



Northern Ireland
Assembly

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Northern Ireland Assembly

Tuesday 22 February 2022

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Ministerial Statements

Invest Northern Ireland: Review

Mr Speaker: I have received notice from the Minister for the Economy that he wishes to make a statement. Before I call the Minister, I remind Members in the Chamber that, in light of the social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members who are participating remotely should make sure that their name is on the speaking list if they wish to be called. Members who are present in the Chamber must also do this but may also indicate their intent by rising in their place or by notifying the Business Office or the Speaker's Table directly.

I remind Members to be concise in asking their questions. This is not an opportunity for debate, and long introductions will not be entertained. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the period for questions afterwards.

Mr Lyons (The Minister for the Economy): I wish to update Members on my decision to commission an independent review of Invest Northern Ireland. I know that there has been a lot of interest in the Chamber and, indeed, across Northern Ireland in the launch of this review.

I will begin by putting this announcement into context. As Members will be aware, Invest NI helps new and existing businesses compete internationally, as well as attracting new investment to Northern Ireland. Over the past decade, Invest NI has had a fantastic track record in making Northern Ireland the most attractive location in the UK, outside of London, for FDI. We have seen the Province become a global leader in cyber, fintech and advanced manufacturing.

We have seen Invest support established companies to win new contracts in overseas markets, as I saw first-hand on a recent visit to the Middle East, and it has supported new small businesses to find buyers and partners in new markets. One of the best examples of that is the Going Dutch programme, which, again, I had the opportunity to experience when I visited Amsterdam last year and spoke with participants from the most recent cohort.

Whilst there is no doubt that Invest NI has a good track record, there is also no doubt that the Northern Ireland economy has been dramatically impacted over the past two years. The impact of COVID has accelerated change and has given us an opportunity to reset as we go about building a healthy economy that delivers for all. Thanks to the various interventions from national and local government, there are now clear signs that our economy is rebounding from the impact of COVID-19, and, whilst the pandemic has had a profound impact on the local labour market, many indicators continue to hint at improvements. Economic activity is at a 13-year high, and business confidence is up, with many firms feeling positive about the outlook for 2022.

I recognise, however, that some indicators are yet to return to pre-pandemic levels and that some negative effects are still being felt disparately across various sectors and groups. As we seek to consolidate and boost recovery for everyone in Northern Ireland, it is imperative that we examine our position holistically. Throughout the pandemic, industries and consumers have had to pivot to address the new trading environment since leaving the European Union and to deal with the frictions that have been caused by the protocol on Ireland/Northern Ireland. Public-sector budgetary constraints remain a key challenge, and my Department is seeking to identify the most sustainable financial model to fit local economic priorities and allow us to continue to deliver quality services with reduced resources.

I am, however, confident about the future. Our economic vision in 'A 10X Economy', which was

published in May 2021, sets out our ambitions for the next decade and aims to create a step change in how we improve our economy. It has received the backing of people working in business and skills and of Members from right across the Chamber. The realisation of that bold vision, which places innovation at its core, will ultimately see Northern Ireland situated among the elite small advanced economies in the world. As I mentioned, Northern Ireland has world-class strength in a number of areas, including fintech, cybersecurity and advanced manufacturing, but we must build on those strengths. We cannot stand still while the world moves forward.

In support of that overarching vision, the Department has launched a number of publications that focus on some of our key policy levers, including 'Skills for a 10X Economy' and 'Trade and Investment for a 10X Economy'. The 10X economy is also the spine of my Department, with each division working towards a common goal, whether that is in further education, higher education, skills, energy or economic development. The excellent work of other Departments can also feed into that 10X vision.

Achieving our vision cannot be done in isolation. As our regional economic development agency, Invest NI's role in translating 10X strategic objectives into a new, refreshed and inclusive economic reality is critical. That exciting opportunity to make a generational change, alongside the Executive's New Decade, New Approach (NDNA) commitment to review arm's-length bodies, has underpinned my decision to commission an independent review of Invest NI. Now is the right time to take stock and ensure that the organisation is primed to respond to a changing economic landscape in preparation for an economy that has the aspiration of being 10 times better.

The review, which I launched on 26 January, will be led by Sir Michael Lyons, a former chairman of the BBC and current chairman of the English Cities Fund. For the avoidance of doubt, he is no relation, although he is clearly from good stock. Sir Michael recently chaired the Belfast Innovation and Inclusive Growth Commission. His distinguished track record and depth of relevant experience will be crucial in steering the public debate on the future of economic development in Northern Ireland.

I am delighted to confirm that Dame Rotha Johnston and Maureen O'Reilly have been appointed to support Sir Michael in the delivery of the review. Between them, they bring a

wealth of business and economic experience in Northern Ireland to complement Sir Michael's skills and experience.

