? Have they ever noticed that there are 300 defined and named pieces of legislation that are imposed on us, that we cannot change and that we did not make? Has it even come to their attention that, during this year, a further 20 regulations, 12 of them dealing with DAERA and eight with the Department of Health, have been made, applied and imposed, without any consent or input from the people of Northern Ireland?

How can you seriously call yourself, with pride, a Member of the Legislative Assembly, if you are content not to legislate on 60% of that which governs our economy? That is the reality of the protocol. Some 60% of the laws that govern us economically are made not in Belfast or London but in a foreign jurisdiction that we have no control over or even input into.

Then, along comes the EU, that most benevolent of organisations, some would have us say. It produces a "non-paper": well named. That non-paper, to deal with the democratic deficit, shows the calculated contempt in which Members of the Legislative Assembly are held. To deal with this situation — that we are governed by laws that we do not make, over which we have no control and into which we have no input — what does the mighty EU say? It says, "We will give you a website". Wow. It says, "We will even give a talking shop, as a backup to the Joint Committee. If you are really good, we might even let some MLAs sit on another talking shop and talk to some MPs and MEPs". There are people in the House who salivate over that and think that that is democratic accountability, such is their blindness and their obeisance to the EU. If the EU says it, that is enough for them.

Where is your self-respect as a legislator? Where is your duty to your constituents, who sent you to here to legislate, when you surrender so willingly and so wantonly control over 60% of the laws that govern our Assembly? This House is a disgrace, if it takes the view that it is for us not to legislate but to kowtow to Brussels, accept what it says and be grateful for the crumbs, even the crumb of a website. My, my, how have the mighty fallen? Those who call themselves the Social Democratic and Labour Party are so democratic that they eschew the very notion that we should rule ourselves. What an outrage has been put upon us by the protocol. I think that Mr O'Toole wants to enlighten me.

Mr O'Toole: I am grateful to the Member for giving way. He famously asked Tony Benn's five questions:

"What power have you got? Where did you get it from? In whose interests do you exercise it?"

etc. If he were to ask those questions of some institutions, for example the House of Lords, the royal family or, indeed, the Conservative Government, which are elected wholly on votes in England, what answers does he think that he would receive?

Mr Deputy Speaker (Mr McGlone): The Member has up to six minutes.

Mr Allister: I can ask those of a democratically elected Assembly, and I can ask those of a democratically elected Parliament, but I cannot ask them of an EU Commission or the European Parliament, yet they are the bodies that put their laws upon us. If Mr O'Toole is sanguine and satisfied about that and thinks that it is great to expunge democracy from Northern Ireland and to grovel to accept a website and a talking shop, it says a great deal about Mr O'Toole and his party's democratic credentials. This motion is a grovelling salute to the oppression of Brussels and therefore should be rejected, but it will not be, because this is a grovelling House when it comes to the EU.

Mr Deputy Speaker (Mr McGlone): I call Mrs Diane Dodds to make a winding-up speech on the amendment. You have up to five minutes, Mrs Dodds.

Mrs Dodds: Every time that the Member for South Belfast gets up, he is at pains to say that there are some things that he and I will agree on but many, many things on which we will not agree. He also always says that, when we

engage in Brexit conversation, we go in a kind of circular argument. Then he proceeded to go in a circular argument. Let us pick up some of the issues in the circular argument that I have heard right across the House this afternoon.

First, let us deal with the issue that the protocol is the child of Brexit. Of course, those of us who voted for Brexit voted for the United Kingdom to leave as one United Kingdom and that we in Northern Ireland would leave on the same basis as every other part of the United Kingdom. I regret that the Boris Johnson Government did not do that, and I think that it will be to their shame forever that they did such a thing.

A Member: Will the Member give way?

Mrs Dodds: No, I want to get through this. There is a lot of stuff in this debate that has exercised me as I have listened to it.

We then had the other circular argument that we are in a unique position and have the best of both worlds. I visited a logistics business in my constituency last Friday. That business told me that it had had to employ four extra people to manage customs between one part of the United Kingdom's internal market and another and that that Brexit, because of lorry drivers' times, was adding cost — 18% to 20% in its estimation — to its business. You cannot absorb 18% to 20% of costs; ultimately, that will be passed on to the consumer.

We then went on the circular argument around constructive and sustainable dialogue and consent, and, of course, we heard that we did not consent to Brexit. The Member for South Belfast was really keen to tell us all this, but he does not tell us what he is going to do about the Belfast Agreement that sets up that very delicate balance of relationships and demands consent from one side of the community and from the other on these very strategic and important matters. It seems that the people who created the Belfast Agreement no longer really care about it in all of its parts.

We had a further contribution from Alliance that said that it did not support the protocol, yet, in the middle of a pandemic, it went down to Dublin to tell Simon Coveney that it wanted to make sure that he called for the rigorous implementation of the protocol. It is hard to acknowledge that, and I know that Alliance Party members get a bit embarrassed when they are reminded of it. It is not a gotcha; it is a reality. That is what happened.

We are not standing and shouting from the sidelines. My party leader has said that we

welcome the movement from the EU. Not that long ago, they were telling us that we could never renegotiate the protocol.

A Member: Will the Member give way?

Mrs Dodds: No, I want to get through this. Now, they are saying that we can move on the protocol. However, it is hard to escape the fact that the EU moves only when pushed to do so in extreme circumstances.

Members talked about the challenges and benefits of the protocol and even the genuine competitive advantages. The Subsidy Control Bill is going through Westminster — our national Parliament. That Bill will legalise differences between how Northern Ireland and the rest of the United Kingdom are treated under the protocol with regard to state aid. When I talk to businesses in my constituency, I hear of their fear that there will no longer be a level playing field for businesses in Northern Ireland within the internal market of the United Kingdom. That is what we should be worried about. Westminster is already legislating for differences between different parts of the United Kingdom. I recently wrote to the Competition and Markets Authority to ask how it is going to regulate the situation and ensure that there is fair —.

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

Mrs Dodds: I will finish in one second. I asked how it will ensure that there is fair competition. I will finish —.

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

Mrs Dodds: Thank you, Mr Deputy Speaker. May I say, though, that —

Mr Deputy Speaker (Mr McGlone): Sorry, your time is up.

Mrs Dodds: — my amendment is not driven by fear and insularity but by fact and reality?

Mr Deputy Speaker (Mr McGlone): Glaoim ar John O'Dowd le deireadh a chur leis an díospóireacht ar an rún. I call John O'Dowd to conclude the debate on the motion. He has 10 minutes.

Mr O'Dowd: Go raibh maith agat, a Leas-Cheann Comhairle. Unsurprisingly, perhaps, the debate ended up being about the protocol

rather than about the inter-parliamentary dialogue that was proposed last week and, indeed, prior to that. It is about engagement between this institution and the European institutions. It is also about a better understanding of each other's position and of how Brexit has impacted on our society, economy and politics, and how the mechanism that was put in place to deal with that — the protocol — is being managed. I am disappointed to learn that there are those who are opposed to that. They have come up with a variety of reasons as to why they are opposed to it. Some claim that it does not go far enough. OK, let us make sure that our voices are heard not only in the European Parliament but in capitals around Europe, in the United States and elsewhere, because that is how we built our peace process. That is how we created the change that was necessary to move away from a society in conflict to a society in peace and transition. Let us use our ability to use dialogue. I have no doubt that, if we establish inter-parliamentary dialogue, Diane Dodds and other DUP representatives sitting in the far corner, Jim Allister, Steve Aiken, my colleagues and I on these Benches will be able to represent the views of the people of the North in a way that makes a difference, because I have more in common with the Members on the Benches opposite and on these Benches than I have with the representatives of the EU or Westminster. Collectively, we have the ability to make our voices heard. I see Mr Allister looking to come in.

Mr Allister: Does the Member recognise that there are light years' difference between making representations and the right to be heard, and making the laws that govern you? The issue is that we are being denied, in our own country, the right to make the laws that govern our economy in Northern Ireland, if it is affected by the EU single market. We are meant to settle for making representations. Is that what the Member has come to be — an MLA making representation to a foreign legislature?

4.45 pm

Mr O'Dowd: I will make a republican out of you yet, Mr Allister. I am concerned that our laws are made in a foreign land and we do not have powers over ourselves.

We had power in Brussels. We had representation. The Member shakes his head to say that we did not; maybe he was not a very effective MEP. I suspect that he was, in fairness to him. We had voices in the European Parliament. We had commissioners, and we

had representation at all levels. You and others told us to vote to do away with that and did not give an alternative way in which we would manage the relationships between these islands as we move forward. We ended up with the protocol as the best way to mitigate that situation.

Mr Muir: Will the Member give way?

Mr O'Dowd: I will.

Mr Muir: Will the Member agree that there were multiple occasions in the House of Commons when alternatives were offered to the DUP for Brexit, particularly on EFTA? All of those alternatives were rejected.