I can assure Members that the review will be completely independent of my Department. I have asked the panel to engage widely across the House and Northern Ireland to ensure that they capture all relevant opinions. Sir Michael will update me on progress in April, and I expect a final report to be delivered in September. I am sure that the whole House will join me in wishing Sir Michael every success in his new role and in encouraging stakeholders across all sectors and regions of Northern Ireland to ensure that their voices are heard. I commend this statement to the House.

Dr Archibald (The Chairperson of the Committee for the Economy): I thank the Minister for his statement. I welcome the review of Invest NI, which I have called for for some time, and I wish the panel well.

The second part of the review's terms of reference describes how Invest delivers the Department's economic policies. The DUP has led the Department that is responsible for the economy for the past 15 years. Under DUP policies, we have had stubbornly low economic growth, low productivity and the highest economic inactivity of any region across these islands. As a result of the Brexit that was championed by the DUP, we are losing vital EU funding, including for Invest, to deliver business support and development. Last week, it was reported that, due to the uncertainty that has been caused by the DUP's walking out of the Executive, we are losing investor interest —

Mr Speaker: Will the Member get to a question, please?

Dr Archibald: Does the Minister accept —

Mr Speaker: I am sorry: I need you to move to a question, please.

Dr Archibald: Does the Minister accept that part of the problem is that his party has failed to deliver a strategic policy directive to effectively develop our economy and to direct the agencies under his Department?

Mr Lyons: I could agree with the Member, but then we would both be wrong. You only need to look over the last 15 years to see how the economy in Northern Ireland has improved and how we have progressed. You only need to look at the skyline across Belfast to see the economic development and the jobs that have

been created. We are in a much different place than we were in 2007 and the years before. Look at the 1,100 new international companies that are investing in Northern Ireland. Look at how we are the second most attractive region in the UK, outside only London, for bringing in foreign direct investment. Look, even, at last week's 'fDi Intelligence' magazine, which reported that, in terms of FDI strategy, Northern Ireland ranks as the joint-best region of its size in Europe.

Invest NI has done a very good job. The reason why I am taking forward this review is not because I am critical of the work that it has done in the past but because I recognise that we are moving into a new era. We have had a major economic shock. I want to make sure that we are, once more, best placed to respond to that and to continue to have the success that we have enjoyed.

Mr Speaker: Before I call the next Member, I will repeat myself. I made the point earlier that this is not an occasion for speeches and that I want people to go to questions. I do not want to intervene, but I will. Members need to appreciate that we have a very long schedule ahead of us today and for the rest of the week.

Mr Weir: I thank the Minister for his statement. Given the need to use every tool at our disposal for international investment, will he indicate whether the opportunities that are created by the links between Invest NI and the Department for International Trade (DIT) and its network of UK embassies across the world will be an issue for the review?

Mr Lyons: I have raised that issue with Northern Ireland Office Ministers and the Secretary of State for International Trade, Anne-Marie Trevelyan. At a recent meeting in Belfast, I highlighted the importance of the need for the Northern Ireland economy to benefit from the incredible network of UK Government embassies and offices across the world. The Secretary of State was very keen that that should take place. Of course, it is also a New Decade, New Approach commitment that there should be that greater integration. I am pleased that that continues to happen. I saw a very good example of it when I worked with the Invest NI team at the Expo in Dubai; it is very clear that there has been a good working relationship there between Invest NI and DIT. I want to see that continue. We need to take advantage of those offices so that we can get out our message about why people should come to live, work and invest in Northern Ireland.

10.45 am

Mr O'Toole: Minister, the review of Invest NI is welcome, but the statement implies that Invest is simply in need of a quick check-up, when, in fact, there is mounting evidence of a deep organisational crisis. Because of the political uncertainty caused by your party walking out of the Executive we know that no new support is being offered. We also know that Invest NI has been hampered from selling our dual market access under the protocol, presumably — you can correct me if I am wrong — because your party does not want it sold. Will you confirm whether you are content for Invest NI to be unambiguous in selling our dual market access and whether the review will look at how best that can be achieved?

Mr Lyons: I will address the Member's first point first. The reason that there are difficulties ahead is not the lack of an Executive but the lack of a Budget. That was always going to be a difficulty, because the Finance Minister presented a Budget that was not able to cater for the demands of the Department as a whole and, in particular, the issues that Invest NI faces and what we want to see happen. I have no doubt that we are in a position of political instability, but it is much preferable to me to be in such a position in the short term than to be in the long-term position of having an inability to do our job, which is what the Finance Minister's draft Budget would have meant.

The Member raised the issue of so-called dual market access. We are having difficulties because we face additional frictions bringing goods from Great Britain into Northern Ireland, so the picture is not as rosy as the Member wishes to paint it. I want that issue resolved. That is what my focus is on now, but I do not tell Invest NI how to do its job.

The review will be independent, but the most important issues right now for those seeking to invest in Northern Ireland are those that we see coming up time and again: skills and connectivity. Those will be the big issues going forward. That is why the draft Budget concerns me so much. It does not give us the funding that we need to address the skills issue, and skills will be critical for economies across the world in the coming years.

Mr Nesbitt: I thank the Minister for his statement and welcome Sir Michael's attentions. Will the Minister inform the House of the number of organisations seeking financial support from Invest Northern Ireland in the next

financial year and confirm that, as things stand, Invest NI is not in a position to offer a penny?

Mr Lyons: I do not have with me the exact number of businesses that have requested financial support. There will be those that perhaps applied for help in previous years, currently receive help and will continue to receive help in the coming financial year. As has always been the case, we will continue to support businesses in 2022. Owing to the uncertainty around our Budget, however, there will have to be decisions taken that have not already been agreed on help for new businesses. I want to knock on the head the idea that there is no financial support available for businesses in Northern Ireland in 2022, because that is simply not the case.

Mr Dickson: I thank the Minister for his statement and welcome the review of Invest Northern Ireland. Minister, you will undoubtedly agree that Northern Ireland is at its best in delivering its economic give across the world, particularly because we have, as we should, a social partnership model of delivering jobs and business in Northern Ireland. It is therefore disappointing, Minister, that you have failed to appoint a trade union representative, as a representative of the social partnership sector, to the review. While I welcome the appointments of Dame Rotha Johnston and Maureen O'Reilly, there is one person and one sector missing.

Mr Lyons: It is very much the case that I want the review to be as wide-ranging as possible. As part of that and as I said in my statement, I want to ensure that as many voices as possible are heard. The panel will not be the only ones involved in the discussions and debate on the future of Invest NI. I encourage everyone in the House to play a role in the review by submitting evidence and meeting the panel. There will, of course, be an opportunity for people in all sectors to do that, and I encourage them to do so.

Mr O'Dowd: I thank the Minister for his statement, which will be welcomed by businesses across my constituency that believe that Invest NI is not designed to support small to medium-sized enterprises (SMEs). I hope that a change in that regard will be one of the outworkings of the review.

North/South trade has increased by 65% over the past year: £3.6 million a day in trade. That creates sustainable businesses, sustainable jobs and new jobs. Will the Minister ensure that Invest NI and his Department do not stand in

the way of that trend because of his political opposition to the protocol?

Mr Lyons: On the first point that the Member raised, we have been supporting small businesses. The Going Dutch programme, which I was able to be involved in, is a fantastic example of that. It demonstrated how Invest NI was helping new businesses, those that had been set up very recently and those that were longer established. It is helping them to get into new markets and export their products. It is not the case that Invest NI has not been helping small businesses, and it is important to put that on the record.

The figures show that there has been an increase in trade between Northern Ireland and the Republic of Ireland. Why is that? It is because we have put such trade frictions in the Irish Sea that businesses have had to change the way in which they work. That does not necessarily mean that that is more competitive or better; it is an alternative that they have had to take because of the frictions in the Irish Sea. I would like to see those frictions removed, and that is something that everybody in the House should work towards.

Mr K Buchanan: Minister, your statement referred to the damage that COVID has done to the economy. How will Invest need to recalibrate its work in order to continue to attract people and investors here from across the world?

Mr Lyons: One of the reasons why we are carrying out the review is to ensure that we are aware of the issues that are a result of COVID and the new economic reality that we find ourselves in. I want to make sure that we get expert advice and listen to all the key stakeholders and businesses to make sure that the model, the support and the structures that we have in place are designed in the best way possible, so that, in the post-COVID environment, we are able to respond well to the challenges that we face.

Mr Delargy: I thank the Minister for his statement. It is becoming increasingly apparent that workers want to either continue to work from home or to work closer to home. I note that Invest NI has 540 acres of land for which there is no specific strategy to develop and enable remote working. Is there a plan for Invest NI to develop remote working hubs over the coming months and years?

Mr Lyons: The Member has given me an example of why we need to have the review.

We are in a different situation, post COVID. There are different ways of working. Invest NI sites, the land that we hold and the space that we have will all come under the review and will be part of Sir Michael's report.

Mr Dunne: I thank the Minister for his statement. Through this important review, how can we ensure that Invest NI's work is aligned to the 10X strategy and that the projects that are selected ultimately help to deliver its aims?

Mr Lyons: The Member is absolutely right to make the point. That is one of the other reasons why I have put the review in place. We now have a clear plan and vision of where we want to be over the next decade, with a focus on innovation and the key technologies and clusters that we can have success in and on the areas in which we are already or have the potential to be global leaders. It is about making sure that we support those areas. We will then see the diffusion of that into the rest of the economy. It is important that not just Invest NI but all of the arm's-length bodies (ALBs) and the divisions in my Department work towards that new vision. As I have said, 10X is the spine of DFE. That is why it is so important that the Department's work makes sure that we are well aligned to the 10X vision so that we deliver all the things that, we say, we want to deliver.

Ms McLaughlin: Minister, I welcome your statement and the review.