Mr O'Dowd: Yes. It was all rejected. The hardest of hard Brexits was demanded. Thankfully, there was more common sense among the many people who said, "No. We just cannot have a hard Brexit on the island of Ireland. We need to respect the relationships and the foundations on which our peace has been built and moved forward".

It is interesting that the DUP has had only one Member to speak: the proposer of the amendment and the Member making the winding-up speech being the same person. They are perfectly entitled to do that, although I thought that, under the new leadership of the DUP —

Dr Aiken: Will the Member give way?

Mr O'Dowd: One moment.

— there was going to be more opportunity for DUP MLAs to have their voices heard. Now they are restricted to one Member speaking in a debate.

Ms Bunting: On a point of order, Mr Deputy Speaker. I am not entirely clear on whether it is in order for the Member to refer to issues like that when he does not know what has gone on over here. We have had illness in this section of the House. There are reasons why Members who were due to participate are not here. Perhaps he will want to reconsider those remarks.

Mr Deputy Speaker (Mr McGlone): That is not a point of order. It is for the Member to decide what he says or not.

Mr O'Dowd: As I said, it is a matter for the DUP to decide who is put up to speak. You have a lot

of talented people still on the Benches who could contribute to the debate, but that is a matter for you.

I am beginning to have a firm point of view about where the DUP is going. They are being wound up by Mr Allister in the corner. He is very effective at that. He knows how to wind and wind and push them. I am convinced that the DUP want an election for Christmas. It does not matter what the EU does at this stage. The DUP, for strategic reasons, wants an election before Christmas. It does not matter what happens, they want to see the result of the ballot under the Christmas tree. Now, that is fine. As elected representatives, we should never fear an election; it is the ultimate test of democracy. However, the question in my head is this: what happens after the election?

Preconditions have been set, and, each week, new preconditions are set. We have now been told that the DUP is very concerned about the European Court of Justice. They were not that concerned about it when they were writing their seven-point plan or eight-point plan or whatever, but now that Lord Frost has introduced it, they are concerned. In fairness to Mr Allister in the corner, he will wind them up about it until they become more concerned about it. So, you will possibly have your pre-Christmas election; you will have the election results. Some of you may get a bag of coal for Christmas. You might not get the present you wanted. However, what happens afterwards? You have set such high preconditions. Will we be able to come back into the Chamber? Do you have a plan for what happens after Christmas?

Dr Aiken: Will the Member give way?

Mr O'Dowd: I will give way after this point.

What will the New Year party look like? That is the question you need to ask yourselves.

Dr Aiken: Thank you very much for giving way and for your digression. I want to bring us back to the motion that we are debating. Will the Member accept the fact that there are really strong concerns in Poland, Slovenia, the Baltic states, Germany, France and Italy about democratic accountability in the European Parliament and the European institutions? Why would we want to negotiate to be part of that when the states that are part of the European Union cannot get a say? Why would we wish to be part of that?

Mr O'Dowd: I have concerns about what is happening in Poland and elsewhere. There is the abuse of human rights. There is the abuse of the LGBT community. The fact that there is an international mechanism to hold countries to account is a good thing.

The British judiciary had access to sit on and make representations to the European Court of Justice, and the decision was made to walk away from it, so you cannot for one second say, "Oh, we disagree with that international provider of arbitration. We don't have a place on it". There are people in the Chamber who lobbied to remove your places from it. When Britain goes around the world and tries to sign trade deals, it will find that there will be arbitration, and it will not be on Britain's terms alone.

Mr O'Toole: Will the Member give way?

Mr O'Dowd: I will in a second.

The reality of the new world that Britain has stepped into is that it is now a third-party country to the European Union. Thankfully, we will have the protocol to protect us from the worst aspects of that, though, even without the DUP's latest stunt, there was always an opportunity to reach the point we are now at with the European Union in terms of changes to the protocol, relaxations, better dialogue and more democracy around the protocol. All those could have been achieved because they were knitted into the original protocol. However, when Britain goes out and looks around the world for new trading arrangements, it will find that it is in a new reality.

Mr O'Toole: I appreciate the Member giving way. I have never heard anyone at a business level in Northern Ireland raise the European Court of Justice. The honourable Member for South Antrim said that he has raised it — I am sure that he has — but lots of businesses talk about the protocol, and I have never heard any of them complain about it. Does the Member recognise that, in order to gain the privileged access to the European single market that businesses in England, Scotland and Wales are crying out for, you need ultimately to have the arbitration of the European Court of Justice, because that is how the European single market works? If we do not have that, we do not have the opportunities.

Mr O'Dowd: Yes. As, I think, Mr Muir said, traders, fishermen, farmers and businesses in Scotland would give their hind teeth for what we have at the minute. There are businesses in England and Wales that would give their hind

teeth for it because of the added protections that we have.

When people say, "Oh, you should never have asked for the rigorous implementation of the protocol", to me, the rigorous implementation of the protocol is this: all the mechanisms of the protocol are properly used, including the Specialised Committee — *[Interruption]*

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw his remarks to a close, please. No remarks from a seated position, either.

Mr O'Dowd: — which, if they had been properly used, would have alleviated a lot of the problems that some of our businesses faced and would have given huge opportunities to many of our businesses to create jobs and prosperity for all our people.

Question put, That the amendment be made.

Mr Deputy Speaker (Mr McGlone): Before the Assembly divides, I remind you that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place. I ask you to ensure that you maintain a gap of at least 2 metres between yourself and others when moving around in the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 39; Noes 46.

AYES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr K Buchanan and Mr Harvey

NOES

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

Tellers for the Noes: Mr Delargy and Ms Sheerin

Question accordingly negated.

Main Question put.

Mr Deputy Speaker (Mr McGlone): I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

I remind all Members of the requirement for social distancing when the Division takes place. Please ensure that you maintain at least a 2-metre gap between yourself and other people when moving around the Chamber or the Rotunda and especially in the Lobbies.

The Assembly divided:

Ayes 46; Noes 39.

AYES

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

Tellers for the Ayes: Mr Delargy and Ms Sheerin

NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr K Buchanan and Mr Harvey

Main Question accordingly agreed to.

Resolved:

That this Assembly welcomes Vice President Maroš Šefčovič's support for formal dialogue between the Assembly and the European Parliament; supports this effort to include the perspectives of local elected representatives and stakeholders on matters relating to the protocol on Ireland/Northern Ireland and the broader peace process; and calls on the President of the European Parliament to undertake, immediately, work to set up direct inter-parliamentary dialogue between the two institutions.

Mr Deputy Speaker (Mr McGlone): I suggest that Members take their ease while we move to the next item of business.

(Mr Speaker in the Chair)

Police Ombudsman for Northern Ireland: Independent Evaluation

Mr Storey: I beg to move

That this Assembly recognises the need for an effective, efficient and independent structure for dealing with complaints against police officers; believes the current operation of the Police Ombudsman for Northern Ireland (PONI) falls well below the reasonable expectations of complainants, serving and retired police officers, as well as the wider public; expresses deep concern regarding the grave findings as expressed in recent court judgements touching upon the methods and standard of investigative practice, the inordinate delay in concluding investigations and the submission of files to the Public Prosecution Service (PPS) as required by due process; notes that this has resulted in a severe negative impact on natural justice and the legal rights of all concerned; criticises, in

particular, the practice of the ombudsman in arriving at determinations that exceed the statutory powers of the office; condemns the use of Police and Criminal Evidence Order (PACE) powers to investigate allegations of non-substantive or non-existent criminal offences and to arrive at conclusions outwith any due process or independent scrutiny of what is alleged to be evidence; further notes the adverse impact this has on the reputation of the policing service; stresses that practical consideration should be given to establishing an independent complaints mechanism to promote accountability for misconduct, poor practice and administrative standards within PONI; and calls on the Minister of Justice to commission a fully independent inspection of PONI, including its investigative capability, financial management, security of information handling, operating practices and how it complies with its mandate to build trust and confidence, before the end of the current mandate.

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members will have five minutes. Please open the debate on the motion, Mr Storey.

Mr Storey: Thank you, Mr Speaker. The DUP welcomes the opportunity to bring forward the motion as the issues that it raises are far-reaching and critical to increasing public confidence in the criminal justice system. We want to make it clear from the outset that the debate is not about calling into question the need for impartial, effective and robust structures for investigating alleged police misconduct and criminality. That should be at the heart of any democracy. We stand four-square behind the principle that everyone should be equally subject to the law. Instead, the motion is about ensuring that the core principles underpinning Police Ombudsman's remit are delivered upon in a way that is lawful and procedurally fair. It is about ensuring that investigations are completed both to a high standard and in a timely fashion. Concerns regarding current operational practice in the Office of the Police Ombudsman are not restricted to one aspect or, indeed, any individual investigation. Fears have been expressed by retired officers, serving police officers and, equally and as importantly, families of victims whose murders or deaths are being investigated by the office.

Let me give the House some examples of what we are discussing in the motion. Examples of

poor practice include the willingness of the Police Ombudsman to exceed the office's statutory powers in making determinations that certain crimes have taken place; the trend in the ombudsman's office to interpret court rulings in order to establish and adjudicate on offences that are not actually prescribed in law, such as collusive behaviour; the failure to demonstrate procedural failures; the failure to show fairness to officers who have been implicated in its investigation reports; the protracted delay in completing historical investigations, with some lasting 17, 18 or 19 years; the impact of investigating delays on the health and well-being of victims, witnesses and retired and serving police officers; the growing failure of the ombudsman's office to present evidence to substantiate or explain the conclusions that it draws as part of its investigations; fears about its operational independence in the light of concerns that were raised by Criminal Justice Inspection Northern Ireland (CJINI) as far back as 2011; the hounding of former police officers over many years on the basis of flimsy and unsubstantiated evidence that has been provided by police informants and other witnesses; the level of reports that have had to be amended or withdrawn — the catalogue could go on.

In 2016, the then Police Ombudsman, Michael Maguire, made a public statement on the office's second investigation into the Loughinisland murders in 1994. That included the following statement:

"When viewed collectively I have no hesitation in unambiguously determining that collusion is a significant feature of the Loughinisland murders."

5.30 pm

In response to the judicial review of the PONI statement, which was brought by the Northern Ireland Retired Police Officers Association, Judge McCloskey stated:

"the Police Ombudsman's 'determination' of police collusion in the Loughinisland murders is unsustainable in law as it was not in accordance with the Ombudsman's statutory powers ... the 'determination' that Mr Hawthorne was guilty of 'an act of negligence'"

is

"in breach of the legal requirements of procedural fairness and unlawful in consequence."

In June 2020, the Court of Appeal ruled on the matter of whether the 2016 public statement (PS) should be struck down. The Court considered that the determinations made by the ombudsman in the paragraphs on collusion were "not ... decisions or determinations" to which the 1990 Act applied and that they:

"overstepped the mark by amounting to findings of criminal offences by members of the police force."

It is striking that nowhere in the PS did the ombudsman state that he had determined that the report did not indicate that a criminal offence may have been committed by a member of the police force.

Separate high-profile judgements, including in relation to previous investigations into the horrific "Good Samaritan" murders perpetrated by the IRA, have been scathing of the ombudsman. There has been particular criticism of PONI's failure to properly explain or provide evidence for the often significant and sensationalist conclusions that it makes. Serious failings call into question the independence and the fairness of the office. The Police Ombudsman is supposed to be the gatekeeper for the human rights of police officers as well as complainants, yet, in practice, that obligation has been shirked on numerous occasions.

Unacceptable levels of performance affect bereaved families. For years after lodging a formal complaint, aided and assisted by my friend and colleague the MP for East Londonderry, Mr Gregory Campbell, the family of David Caldwell, who was savagely murdered by the Real IRA in 2002, are still waiting for a probe of the police investigations to be completed. That is only one example. We must always remember the damage to personal health and well-being that is caused by these inappropriate, inordinate and unexplained delays.

We accept that these failings have not appeared overnight, but they cannot be allowed to persist. The onus is on the Minister of Justice, who is accountable to the House, to ensure the independence and efficient performance of the Police Ombudsman and to investigate and challenge poor standards of investigation and practice.

Let me be clear: the independence of the office does not preclude the Minister from taking lawful and impartial steps to ensure that PONI is performing to a standard that is acceptable and conducive to public confidence. Inspections by Criminal Justice Inspection Northern Ireland have been sporadic and often limited to particular themes or aspects of the Police Ombudsman's remit. There is, therefore, a need for a comprehensive and fully independent evaluation of its performance.

Part of the reason that we have tabled the motion now is that the Minister is completing work on oversight of police accountability arrangements. As part of that, the Police Ombudsman is seeking further powers, including the power to compel serving and retired officers, "as witnesses and suspects", to attend for interview and the ability to "determine" a complaint where no misconduct or criminality has occurred but where there is still a "legitimate grievance". Ultimately, the balance and standard of investigations by PONI will not be addressed by a major expansion of powers. That would instead shift the focus even further towards former RUC officers and potentially create new getaways for vexatious and unsubstantiated investigations.

Alternatively, there needs to be a deep-dive review of how the existing tools at PONI's disposal are applied. That should entail more effective and regular monitoring of their use, with additional oversight and enhanced training for the staff and investigators. We also need to look at how the public interest tests are currently relied upon by the ombudsman and how they are operating. For example, under section 60A of the Police (Northern Ireland) Act 1998, PONI has the right to launch a policy or practice investigation into the PSNI. That was used to initiate a review of the PSNI's handling of the Black Lives Matter protest. Similar dedicated attention was not granted to the events of the Storey funeral.

The ombudsman's powers must be applied consistently to all circumstances and all communities.

The DUP does not believe that it should fall to the courts or the Secretary of State to ultimately hear complaints and identify poor practice within the office. PONI is investigating extremely serious and sensitive allegations, and yet there is no form of independent complaints mechanism for either complainants or officers under investigation. There needs to be consideration of how those concerns can be addressed practically.

We are clear that the predominant role of PONI's historical investigations directorate is, rightly or wrongly, influencing public perception about the focus of police complaints in Northern Ireland. With 400 active cases, of which half are pending, that workload shows no signs of waning any time soon. Therefore, whilst we reject utterly the proposals for a de facto amnesty, the integrity of and confidence in the Police Ombudsman will only be fully restored when alternative mechanisms are agreed to deal with legacy cases.

It is clear that these problems cannot be stored up for another day, but, without clear and immediate action, that is exactly what will happen. The Minister cannot ignore the issues and problems that exist and that need to be addressed. The culture and practice in the Office of the Police Ombudsman for Northern Ireland must change and change quickly. On that basis, I commend the motion to the House.

Mr G Kelly: I declare that I am a member of the Policing Board, which is something that may have to be declared. I oppose the motion, which reads as though it was written by a committee. Whatever about the detail of what we have heard, the motion is an outright attack on the Police Ombudsman, the functions of its office and specifically — even though this was only mentioned at the end — its role in historical investigations. This follows the Police Ombudsman's report on the Loughinisland massacre, which was mentioned by the Member, and the ombudsman's report on Damien Walsh's killing that was released earlier this year. Both reports found that elements in the RUC colluded with loyalists. That led to the DUP attacking the Police Ombudsman, because it does not like the truth coming out about collusion between elements in the state forces and loyalist killers. Again, the Member mentioned this. Do not mention collusion; you cannot mention it, even though everybody knows that collusion existed.

Like any organisation, the Office of the Police Ombudsman has its deficiencies. However, the office is a crucial and fundamental part of our established accountability mechanisms and should be defended. The Office of the Police Ombudsman has had to deal with a number of significant challenges, including a chronic lack of funding that does not allow it to complete investigations quickly enough; the reluctance of former PSNI and RUC officers to give evidence and/or information; and its lack of powers to compel retired police officers to cooperate with its investigations, which, again, was mentioned by the Member. Why anyone disagrees with that is beyond me.

There are also issues regarding the lack of disclosure of information and evidence from the PSNI and the long, protracted legal challenges that impede the ability of the office to fully investigate and to fulfil its duties. That has all led to significant delay. The motion is cynical and is a misguided attempt to point the finger of blame for all those issues in the wrong direction. The ombudsman's office cannot be held responsible for all those impediments that are outside its control.

In 2018, the Police Federation warned that former RUC and PSNI officers would not cooperate with the proposed and agreed Historical Investigations Unit (HIU). The HIU was a central part of the Stormont House Agreement, which was agreed by both the Irish and British Governments and the political parties. The federation's position is in direct contravention to everything that human rights-compliant and accountable policing should stand for. The Police Federation, some retired police officers and political unionism are on the attack because the RUC's reputation for collusion and cover-ups is being exposed more and more. Former ombudsman Michael Maguire was forced to threaten to take the Chief Constable to court over the PSNI's failure to disclose information.

The motion talks about a:

"negative impact on natural justice and the legal rights of all concerned".

It does not, however, consider the negative impact on natural justice and the legal rights of families bereaved in the conflict, whose attempts to seek truth and justice are being thwarted at every turn.

Mr Allister: Will the Member give way?

Mr G Kelly: No.

For example, the family of Damien Walsh, whose case had lain with the ombudsman's office since 2004, saw the report published only in July of this year, owing to a combination of all the above impediments. The ombudsman's report found collusion among the RUC, British intelligence and the UDA. It found that the police investigation into Damien's murder was flawed from the outset and that the police had attempted to whitewash that collusion. The reason that it took nearly 30 years for the truth to be published is because of delays by police personnel themselves. Moreover, the British Army acknowledged only last year that it had

the murder scene under surveillance, so it was holding back information as well.

Such cases are why the Office of the Police Ombudsman is so important. Over 400 outstanding historical investigations are waiting to be dealt with in the ombudsman's office. That is why it is so important to oppose the British Government's legacy proposals, which will attempt to close down all forms of truth and justice for victims of the conflict. Indeed, we are told today that any idea of an independent public inquiry into Pat Finucane's case has now been put back. There is a suspicion out there that the purpose behind the paper that the British are bringing out is to introduce legislation that stops all of the truth being known.