You are no stranger to my reservations about the remit of Invest NI and about its track record in the Foyle constituency in particular. Do you believe that the review will begin the process of levelling up, adhering to the demand that we have made for many years for subregional targets and addressing the inadequacies and imbalances of investment in Northern Ireland?

Mr Lyons: The Member will be aware of the terms of reference. I listened to what the Member and others said about the performance of Invest NI in different parts of Northern Ireland and about successes that it has had in other parts of Northern Ireland. Subregional performance will be looked at as part of the review, and I am sure that she will seek a meeting with Sir Michael to put her views across.

I do not want to suggest in any way that Invest NI has not been active across Northern Ireland. For example — these are figures for the last five years — there have been 756 letters of offer and total assistance of £35 million in the Member's Foyle constituency, which have

contributed to combined investment of over £200 million and created almost 2,000 new jobs. Those are very specific offers of support that do not include the Going Dutch programme, for example. I met businesses from the Member's constituency that have benefited from that programme. The Member will also be aware of the Ebrington hotel development, which secured funding of £1.75 million from Invest NI.

It is wrong to say that Invest NI has not been active or that it has not been doing the job of bringing investment and jobs to various parts of Northern Ireland, but I am more than happy for that to be part of the review, to make sure that Invest NI is doing everything that it can to support economic growth across Northern Ireland. When I came into this job, it was my ambition that we would create a strong and healthy economy that delivers opportunity for everybody, no matter where they are or where they are from. I hope that the review will contribute towards that goal.

Dr Aiken: I thank the Minister very much indeed for his statement. Minister, how radical do we expect this review to be? I noticed that, on numerous occasions, you, quite rightly, talked about fintech, media and the creative industries. One of the common features of those, and, indeed, of Northern Ireland industry, is that civil servants did not know very much about them, so they were able to develop much more rapidly, without interference, to get where we are. Will Invest NI actually be radical in what it proposes?

Mr Lyons: First of all, how radical the review will be is up to people like the Member. There is an opportunity for him and his colleagues in the Assembly to interact with the review team and with Sir Michael. There will be an opportunity for various stakeholders to do that, and there is a level of responsibility for those in the House and outside it to present that information to Sir Michael.

In drawing together the terms of reference, I tried to keep the review as broad as possible to ensure that all views can be heard and that nothing is off the table, so to speak. That having been said, I again make the point that it has not been the case that Invest NI and other sections of my Department have not played their role in, for example, the creative industries. You only have to look at the success, over the last number of years, in the creative industries in particular to see the jobs that have been created and the new opportunities for young people that were not there before. Just a couple of weeks ago, I was at the virtual production

studios at Ulster University. I saw investment and talent there, which had been driven forward by my Department through the funding that was made available.

We have certainly had successes in the creative industries, cybersecurity and fintech. We want to build on those clusters and areas in which we have done well, and I am trying to make sure that the review covers those areas, so that we make sure that we are well-positioned to take advantage of the fact that we do so well in them.

Ms Á Murphy: I thank the Minister for making his statement. Minister, from 2017 to 2021, Invest NI hosted only four investor visits in my constituency. The level of jobs and investment in Fermanagh and South Tyrone is considerably lower than in any other constituency. Does the Minister agree that we need a plan to tackle regional inequalities and that Invest NI needs to play a central role in delivering that plan?

11.00 am

Mr Lyons: I have already said that, as part of the terms of reference, subregional performance will be looked at. It is certainly an issue that many Members have raised with me, and I am very keen for it to be thrashed out. In the Member's constituency, over 1,000 offers have been made — £23 million of assistance from Invest NI — which led to a total investment of £119 million and created 1,175 jobs. The constituency list shows that that is certainly well above average. It is more than my constituency received.

It is not right to say that there has not been a focus on areas or that there has not been support or help. It is given through not just financial assistance directly to new companies but the various different business supports that have been put in place, which many businesses find invaluable. The Assured Skills programme has supported businesses right across Northern Ireland through all our regional colleges. Investors have told me that that is one of the reasons why they come back. Invest NI has been doing the work that it needed to do. The review is to make sure that we continue to be well positioned to continue the success that we have already had.

Mr Buckley: Invest NI has had a very positive impact for Northern Ireland globally throughout the past decade. However, as times have changed, the review is extremely timely, and I welcome it. I also welcome the Minister's desire

to ensure that Invest NI aligns with the ambitions of 10X. In that spirit, does the Minister agree that small businesses are the backbone of our economy and that, therefore, it is absolutely imperative that Invest NI financially supports the small businesses that seek to achieve that ambition? I think particularly of the many small businesses in my constituency of Upper Bann.