Many historical investigation reports have not yet been published. Their publication requires adequate resources. The British Government's legacy proposals are in direct contravention of those that were agreed by the main political parties and the Irish and British Governments in the Stormont House Agreement. The principles that underpin the Stormont House Agreement are the basis for dealing with the past. All parties unanimously rejected the amnesty proposals that were outlined in the British Government's Command Paper.

Mr Speaker: The Member's time is up.

Mr G Kelly: I will finish on that. I oppose the motion.

Mrs D Kelly: On behalf of the SDLP, I oppose the motion. It is a matter of regret that, in the absence of legislation from the Executive Office, we are going over old ground once again in arguing about the Police Ombudsman.

The motion deals with the:

"reasonable expectations of complainants, serving and retired police officers, as well as the wider public",

but a cursory glance at the findings of any of the recent independent and impartial reports on confidence in policing will tell you that, from 2003 to 2004, when public satisfaction stood at 58%, the trend has been upwards, and up to 80% in 2019-2020. In the past year, the percentage has fallen, which is not surprising, given what the COVID regulations and the confusion around the implementation of the restrictions have meant for public confidence in policing.

A 2020-21 report on serving police officers' satisfaction with the ombudsman's office found that 78% believed that complaints had been dealt with independently and that 63% felt that that made the police complaints system more accountable. We all know how important accountability is, not only for public confidence in policing but for the legitimacy of policing in any democratic society.

The proposer of the motion laboured the point about how the Office of the Police Ombudsman deals with legacy cases and how long those have taken to come to fruition. As Mr Kelly said, that is, in part, down to a lack of financial resources for legacy cases, which has been deliberate on the part of the British Government and others, and the continued delay in implementing the Stormont House Agreement, which the majority of parties here supported. The House continues to reject the British Command Paper on legacy. Far too many victims and survivors are still awaiting truth, justice and accountability, and many players have to step up to that particular mark.

In recent weeks, we have seen the importance of police accountability, particularly around the Office of the Police Ombudsman and for confidence in policing, in sexual misconduct cases, which are very much part of the public discourse at the moment following the dreadful murder of Sarah Everard.

5.45 pm

Another matter of interest for many is the rise of domestic violence during the COVID pandemic. The Police Ombudsman gives confidence about how those cases are dealt with, as well as confidence in relation to spit and bite guards, which are a matter of concern to many in society and amongst human rights activists in NGOs. Only last week, the Police Ombudsman published a report in which she largely concurs with the Children's Commissioner that spit and bite guards should not be used against anyone under 18. At a recent committee — I should have declared an interest as a member of the Policing Board — she also catalogued and gave examples of her concerns about the cases that she investigated, stating that spit and bite guards should not be used. That all gives an additional layer of accountability and confidence for others.

If it had not been for the Police Ombudsman, would the Omagh families be where they are today? It was a former Police Ombudsman Nuala O'Loan who, in her investigation, found that there was a lack of support when it came to the investigation and sharing of information in

relation to the Omagh bomb. Those families would still be —.

Mr Storey: Will the Member give way?

Mrs D Kelly: I will.

Mr Storey: I thank the Member for raising the issue of the Omagh bomb. I remind the House that, as a result of the investigation of the Omagh bombing, one of the previous incumbents in that office had to issue an apology to three members of the RUC because of a complaint that was upheld in relation to what was included in that report. If we are going to talk about fairness, equity and impartiality, we need to put all the facts out there; not just some facts that some people like to labour more than others.

Mr Speaker: The Member has an additional minute.

Mrs D Kelly: Thank you, Mr Speaker. I am sure that the Member will take on board his own advice about labouring on certain elements in reports. When evidence has been lacking from the ombudsman's reports and new evidence comes to light, it is right and proper that apologies are issued. That is correct.

When it comes to the wider legacy and the delays, we know that the police, both the RUC and the PSNI, operated a policy of what they called a "slow waltz" of disclosure. That was in relation not only to the Coroners' Court and the inquests but the Office of the Police Ombudsman. That was a huge factor in delays.

We already have an Office of the Police Ombudsman that works for everyone. We have seen impartial and independent evidence presented by adjudicators other than this House. That evidence is in the public domain and is available from the Assembly's Research and Information Service's (RaISe) team. I have no hesitation in rejecting the motion.

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

Some Members expressed regret about the fact that we are having this debate. My regret is about some of the tone and content of the remarks to date. It is easy — you might even say that it is quite lazy — to attack the debate on the basis that it is political unionism getting excited, as if every unionist always thinks the same way on any given subject. That is palpably and clearly not true. If we are going to talk about rights, do we have to do it in a

whataboutery way in which we say, "What about my rights, never mind your rights?"?

The Ulster Unionist Party is a party of law and order, with no ifs and buts. It believes that the PSNI is probably at its best when it has the resource, the headcount and the leadership commitment to neighbourhood policing, in which officers are known, trusted and respected by the local community that they serve and protect. We in the party think that that is the most effective and efficient way of delivering policing. It is important, however, that the officers are accountable to those communities and that the communities understand that there is an accountability mechanism for when things go wrong, as they inevitably do. That is why we support the Northern Ireland Policing Board and the principle of an Office of the Police Ombudsman for Northern Ireland.

Everybody in the House has to acknowledge that the PSNI is one of the most accountable police forces and services in Western Europe and possibly much further afield.

It is simply a fact that, just as the Chief Constable has immense scope to shape the operational nature of the PSNI, so the Police Ombudsman has the power to set a direction of travel for their office. The difference, of course, is that, while the Chief Constable is accountable to the Policing Board, the same does not apply to the ombudsman. I stress that the Chief Constable is operationally independent but fully accountable to the board for his or her decisions.

To date, we have had four ombudsmen: from 1999 to 2007, it was Nuala O'Loan; from 2007 to 2011, it was Al Hutchinson; from 2012 to 2019, it was Michael Maguire; and since then it has been Marie Anderson. They are four very different characters who brought a mix of experience from a variety of backgrounds. I first became aware of Nuala O'Loan as a law lecturer. Al Hutchinson, of course, had experience in policing from Canada. Michael Maguire was a public servant and a specialist in management consultancy. Marie Anderson came to the job from her role as the Public Services Ombudsman. They all brought very different approaches, backgrounds and perhaps even value systems.

Mr Chambers: Will the Member give way?

Mr Nesbitt: Just let me finish this. The Chief Constable, of course, whatever he is, comes with a background in policing. That is an

imbalance that we need to consider. I give way to Mr Chambers.

Mr Chambers: Does the Member agree that it would be desirable for the Police Ombudsman to have a practical understanding of policing?

Mr Speaker: The Member has an additional minute.

Mr Nesbitt: I thank Mr Chambers. I certainly see the logic of that, and it is worth looking at. People with other skills, such as management or governance, can add something to the mix, but, if we are talking about making the police accountable, a knowledge of policing is highly desirable.

Mrs Kelly talked about a recent example of the ombudsman's views, which is to oppose the use of spit and bite guards with people under the age of 18. I put the point to the ombudsman: what if a police officer comes across somebody who is 6 feet 4 inches, 14 stone, a very fit Gaelic or rugby union footballer, and is 17 years and 11 months old? The police officer may make a reasonable assumption that they will use a spit and bite guard. However, that young person, who is 17 years and 11 months, could go to the ombudsman. What happens to the officer who has made a decision in the heat of the moment?

There are a lot of issues. I am running out of time — no, I have an extra minute. *[Laughter.]*

Mr Carroll: You do not have to use it.

Mr Nesbitt: Yes, I do not have to use it.

Mr Speaker: It is not compulsory to take it, mind you, but go ahead.

Mr Nesbitt: I hear that in stereo, thank you very much, Mr Speaker.

The ombudsman was unable to answer me in any effective way about what would happen to that police officer who deployed a spit and bite guard under those exact circumstances. To me, it illustrates that there is a significant difference between theoretical policing, which, it seems to me, is what the ombudsman practises at times, and practical policing, which is what we ask the 7,100 officers of the Police Service of Northern Ireland to conduct on our behalf to keep us safe and to keep order in society.

On that basis, an independent review seems reasonable to me. The Ulster Unionist Party will support the motion.

Mr Blair: I declare that I am a member of the Policing Board. I acknowledge the challenging year that it has been for the Office of the Police Ombudsman and all other bodies involved in our police scrutiny structures. They have endured a lot, like other public bodies. The impact of the COVID-19 pandemic has been far-reaching in society as a whole. No individual or organisation has remained unaffected. The impacts on the Office of the Police Ombudsman were sharply felt, but those services, it should be said, continued.

I also welcome the recognition from the Members who tabled the motion that there is a need for an effective, efficient and independent structure for dealing with complaints against police officers.