Mr Lyons: The Member is absolutely right to highlight the point that, when we think about our 10X economic vision, we are not thinking just about large businesses. The priority sectors that we are looking at include fintech, agri-tech, life and health sciences, and advanced manufacturing. Some of those involve small businesses, and they play an important role by contributing to the economic development that we want to see. As I have said to other Members, Invest NI certainly has given that support to small businesses through advice and guidance, but also through direct financial assistance. That should not be limited to larger companies; it should also be there for small businesses, because they contribute to what we are trying to do. In fact, the Member invited me — I was pleased to be able to go — to his constituency to see an established local business that had actually used innovation and investment to make sure that it received better outcomes. That is exactly what 10X is all about. The Member is absolutely right to raise the issue.

Ms Ní Chuilín: Gabhaim buíochas leis an Aire as ucht a ráitis. Thank you, Minister, for your statement. You have quoted to several Members significant amounts of money from Invest NI that have gone to their constituencies. I can tell by the body language that many disagree, because they cannot see the outcome in their constituency. Given that significant public funds go to Invest NI to support companies, will the Minister confirm that that investment needs to ensure that jobs are contract-based, that the companies pay their employees a living wage and, in response to what Stewart Dickson said, that trade union representatives are involved, because vast sums of public money are going to that arm's-length body?

Mr Lyons: I hope that the Member will respond to the review and engage with Sir Michael and his team on all the issues that she raised. It is absolutely right that she raised them. However, the figures are the figures. They are accurate. It is the case that that number of jobs has been created throughout the constituencies. In the

past five years, we have had £562 million of support. That has been a fantastic investment.

Altogether, that has brought over £3 billion of investment and 25,000 jobs. Those are jobs in her constituency, my constituency and the constituencies of everybody else who is represented here. That does not take into account the further economic benefit that that will have throughout the economy. Yes, they are significant sums of public money, but we are getting huge investment coming in on the back of it. We are going into a new environment. I understand the budgetary pressures and constraints that we will face. That is why we need to make sure that it goes to where it can be most effective and there can be greatest return, particularly in terms of jobs. That has absolutely been a success story for Invest NI. It is one that I want to continue.

Mr Speaker: Can we bring the Member Colin McGrath on screen, please? I invite the Member to ask his question. Thank you.

Mr McGrath: Thank you very much, Mr Speaker, and thanks to the Minister for his statement. I have had some connection issues and have not heard all the questions and answers, so I apologise if this issue has already been mentioned. I am a bit concerned about the Invest NI office that is based in London. I have been made aware that, in a short period last year, seven of its nine staff resigned. Will the review include the problems that there are in that office in London, which are fairly obvious, given how many people have resigned? Can the Minister comment on that?

Mr Lyons: I was a little bit distracted by the fact that the Member is in his car. I think that we are all wondering where he is off to. Maybe he can enlighten us at some stage.

I do not know the specific details of the issue to which he refers. I am certainly happy to find out. As I have said throughout my statement and answers, there is nothing that cannot be looked at and examined. I have said repeatedly that the review will be completely independent. Therefore, I encourage the Member to contact Sir Michael and his team to raise the issue of our network of Invest NI offices and how he thinks that we can better use them to get the objectives that we want to see.

Mr Durkan: I thank the Minister for his statement. In an earlier answer, the Minister cited the spectacular Belfast skyline as a measure of the success not just of Invest NI but of his Department over the past 15 years. A

look around the respective skylines of other areas and other constituencies, including mine, will, therefore, give an indication of their collective failure.

Prospective investors look at the skills base in a region when they make investment decisions. Will the Department begin the process of building the skills base in the Foyle constituency through higher education? Otherwise, the review is kind of pointless.

Mr Lyons: The Member is right insofar as he recognises the importance of skills, which are, as I have said before, critical to the future of our economy. That includes not just higher education but further education and, in addition to that, a culture of lifelong learning, which we need to have a better grasp of and which will be a key part of my skills strategy that, I hope, will be published soon.

As regards the Member's own city, he might be interested to know that 'fDi Intelligence' magazine looked at cities and regions right across Europe. He will be pleased to hear that Londonderry is in the top 10 in the category of:

"SMALL EUROPEAN CITIES OF THE FUTURE 2022/23 – FDI STRATEGY".

Not only is it in the top 10, but it is number 2 across Europe. Therefore, the experts look at his region and at Londonderry, and see it as a city of the future, thanks to the FDI strategy that has been put in place. I hope that he and other Members from the constituency will be pleased with that result.

Mr Allister: Does the Minister agree that existing and incoming businesses want certainty that there will be a free flow of goods and supplies to Northern Ireland from Great Britain and that the laws that govern their operation and trading will be made in the country in which they invest, rather than by a foreign power over which they have no control?

Mr Lyons: We hear a lot about dual market access. One of the difficulties for our businesses — I get this mostly from manufacturing businesses — is the critical problem of bringing goods and component parts from Great Britain to Northern Ireland. That is where the difficulty lies.

On Friday week ago, I spoke to one business owner in Northern Ireland who told me that the company had to employ nine people to deal with the paperwork as a result of the Northern Ireland protocol. That is with the Trader Support

Service in place, by the way, at a cost of £500 million so far. I do not believe that we need the paperwork, checks and frictions that are in place. We should not have to have those. We are part of the United Kingdom, and bringing goods from Newcastle to Belfast should be no different from beginning them from London to Edinburgh or wherever else. If we want to put Northern Ireland on the firmest economic footing, we need frictionless trade between not just our biggest trading partner but our internal UK market.

The Member mentioned control of our own laws. Other countries and investors will look with bemusement at best at the fact that, in Northern Ireland, we will be under the influence of laws that were not created here and over which we have no influence. That is why I have so many issues with the protocol. All of us should want to see a resolution.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease before we move to the next item in the Order Paper.

11.15 am

Environment Fund 2022-23

Mr Speaker: I have received notice from the Minister of Agriculture, Environment and Rural Affairs that he wishes to make a statement.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): Thank you, Mr Speaker, for the opportunity to make a statement to the Assembly about the environment fund for 2022-23.

I am delighted to announce the award of £2.9 million in funding for the delivery of strategic environmental projects across Northern Ireland. That comes on top of almost £19 million already offered to projects under the DAERA environment fund, which commenced in 2019. The environment fund is one of my Department's mechanisms that enables not-for-profit organisations and councils to deliver key priorities for the terrestrial and aquatic environment. It will enable 22 organisations to continue to deliver important projects that focus on habitat restoration; species monitoring; enhancement of understanding and appreciation of the environment; and outdoor recreation improvement, with its associated health and well-being benefits.

During the COVID-19 pandemic, we all realised the value of getting out into the environment.

The money will help us all to enjoy and access sites so that we can continue to benefit from our beautiful natural environment in Northern Ireland. Organisations continue to tirelessly provide opportunities for everyone to get out and enjoy the natural environment at a time when demand is particularly high. I have visited many of the projects, such as the work carried out by the Mourne Heritage Trust and the National Trust in the Mourne Mountains: restoring and maintaining many path networks; supporting visitors to public and private land to leave no trace; and enabling the recovery of the heathland habitat after the devastating fire last year.

The impact of COVID-19 on the finances of environmental organisations means that this is a great opportunity to support and maintain the work of local organisations and the people in them, who are passionate about improving the environment. Many of the organisations receiving grant aid coordinate an astounding level of citizen science activities. Hundreds of enthusiastic and committed volunteers record priority species of animals and plants so that we can monitor the health of our environment and make decisions about its sustainable management. Many more volunteers and contractors undertake habitat restoration projects.

The environment fund grant aid will continue to ensure that every school across Northern Ireland can continue to work to be an Eco-School, so that future generations learn early how to understand and care for their environment.

I am also delighted to announce that a new environmental challenge competition for 2022-23 will be launched in the coming weeks. The competition will provide the opportunity for not-for-profit organisations to apply for funding to deliver strategic environmental projects that will help to deliver priorities identified in the draft environment and peatland strategies, 'Nature Positive 2030' and the outdoor recreation action plan and for green growth.

The key themes to be addressed through the competition are "Nature recovery: building ecological and climate resilience" and "Connecting people with nature". Under the "Nature recovery" theme, we are primarily interested in projects that will significantly contribute towards commitments to protect 30% of land and sea for nature by 2030, especially initiatives and actions that will increase the area of wildlife habitat, protect and improve the management of habitats or create nature networks that will enhance habitat connectivity.

Under the "Connecting people with nature" theme, we are primarily interested in projects that will help connect significant numbers of people with nature through increasing the quality, quantity or accessibility of nature to people or increasing their understanding and involvement in the protection of nature, natural landscapes and earth science. The environmental challenge competition will, for the first time, be completed by a new online application process. It will make use of technology that is at an advanced stage of development, which will enable a more modern, user-friendly and efficient process for customers and officials.

The purpose of the statement is to provide an update on the commitments being made under the environment fund and future opportunities that rightly recognise, prioritise and support the efforts being made to tackle the biodiversity and climate priorities facing Northern Ireland. We must look to a post-COVID-19 future and embrace the opportunities that green growth, peatland restoration, carbon reduction and technological innovation present. Given the challenges presented by climate change, a focus on the environment and sustainability will be key in the delivery of future programmes.

I commend all those who are delivering the projects: staff, volunteers and contractors. I hope that that will inspire all of us to play our part in creating a cleaner, greener, accessible and more sustainable environment, as well as encouraging us to improve the health of our communities through environmental action and behavioural change. As we in Northern Ireland seek to address the challenges through our green growth strategy, we must lay the foundations for a more sustainable society. If we get it right, the benefits to rural and urban people, the environment and the economy will be substantial and will, no doubt, make Northern Ireland a place where people want to live, work and be active.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I thank the Minister for his statement this morning. Minister, your statement refers to the environmental challenge fund and the opportunities for not-for-profit organisations to apply for funding for strategic environmental projects. I welcome that as great news. I can think of projects in places in my constituency such as Seskinore, Dunmoyle and Altmore, and there are many other examples where community-based projects are in partnership with councils and DAERA. Will the Minister give us a little more specific information about the environmental challenge fund? For

example, how much has specifically been set aside for it; when will it open for application; and what is eligible? Will it be capital, resource or a blend? I know that it will be very much welcomed by voluntary and community-based organisations.