The Office of the Police Ombudsman, which operates independently of the Department of Justice, the Northern Ireland Policing Board and the Police Service of Northern Ireland, is constituted to secure an effective, efficient and independent police complaints system that is capable of securing the confidence of the public and the police. Where there are concerns and frustrations about police actions, police officers themselves need to believe that complaints against them will be treated fairly and impartially, while the community requires confidence that the accountability mechanisms in place are robust and able to deal with concerns around policing. In fact, the last annual survey of police satisfaction with the services of the Office of the Police Ombudsman found that 91% felt that they were treated with respect, and 79% felt that they were treated fairly.

Mr Storey: Will the Member give way?

Mr Blair: Yes, I will.

Mr Storey: On public surveys, will he also include some of the legal profession who have said that there are issues when you consider the number of reports that had to be amended or withdrawn, the catalogue of failed prosecutions initiated by the office and the many adverse comments by the judiciary concerning the poor quality of investigations? Maybe that would also give balance, fairness and transparency when we are looking at this organisation.

Mr Speaker: The Member has an additional minute.

Mr Blair: Thank you, Mr Speaker. I may not have time to reflect on or, indeed, research

every single survey on every single issue over all the years, but I am coming to some detail on additional surveys, which the Member may want to listen to.

The comparable statistics for complaints made by the public are that 73% felt that they were treated with respect, and 57% felt that they were treated fairly. Also, it seems that a huge proportion, an estimated 99% of complaints against the office, were from those who were seeking a review of the outcome to their complaint that was given to the ombudsman's office in the first place. In addition, there seems to be widespread public confidence in the office. The Northern Ireland life and times survey found that 76% of the general public were either fairly confident or very confident that complaints are dealt with impartially, and 83% believed that the Police Ombudsman helps to ensure that the police in Northern Ireland do a good job. These statistics are evidence that the office is meeting the expectations of the wider public. Additional statistics, which I referred to a moment ago, are available from the Northern Ireland Statistics and Research Agency (NISRA) and other organisations, and most of them paint a similar picture. The figures are publicly available. It is a matter of perception, perhaps, how they should be matched with expectations, as mentioned in the motion.

The motion refers also to recent court judgements, touching on the methods and standards of investigative practice. The 2020 Court of Appeal's findings in respect of a judicial review taken against the Office of the Police Ombudsman relate to a report published by the previous ombudsman, not the current ombudsman. The ruling clarified that the role of the ombudsman is to investigate and not adjudicate.

Cases relating to retired police officers are also referenced in the motion. It has to be said that these are often high-profile cases involving many sensitivities and related to historical investigations on Troubles-related matters. It could easily be argued that they should not be sitting with the ombudsman at all but that they are there simply because of lack of political agreement to do otherwise. The Police Ombudsman's office was not established to investigate legacy matters, yet the office currently has 457 complaints, involving over 550 deaths, relating to legacy matters and has a staff of around 30. I am therefore pleased that the Minister has secured additional funding for the year for the Office of the Police Ombudsman to recruit an additional 16 investigators to deal with legacy cases.

Hopefully, that will help to provide families with long overdue answers.

The PACE powers referred to in the motion are a vital part of the legislative framework of police powers for combating crime. Therefore, it is not only right and proper but unavoidable that the use of PACE comes with a range of duties for Office of the Police Ombudsman investigators, who have the powers of a constable in the investigative duties related to their job. Whilst the court referred to in the motion made criticisms in one case out of many thousands over the years, those are being addressed. There are already bodies with scrutiny monitoring reporting duties in relation to the work of the Police Ombudsman, and these include the Criminal Justice Inspection Northern Ireland.

In addition to the inspection processes in place, reporting by the ombudsman and actions undertaken as a result of recent reports and, indeed, the court outcome, it is imperative that the work of the ombudsman, like all organisations in the policing and justice system, remains independent and free from political interference and influence. That was the intention when the current structures were set up 20 years ago, following a much darker time for policing and the public alike. With that in mind, I, along with Alliance colleagues, am therefore unable to support the motion.

Ms Ennis: I am not going to beat about the bush with this today, because this motion is so crass that it must be called out as such and opposed outright.

We have to ask this question: what is the DUP's motivation in tabling the motion? Is it to whitewash the role of the RUC in the conflict? Is it to scrap the accountability and scrutiny mechanisms that are enshrined in the Good Friday Agreement? If that is its motivation, that cannot be entertained by any right-thinking person in the House or elsewhere.

6.00 pm

As the Member who has just spoken alluded to, the Office of the Police Ombudsman has over 400 outstanding historical investigations to consider. That is 400-plus families impacted by delay after delay. That is even more stark in the face of British Government legacy proposals that will attempt to close down all forms of truth and justice for victims of the conflict. Statutorily barring the Police Ombudsman from investigating conflict-related incidents would bring an immediate end to criminal

investigations and to the prospect of prosecutions. Whilst that might be the desire of some retired RUC personnel, it would be a disgraceful affront to all families who were bereaved by the conflict.

It is worth reflecting on why we need a Police Ombudsman in the first place. We have a Police Ombudsman because, historically, we have had to endure bad policing, collusion, shoot to kill and deplorable interrogation methods. We have a Police Ombudsman because it is a crucial and fundamental part of our established accountability mechanisms. While today's policing is a far cry from all that, we have to ensure that those things can never happen again. Yet in the face of all that, here we have the sum of the DUP's response to those agreed accountability and scrutiny measures.

Like any organisation, the Office of the Police Ombudsman has its flaws, but it is key to the agreed policing and accountability arrangements, and to besmirch those in any way is dangerous. The DUP should explain why it seems to have chosen that direction of travel.

Mr Storey: Will the Member give way?

Ms Ennis: I will not at this stage, thank you.

The motion talks about the:

"negative impact on natural justice and the legal rights of all concerned".

I do not hear concern in the motion for the legal rights of Damien Walsh's family or the 400-plus families who are involved in historical investigations and still awaiting justice. The motion does not mention the reason why Damien Walsh's case lay with the Police Ombudsman's office since 2004 and was published only in July of this year. It does not mention that the Police Ombudsman's report found that the police investigation into Damien's murder was flawed from the outset and attempted to whitewash collusion. The motion does not honestly acknowledge the chronic lack of funding that has resulted in the Police Ombudsman not being able to complete investigations quickly enough, and neither does it mention the reluctance of former PSNI and RUC officers to give evidence and information or the ombudsman's lack of powers to compel. It does not mention issues regarding the disclosure of information and evidence from the PSNI, and it does not honestly account for the long, protracted legal challenges that impede the office's ability to fully investigate and fulfil its

duties. The motion does not honestly address any of those issues because it is not about strengthening the ability of the Police Ombudsman to function in the way it was intended. The motion is about diminishing the functions of the office and, specifically, its role in historical investigations.

The DUP is making a cynical and misguided attempt to point the finger of blame for all those issues in the wrong direction. The Office of the Police Ombudsman cannot be held responsible for impediments that are out of its control. From start to finish, the motion reads as an outright attack on the Office of the Police Ombudsman. I call on all right-thinking Members across the House to oppose it.

Mr T Buchanan: I thank my colleagues for tabling the motion. I declare an interest as a member of the Policing Board.

We have heard much about the ombudsman's office, but let us recall why it was set up. It was set up to play a specific role in providing independent, impartial investigations into complaints arising from allegations of failures by police officers while on the line of duty and to investigate complaints into some quarters of civilian employees of the Police Service. While we recognise the need for robust, impartial and effective structures to be in place for investigations into alleged misconduct or criminality — such structures lie at the very heart of a democratic society — and a binding principle that everyone is equal under the law and subject equally to the law, the fact is that any such investigations must be carried out in a way that is fair and equitable and that demonstrate independence and impartiality in the ombudsman's office. That is where it has miserably failed.

While the ombudsman has the power, under section 55 of the Police (Northern Ireland) Act 1998, to commence an investigation where a complaint has been received and it:

"appears that a member of the police force may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify disciplinary proceedings",

she cannot step outside those boundaries and parameters as that would exceed the statutory powers of her office. When that has happened, the work of the Office of the Police Ombudsman has been undermined and public trust has plummeted.

Of course, concerns about the Office of the Police Ombudsman and how it conducts investigations have not just arisen recently. They date back to at least 2005. Some 16 years ago, the Criminal Justice Inspection report stated:

"Inspectors' inability to examine individual cases posed a particular problem",

in that investigations had taken too long and officers had not been properly treated and or duly informed of the progress of their investigations.

In another report in 2011, the Criminal Justice Inspection Northern Ireland commented on the way that complex and high-profile historical cases were investigated and handled. The chief inspector stated that:

"the ways in which the Police Ombudsman's office has dealt with these cases has served to undermine rather than enhance its decision-making capacity. As a consequence of these contributory factors, its operational independence has been lowered".

He went on to point out that flaws had been identified in the investigative processes, that reports had been heavily influenced by feedback from non-governmental organisations, that divisions in senior management had created a dysfunctional environment, and that:

"This inspection has highlighted the flawed nature of the investigation processes in historical cases".