Mr Poots: We are doing the final preparations for its launch. We are identifying the final fund that we intend to secure to deliver it. That has not been completely finalised at this point; therefore, I cannot give a figure on what we intend to offer. We will look at that connection with nature and how we can ensure that people connect better with nature. We will look at strategies such as the peatland strategy, 'Nature Positive 2030' and the outdoor recreation plan. "Nature recovery: building ecological and climate resilience" and "Connecting people with nature" will be the themes. The organisations that believe that they have projects need to look at how they can tie into those themes, so I encourage the Member to relate that to the programmes that he referred to so that they know about the potential for financial support.

Mr Irwin: I thank the Minister for his statement. Will the Minister outline who has been successful in the programme and a flavour of the activities that could be supported in the scheme?

Mr Poots: The most successful is the Mourne Heritage Trust, which is receiving £229,270. That is for the continued provision of a full range of conservation, environmental and visitor management functions for the Mourne area of natural beauty, including areas of special scientific interest (ASSIs), special areas of conservation (SACs) and special protection areas (SPAs).

There was quite a lot of conversation about the Mournes, particularly after the fire, and quite a lot of public representatives indicated that something needed to be done. It is my Department that has stepped up to the plate with the money that was awarded a few weeks back and the support for organisations that provide rescue services to areas including the Mournes and for conservation groups on the Mournes.

We have gone out of our way to ensure that not only the Mournes but many areas will benefit from that. The likes of Keep Northern Ireland Beautiful will receive £257,000 to continue to ensure that less litter is dropped and that we have a cleaner environment. Remarkably, Keep Northern Ireland Beautiful recently told me that

around 30% of people regularly litter. That is an amazing figure, and it is unacceptable. I was shocked by it; I could not believe that it is such a high proportion of people. I thought that the percentage would be in single figures, but that is where we are. A powerful education programme on the unacceptability of littering in our countryside is needed. Funding has been allocated to 22 amazing projects, and we are delighted to do that.

Mr McGlone: I thank the Minister for his statement, during which he mentioned schools. Will the Minister advise what sort of strategic alignment, if you want to call it that, there is between his Department or the environment fund and the Department of Education?

Mr Poots: We have been doing quite a bit of work with the Minister of Education on the potential for linkages to support rural schools, in particular, through funding and environmental projects. The Eco-Schools Northern Ireland programme has been going for quite a long time and has been particularly successful. Keep Northern Ireland Beautiful is the delivery body for that programme. It oversees and directly manages a number of programmes that operate across Northern Ireland targeted at the safeguarding of our environment, educating students and young people and raising overall environmental awareness. Eco-Schools Northern Ireland is part of a global schools education network that promotes and encourages children and young adults to get actively involved in finding solutions to environmental and sustainable development challenges at a local level. Northern Ireland is a leader in the Eco-Schools programme. We are one of the first regions in the world to have all our primary and secondary schools registered with Eco-Schools.

Keep Northern Ireland Beautiful, Eco-Schools and the carrier bag levy team will shortly work in partnership to launch and run a school-based poster campaign, which aims to promote the reuse of carrier bags and the concept of "Don't pay to throw away". Diary commitments permitting, in late March, I will present the prizes to the schools with the winning posters, which will be displayed in retail outlets across Northern Ireland.

We are also involved in the pollinator scheme in which schools will access just short of £2 million. It will be a tremendous programme that will encourage young people to engage with nature and that will develop our pollinator population further at a time when it is under threat.

Mrs Barton: I thank the Minister for his statement. I will follow on from Mr McGlone's question about schools. As you know, schools are very busy places. Teachers are busy people, and they are very good at raising awareness and appreciation of the environment, as you stated. Will the funding stretch to the appointment of environmentalists who are specialist in certain areas and would be available to support school staff by, for example, taking children on eco-trips outside the school environment etc?

Mr Poots: I know that the Member was a schoolteacher and that she has a real heart for education. We know the importance of the environment to our younger population and their interest in it. Therefore, the development of anything that will make them better informed and help them to get to know nature better and to look at the challenges in biodiversity is tremendous.

We need to look at all those opportunities.

11.30 am

I am very happy with what is happening. We have had conversations with the Minister of Education on cooperation between my Department and her Department. I hope that the spirit that exists there will be carried through to a future Assembly term, in which we will see even greater levels of cooperation between the two Departments on ensuring that good environmental knowledge and practice is high on the curriculum and something that we can assist the education authorities and schools in delivering.