What has changed? We have seen a change in personnel, but what has changed as far as the investigations are concerned? While those inspections have highlighted serious flaws in the Office of the Police Ombudsman, they have only been sporadic and often limited to particular themes or aspects of the Police Ombudsman's remit.

There is still widespread concern about the balance and standard of investigations in that office, which is why there is a need for a comprehensive and fully independent evaluation of its performance. There needs to be a root-and-branch review of the operation of the Office of the Police Ombudsman and the establishment of an independent complaints mechanism to promote accountability for its misconduct, poor practice and administrative standards.

We are calling on the Justice Minister to commission, before the end of the mandate, a full independent inspection of the Office of the Police Ombudsman, which will cover its investigative capability, financial management, security of information handling, operating practices and how it complies with its mandate to build trust and confidence.

Ms Kimmins: I will speak in opposition to the motion. I declare an interest as a member of the Policing Board.

The motion is purely an attempt to undermine the independent role of the Office of the Police Ombudsman in holding the police to account. It is important that there is independent oversight of policing in the same way as oversight is carried out of a range of other public-sector bodies, including those in health and social care and education and the Housing Executive. Oversight ensures that we can have public confidence in those bodies, and that there is an accountability mechanism to deal with poor practice and concerns relating to any public-facing service.

Yet, as we have seen recently, the DUP is not happy when it does not get the results that it wants and will do what it can to attack, undermine and dismantle the credibility of those delivering the findings. Throwing the toys out of the pram when you do not get what you want is not an approach that will help to build confidence or trust in the police service. However, letting the Office of the Police Ombudsman do its job will reassure the public that there is a mechanism that they can access if they feel that they have not been properly treated and will help us move forward from the legacy of the past.

It is important to remember that the Office of the Police Ombudsman was not established to deal with historical investigations, as others have said. The British Government bestowed that role on it as part of a package of measures in response to a number of adverse findings by the European Court of Human Rights that the British Government were in breach of their obligations, under article 2, to provide an effective investigation into certain conflict-related deaths from 2001 onwards.

Statutorily barring the Police Ombudsman from investigating conflict-related incidents would only bring an immediate end to criminal investigations and the prospect of prosecutions. If that was allowed to happen, it would be a disgraceful affront to all the families who have been bereaved by the conflict.

I ask Members to join me in rejecting the motion on the basis that it attacks the whole idea of accountable policing. We know from our history that —

Mr Storey: Will the Member give way?

Ms Kimmins: No, I will not.

— where there is no accountability, innocent people are the ones who suffer most.

Mr Newton: The DUP welcomes the motion. I thank my colleagues Mr Storey and Mr Clarke for tabling it.

The ombudsman's role is to investigate complaints that individuals have been treated unfairly or have received poor service from Departments or other public organisations. The role of the Police Ombudsman is a serious matter and should be of concern to all law-abiding members of our community. The ombudsman has notable powers. Section 55 of the Police (Northern Ireland) Act 1998 affords that the ombudsman has power to commence an investigation on her own motion where she has not received a complaint and it appears that a police officer:

"may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify disciplinary proceedings".

Section 60A gives the ombudsman the power to:

"investigate a current practice or policy of the police if—

(a) the practice or policy comes to his attention"

via a complaint and is in the public interest. Section 61 provides for statutory reports to be made by the Police Ombudsman. They might include a general report on the functions of the ombudsman or a report on matters that have come to the attention of the ombudsman on matters of public interest. They certainly will include an annual report to the Department on the discharge of functions under the 1998 Act and a report on the review by the ombudsman of the 1998 Act at least every five years. We are asking the Minister to consider a report and investigation by the end of this mandate. Section 66 of the Act requires the Chief Constable to provide any information that the

ombudsman may require, and, on the point made by Mrs Dolores Kelly, all to be independent and in an impartial manner. We should all be concerned when the judiciary raises concerns.

The DUP welcomes the opportunity to debate the motion. The issues that the motion raises are far-reaching and are critical to increasing public confidence in the criminal justice system. The debate is not about calling into question the need for impartial, effective and robust structures for investigating alleged misconduct or criminality. That is at the heart of any democracy. We stand four-square behind the principle that everyone is equal before the law and equally subject to the law. Instead, the motion is about ensuring that the core principles underpinning the Police Ombudsman's remit are delivered in a way that is lawful and procedurally fair and ensures that all investigations are completed to a high standard and in a timely fashion.

We believe — there are examples — in the willingness of the ombudsman to exceed its statutory powers in making determinations that certain crimes may have taken place; the trend of the ombudsman interpreting court rulings to establish and adjudicate on offences not prescribed in law, such as collusive behaviour; and the failure to demonstrate procedural fairness to officers implicated in its investigation reports. The protracted delays in completing the historical investigations referred to by other Members, often lasting 17, 18 or 19 years, impact on the health and well-being of victims, witnesses and, indeed, retired and serving police officers. Mr Storey referred to fears about the operational independence of the police in light of concerns raised by CJINI, which date back as far as 10 years ago. Ten years ago, CJINI was raising concerns, and we are raising the concerns today.

6.15 pm

Mrs Long (The Minister of Justice): I thank the Member for giving way. A number of Members have raised the 2011 CJINI report, but none has raised the follow-up report in 2013, in which CJINI said that it was satisfied that the ombudsman had addressed the concerns that had been raised in its original inspection in 2011. Does the Member accept that it is not that matters have not been addressed in the last 10 years, but, in fact, they were addressed in the first two years after the original CJINI report?

Mr Speaker: The Member has an additional minute.

Mr Newton: I accept what the Minister has said. The fact is that there was concern 10 years ago that the matter required investigation. When CJINI says, "Look, this is such a serious matter that we require an investigation to be carried out", which was brought to a conclusion after three years, surely the whole basis for that investigation would not give the public confidence. Indeed, the hounding of former police officers over many years is often on the basis of —

Mr Speaker: The Member's time is up.

Mr Newton: — flimsy and unsubstantiated evidence, provided —

Mr Speaker: The Member's time is up.

Mr Newton: — by police informants and other witnesses.

Mr Lyttle: I take the opportunity to thank the Police Service of Northern Ireland for the service that it gives the community. As Members referenced earlier, the Police Service of Northern Ireland is one of the most accountable police services in the world. We have the Policing Board, district policing partnerships and the Police Ombudsman contributing to that framework. It was a privilege for me to serve as a member of the district policing partnerships and to see at first hand the excellent work being done in engagement and accountability through those mechanisms.

The Alliance Party is a party of the rule of law and is absolutely clear that independent, robust complaints processes are vital to ensure the highest standards of best practice, accountability and public confidence in any organisation. As we know, that is vital for a police service in a democratic society. I do not believe in any way that the case for an independent review of the Police Ombudsman aspect of the framework has been well made. In the interaction between the Member for East Belfast and the Justice Minister, Naomi Long, the CJINI 2011 report was cited as supporting the case for the independent review. Despite the Justice Minister's confirmation that issues raised in that 2011 report had been addressed in the 2013 report, the Member continued to use the 2011 report as a basis for the independent review, which seems illogical in the extreme.

The motion says that the Assembly:

"believes the current operation of the Police Ombudsman for Northern Ireland (PONI) falls well below the reasonable expectations of complainants, serving and retired police officers, as well as the wider public".

As other Members have referenced, the independent Northern Ireland life and times survey findings simply do not support that assertion.

Ms Dillon: I thank the Member for giving way. Will the Member agree that such is the PSNI's faith in the Office of the Police Ombudsman that it has referred itself to the ombudsman?

Mr Speaker: The Member has an additional minute.

Mr Lyttle: I will do my best not to use it, Mr Speaker.

I acknowledge the Member's intervention. Indeed, I was going to reference the NISRA statistics that found that 79% of officers felt that they had been treated fairly; 91% of officers felt that they had been treated with respect; and 74% of officers felt that staff were knowledgeable.

Of course, there are always matters on which improvements can be made. In that regard, the Office of the Police Ombudsman is overseen by a range of mechanisms, including the Criminal Justice Inspection Northern Ireland, to which other Members have referred, the Information Commissioner's Office, the Investigatory Powers Commissioner's Office and other bodies.

As I said at the outset, we do not believe that the case for an independent review has been well made. On those grounds, we will not support the motion.

Mr Carroll: I will keep my remarks brief. I will oppose the motion, as we view it as problematic on the part of those who tabled it. It is a hypocritical attempt to undermine impartial investigations. It is hypocritical because it comes from a party that often cries, "Law and order", but goes on to pick and choose which crimes are and are not scrutinised. I certainly do not think that the system of law and order here or the ombudsman is perfect — far from it. I am worried, however, that the motion would, in essence, inevitably result in undermining the scrutiny of certain elements of the security forces in relation to the legacy issue and could be used to shield the exposure of wrongdoing

on behalf of the state. I believe that to be the motivation for the motion.

My view on the issue begins with the hundreds of families across various communities who have waited patiently for years — decades, in fact — for the ombudsman to conduct investigations of the killing of their loved ones. If a motion such as this were passed or acted on, it could result in delaying the publication of major reports such as the investigation of the Sean Graham bookmakers massacre and Operation Greenwich, which looks at up to 22 murders in south Derry. I suggest that the DUP ought to think of the families involved in the killings instead of tabling motions like this.

Mr Speaker: I call the Minister of Justice, Naomi Long, to respond to the motion. The Minister will have up to 15 minutes.

Mrs Long: Thank you, Mr Speaker. Hopefully, I will not need to use all that time.

I welcome the opportunity to respond to the motion tabled by the Member for North Antrim and the Member for South Antrim. While there are aspects of it that I cannot support, I will seek to address some of the issues that have been raised. It is important to do so.

I welcome the support expressed in the motion for an effective, efficient and independent structure for dealing with complaints against police officers. The Office of the Police Ombudsman for Northern Ireland, to which I will refer as "OPONI" from here on, is an important part of our policing oversight arrangements. As well as giving the public assurance that there is a means of redress when things go wrong, an independent complaints body offers police officers protection from unfounded and unfair complaints against them. The office was set up following the Hayes report of 1997 as an independent body to handle complaints about the conduct of police officers. Its independence is enshrined in legislation, the Police (Northern Ireland) Act 1998, in order to safeguard against any undue political interference, whether actual or perceived. That is why the ombudsman is appointed by Her Majesty The Queen, acting on the advice of the First Minister and deputy First Minister, rather than by the Justice Minister. The First Minister and deputy First Minister are responsible for setting the criteria for that appointment. It is worth noting, however, that, in England, Scotland and Ireland, those with policing backgrounds are excluded from serving on their complaints body. Indeed, the Hayes report envisaged that it would be much more of a judicial office. I hope that that goes some way

to answering why it was structured in the way that it was.

In order to protect the ombudsman's independence, my Department's role is confined to its governance, including how the office is funded, and I have been given no role in the conduct of investigations or in respect of the ombudsman's decision-making. That is not to say, however, that the Office of the Police Ombudsman is beyond scrutiny, although some today may have created that impression. It is subject to a number of oversight mechanisms that I will come to later in my response.

OPONI's role is widely accepted and supported. Indeed, the last annual survey on police satisfaction with OPONI found that 91% of officers felt that they were treated with respect and 79% felt that they were treated fairly. Comparable statistics for complainants are that 73% felt that they were treated with respect and 57% that they were treated fairly. In addition to that, the Northern Ireland life and times survey found that 76% of the general public were either fairly confident or very confident that complaints are dealt with impartially.

I see no evidence there for the plummeting levels of confidence that some Members referred to in their speeches.

The motion refers to recent court judgements, touching on the methods and standards of investigative practice. I am aware of the Court of Appeal's findings in respect of a judicial review that was taken against OPONI, which relate to a report that was published by the previous ombudsman. The judgement raised a number of issues and OPONI has, through the established governance arrangements, provided assurance that actions have been taken to address those. For example, any public statement that is published by OPONI includes any response from anyone who has been criticised in the report.

At the end of last year, the ombudsman published a report on the five-year review of her powers, and I am considering its recommendations alongside a stocktake of policing oversight and accountability more generally. In order to address issues that were raised in the judgement, the report includes a recommendation for a statutory right to due process for officers who are subject to a complaint and a statutory requirement for the ombudsman to take those views into account and reflect them in any report.

Mrs D Kelly: Will the Minister give way?

Mrs Long: I will not because I have a lot to cover in responding to Members' queries.

The ombudsman has also proposed a specific power to determine a complaint. In addition, there are measures to make greater use of mediation and local resolution to deal with less serious complaints as well as measures to deal with vexatious complaints. Those are proposals, and I will be consulting on the report in the coming weeks.

Part of the difficulty in discussing the review of the ombudsman's powers comes when they are viewed through the prism of legacy. Many of the cases that were quoted by the proposer of the motion and its supporters are historical. The ombudsman's office was never intended to be a body that dealt with legacy cases. It was part of the new beginning for policing, as envisaged by Patten, and was intended to focus on contemporary complaints about policing. However, in the absence of an effective and comprehensive mechanism for dealing with the legacy of the past, OPONI has been put in the unenviable position of having to deal with a substantial historical caseload. As with the rest of the justice system, it was never designed nor intended to carry the weight of legacy cases, and the requirement to retrofit legacy processes into the criminal justice organisations is deeply unsatisfactory.

As I have said many times before, the current legacy arrangements are not delivering for the families and are not sustainable. They also create practical problems for those who are accused of wrong doing many years after an event has occurred. I have met with representatives of the Retired Police Officers Association and heard them express legitimate concerns at first hand, such as the challenges that are inherent in defending historical actions without access to the contemporaneous records of those incidents.

In the absence of a better option, I have been able to secure additional funding this year for OPONI to recruit more investigators to deal with legacy cases. In the 2021-22 budget allocation, we gave OPONI the full amount that it required for its historical business case. However, that was only an interim measure that I took to ensure that we progress some cases and provide answers for some families. It is not a complete solution, given the level of resource that would be required across the system to deal with the entire legacy backlog. It also means that legacy cases continue to be dealt with on a piecemeal and fragmented basis by a range of different organisations.

The arrangements set out in the Stormont House Agreement would have meant the transfer of historical cases that currently with OPONI to a new historical investigations unit. That would have been a much more effective and coherent approach. This debate underlines yet again the need for the UK Government to reach agreement with political parties here and the Irish Government on a suitable way forward for dealing with legacy. The current arrangements are simply not fit for purpose.

Ms Dillon: Will the Minister give way?

Mrs Long: I will not. As I said, I have a lot to cover in addressing the issues that Members raised.

The motion also calls for the establishment of an independent complaints mechanism to promote accountability for misconduct, poor practice and administrative standards in OPONI. First of all, I want to point out that OPONI is an ombudsman, which is, by definition, an oversight body. That said, in her five-year review report, the ombudsman has recommended that her office should come under the remit of the Northern Ireland Public Services Ombudsman for complaints of maladministration. In the meantime, there are already arrangements in place that are capable of addressing concerns raised at an individual and systemic level on an independent basis. A number of Members referred to those.

6.30 pm

For concerns about how a complaint has been handled, the office has a customer complaints policy, which includes provision for an independent external assessor to consider the complaint where a complainant remains dissatisfied. It is also possible, as is illustrated by the reference in the motion to court judgements, to challenge reports through the mechanism of judicial review.

On the operation of the office more generally, OPONI already falls under the remit of Criminal Justice Inspection Northern Ireland. It is open to CJINI to inspect the ombudsman as either an individual body or as part of a thematic inspection. In addition, the Department has the power to require the chief inspector to carry out reviews of matters relating to the justice system in Northern Ireland. The chief inspector consults annually on her inspection programme for the year ahead. Members have the opportunity to contribute to that process. Members made reference to the 2011 CJINI report and asked what has changed since then. Of course, as I

pointed out, CJINI did a follow-up inspection in 2013 and was satisfied that the issues that were raised in 2011 had been satisfactorily addressed.

My Department has already demonstrated its willingness to request the chief inspector to undertake a review where an issue of sufficient concern has arisen in the operation of the police complaints process. That was the basis on which the Department invited the chief inspector to undertake a review of the methods used by the PSNI to disclose information in respect of historical cases to OPONI. The chief inspector reported on that last year and made a number of recommendations. The Department took that step on foot of compelling evidence that there was a significant issue of public importance that needed to be addressed.

OPONI is also under the remit of bodies such as the Investigatory Powers Commissioner's Office, the Office for Communications Data Authorisations, the Information Commissioner's Office and the Comptroller and Auditor General. Taken together, that represents a comprehensive and proportionate approach to the oversight of the ombudsman's office that is fully in line with how the office was established in statute.

The motion also calls on me to commission a "fully independent review" of OPONI. I am not, at this point, minded to do so. As I frequently stress, the ombudsman is an independent office. There would need, therefore, to be compelling evidence presented of widespread dysfunction in the office to justify such a review. It is not sufficient simply to make generalised criticism of the office or to refer to individual cases. In this instance, strong evidence of systemic problems that would justify such a review has not been offered, so I cannot accede to the motion's request.

Mr Storey: Will the Minister give way?

Mrs Long: I will not, because I have not given way to other Members, and, out of courtesy, I do not want to change that kind of procedure.

Finally, the motion refers to "inordinate delay in concluding investigations". I recognise the sensitivity of that issue for families and for those who may stand accused of wrongdoing. However, the office routinely monitors case progress and sets targets for completion. In 2020, which is the most recent year for which data is available, it completed 63% of category B cases within 110 working days, against a target of 70%. It completed 93% of category C cases within 90 working days, against a target

of 85%. Most of the cases that it receives are in categories B and C.

It is true to say that complaints relating to historical cases can, by their very nature, take longer to conclude, but there are also factors outside of OPONI's control. For example, where a file is sent to the PPS, the office must await the outcome of PPS considerations, and, where other investigations are ongoing, it is normal practice for the ombudsman to await their outcome. It is not true to suggest or imply that 17, 18 or 19 years is a typical length of investigation, which may have been the impression that some would take from the debate. When the UK Government gave OPONI responsibility for historical cases, they did not transfer with that power the resources to allow those cases to commence, so while many cases transferred to the ombudsman's office at that time, they were not under active investigation until much later, when resources were received.

I welcome the opportunity to debate matters relating to the ombudsman's office. However, the debate would benefit from detaching legacy from the general performance of that office and setting the vexed issue of historical cases in its proper context.

I have sought to do that in my response.

We should also consider the proposals that have been put forward by the ombudsman for the reform of her powers to ensure that her office is equipped to deal with complaints in a modern policing environment and the challenges that we face. I understand that the ombudsman has already met stakeholders to discuss her proposals. I encourage all Members to engage with the ombudsman, explain their concerns and hear from her directly about her plans for the office.

I also look forward to engaging with stakeholders during the Department's forthcoming consultation. I will consider the recommendations from the five-year review alongside a stocktake of policing oversight and accountability more generally. The fundamental principle of an independent complaints body is sound, but a mature and constructive debate on the ombudsman's powers is long overdue.

Many of the proposals that the current ombudsman is putting forward echo those of her predecessors. While I suspect that not all of her recommendations will be capable of achieving the level of consensus that would be required for them to be taken forward, many could and, indeed, should, including those that

are designed to streamline and speed up the processing of complaints.

While the court made criticisms, those are being addressed. I have not seen sufficient evidence to justify any additional independent evaluation. I am, therefore, sadly, unable to support the motion, but I look forward to further engagement on this really important issue.

Mr Clarke: As many other Members have, I put on record that I am a member of the Northern Ireland Policing Board.

I listened to many of the Members who spoke, particularly those across the Benches, and I looked up in amazement. It was as if we were asking for something that is outwith the control of the Assembly. You will correct me if I am wrong, Mr Speaker, but no amendments were tabled to the motion. If Members look very closely at the wording of the motion, particularly the last part of it, they will see that its whole purpose is to try to bring scrutiny to the Office of the Police Ombudsman. Indeed, as referenced many times today, that has been done before through previous reports.

I am unsure how anyone could suggest that it would be wrong for us, as a party or, indeed, an Assembly, to ask the Minister to commission a fully independent inspection of PONI, given that something similar was done in the past. Indeed, when he was the Minister, the Minister's former colleague stated in the foreword to the 2012 consultation paper:

"The findings of external and internal reports into the Office over recent months are such that public confidence has been damaged in respect of the adequacy of processes, robustness of report conclusions".

If he came to that conclusion as a Minister, I am unsure why the current Minister would not afford the House the same opportunity for scrutiny. Of course, when the Minister was on her feet, she said, quite rightly, that those concerns were addressed satisfactorily in 2013.

Mr Storey: I thank the Member for giving way. I understand the reason why the Minister did not give way. However, thankfully, she gave us a window of opportunity, when she said that she would consider any evidence. It is not enough for PONI to determine that it adequately responded to the concerns that were raised by a court judgement. Surely, it should be in the hands of someone else to adjudicate and determine whether that was done adequately.

We look forward to providing the Minister with evidence that she can consider.

Mr Clarke: I thank the Member for the intervention and agree with what he said.

Of course, it would be fair to assume that, given the findings of failings of that office in the past, it could derail itself once again. I am unsure why all those Members — those very law-abiding Members — in the Chamber want to hold the Police Ombudsman in such high regard as to believe that she is outwith making mistakes or, rather, that the office, not the individual, is outwith making mistakes. As a scrutiny body and as an Assembly, it would be right and proper to look at it very carefully and make sure that those mistakes are not being made.

Much has been said about the balance of the debate. I do not see any reference in the motion to unionists, Protestants or RUC men in particular. It refers to the office and its conduct. Some Members wanted to use the debate to reference some other cases. Indeed, they were critical of the length of time taken to investigate and the findings of some of the previous reports.

Surely that suggests that they have some reservations about the office, but it seems strange that they do not want to join us today in calling for a review. Indeed, a review may find some things that may be useful to them in those investigations.

Ms Dillon: Will the Member give way?

Mr Clarke: It seems to be the case that, because the DUP is asking for it, Members will not allow it. That is what it seems like. It is like most debates in this House now. If the DUP wants it, no one else wants it. I assume that Mr Allister in the corner will probably join us today, but it is them versus us —

Ms Dillon: Will the Member give way?

Mr Clarke: — not right against wrong.

Mr Speaker: The Member has clearly indicated that he will not take an intervention.

Mr Clarke: My colleague who opened the debate asked for it to be far-reaching. I do not see anything wrong with being far-reaching and looking into what the ombudsman's office has done, whether it has been done correctly or incorrectly, or whether it is procedurally fair. Are

Members suggesting that, if there was an investigation and something was found to be unfair, the office should continue to do things the way that it has always done them? This is not about challenging the impartiality of the office. This is about making sure that the office is fair to everyone, regardless of their colour, creed, religious background or otherwise, and that, whether it be retired officers or members of the public, they get a fair representation from the office.

Gerry Kelly was very quick to oppose the motion. There was a theme from some Members on the opposite Benches that suggested that it was an attack on the ombudsman's office. It is nothing of the sort. If any sort of report or investigation is done, it may be helpful to the office. It may highlight some issues that came up previously in the 2011 report. The Minister quite rightly said that there was a review of that in 2013. CJINI did another review and was satisfied that those things were taken on board. So it has happened before.

Then there is the old adage that Gerry likes to put out about the RUC and collusion. I am not sure why he has to centre that one out on every occasion. Many Members of his own party will know all about collusion with state forces, maybe not on this side of the border but across the border, but dare we ever say that?

Reference was also made to the Police Federation. It was an attack, I believe, from a member of the Policing Board on the Police Federation, which is a federation that is there to defend its members. He referred in his comments to the federation and to retired officers, but surely the whole purpose of the ombudsman is to bring fairness and impartiality. It seems that some Members do not want that fairness or impartiality. Indeed, from Mr Kelly's comments today, that was fairly obvious.

Dolores Kelly said that she regrets that we are covering old ground. I am not sure how we are covering old ground by simply saying that we want a review of the ombudsman's office to make sure that it continues to operate fairly and impartially and continues to give everyone a fair hearing.

Lots of statistics were referred to today, and Mrs Kelly mentioned some. Indeed, there must be a sharing of statistics amongst most Alliance Members, because they talked about the life and times survey. I am not sure that many members of the public will lift the life and times survey to see the findings of that particular document, but, at the Policing Board last week,

I referred to people coming to my office — I am sure that they come to other Members' offices as well — and referring to the interaction that they have had with the ombudsman's office, and it is not always very glowing. Some people are very disappointed with how their issues have been handled and the conclusions of the ombudsman's office.

Mr Nesbitt raised the issue today about spit and bite guards, as did Mrs Kelly. The ombudsman could not even give the Member an answer to that last Thursday, but Mrs Kelly wanted to put words in the ombudsman's mouth, because what she did not say today was that the ombudsman was not suggesting the removal of spit and bite guards, so Mrs Kelly went short of that. She talked about the bits that she wanted to talk about because it suited a particular narrative.

6.45 pm

Members on these Benches have always supported the police having everything at their disposal to carry out their job in a safe and fair manner. However, Mrs Kelly omitted to say that the ombudsman did not rule on that. The difficulties with the office were identified when Mr Nesbitt raised the question on that particular issue last Thursday. Of course, on the cases that she referred to, the ombudsman had the pleasure, or otherwise, of seeing the footage because that person had been in custody previously. There are many occasions, of course, when police come into contact with individuals whom they will never meet. Therefore, there are issues with how the ombudsman does her job. This would have shone a light on that.

John Blair also indicated that he, amongst others, was a member of the Policing Board. There are probably more Policing Board members here than anything else. That is just the nature of where we are. He said that he believed that officers were treated fairly. In the main, it is probably reasonable to assume that. Of course, when you have the federation itself making representations to the contrary, the doubt, suspicion and suggestion is that it may be otherwise. I probably agree with John in that most officers whom I have spoken to believe that they have been fairly treated. However, if the Police Federation believes that officers have been unfairly treated, there is an issue. For that reason — even for that reason alone — the Minister should allow —

Mr Speaker: The Member's time is up.

Mr Clarke: — a review of the ombudsman's office.

Mr Speaker: Thanks to all Members for their contributions.

Question put.

The Assembly divided:

Ayes 37; Noes 46.

AYES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr Clarke and Mr Storey

NOES

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

Tellers for the Noes: Ms Ennis and Mrs D Kelly

Question accordingly negatived.

Adjourned at 7.03 pm.

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