Mr Blair: I thank the Minister for the statement and for the news of the investment in habitat protection and restoration. Of the 242,000 hectares of peatland in Northern Ireland, however, approximately 86% is not intact, and as little as 1% has been restored in some way in the past 30 years. For the environmental challenge competition, what priority will the Minister ensure is given to peatland restoration so as to reduce the emissions of greenhouse gases and contribute to carbon sequestration?

Mr Poots: Buglife is an important element that the fund will help out. The fund will deliver on a number of themes that will support DAERA to meet its priorities by building the capacity of buglife to deliver on invertebrate conservation, which is popular in our peatlands.

That aside, we are doing work through our green growth strategy, a substantial element of

which will be about how we can further wet our peatlands. We are also working to reduce the amount of ammonia that our peatlands receive. For example, the work that we did on promoting low-emission slurry-spreading equipment, and the funding that we provided for that, has reduced by around 25% the amount of ammonia getting to our peatlands. We are looking extensively at how we can reduce that percentage further, and we believe that we can. The wetting of peatlands is going to be important. How we utilise future agricultural framework policies and the green growth strategy to deliver that in a meaningful way is therefore important.

It is also important that we get the best bang for our buck. Some peatland restoration can be hugely expensive, but some can be a moderate expense. I want to get as much as possible done at moderate expense and to maximise, at an early point, what we can do to restore peatlands, and do that quickly. That is where the Department's focus should lie.

Mr McGuigan: Minister, I absolutely support the need for our children to be taught about the environment and educated on ecology and the interactions around them. Following on from previous contributors, I ask the Minister to detail the number or percentage of schools across the North that are eco-schools and to tell me how many more, if given the funding, will be able to work towards achieving eco-school status.

Mr Poots: All our primary and secondary schools are registered with the Eco-Schools Northern Ireland programme, so all of them are engaged and involved. It is a credit to all our head teachers and boards of governors that they are so keen to ensure, and are committed to ensuring, that the young people in their care and whom they are seeking to educate are educated on those environmental issues.

Mr Harvey: I welcome the Minister's statement. Does he agree with me that farmers are key to delivering for the environment and that, without them, we would not have managed landscape, which creates the backdrop for wildlife habitats and biodiversity?

Mr Poots: I absolutely agree. Going forward, the greatest return that we will get for the least expenditure will be through our farmers. For example, better management of our hedgerows can deliver a significant biodiversity bounce at a very limited cost.

One of the first things that I did as Minister was launch the Forests for Our Future campaign,

which is looking to plant 1.8 million trees every year. Forestry planting has gone up by 100% over the past year. That is not as far as I wanted it to be by this point, but, nonetheless, the trajectory is very good and we need to keep pressing ahead with that. The planting of indigenous species of trees, in particular, will continue to contribute to biodiversity. Farmers are embracing that and are particularly looking at margins, riparian boundaries and steep areas where they can plant trees. That will be of benefit to farms and the environment.

We are very encouraged by all of that. I believe that the farming community is keen to ensure that biodiversity improves all of the time. We want to see more wildlife in the form of birds, hares and other mammals on our ground. It is important that the farming community is able to do that.

I will say this about peatlands: the good management of them is important. Undergrazing and overgrazing are problems. A very small amount of correct burning is needed to ensure that huge swathes of peatlands do not end up being burnt. That is an important step that we need to take to ensure that the peatlands can keep the hen harriers, the red grouse and those forms of life. It is also very important that the invertebrates underneath the peatlands are not hit by fire.

Ms Sheerin: Minister, you will be aware that water quality has been a concern over the past year and that none of the North's rivers, lakes or coastal waters achieved a good overall status. Has any of the funding been specifically ring-fenced to address water quality?

Mr Poots: None of this funding has, but I have secured funding through the green growth strategy to improve water quality and the management of slurries, in particular.

It will be really important for us to look at how we can optimise our usage of animal nutrients, which are currently termed as being waste. We need to turn that into something that is beneficial for the farmers but not harmful to the environment. Therefore, there is a need for appropriate usage of that, which is why we are sampling soils — that will take place across Northern Ireland — to identify the nutrients that the soil requires. That is also why we are doing our lidar survey, which will identify those areas where there will be particular levels of run-off of water and so forth that would make them unsuitable for slurry spreading, for example. That survey will also identify what is going on underneath the ground, because having that knowledge will give us the ability to decide what

nutrients our farmland needs. By applying the appropriate amount of nutrients instead of an excess, we will see an improvement in our waterways.

There is a course of work to be done there and significant investment has been set aside to do it. We are very clear about the environmental issues. There are issues with greenhouse gases, carbon and biodiversity, but there are also issues about cleaner water and air. We intend to tackle all those problems, not just one.

Mr T Buchanan: I thank the Minister for his statement. The fund is yet another example of the strides that are being made to make a practical difference to our environment, wildlife population, biodiversity etc. Minister, what concerns do you have about the risks that are posed by the net zero emissions target that was voted for by the House, against the scientific advice, and has the potential to drive up levels of land abandonment and create an environmental crisis?

Mr Poots: I was in Rosslea last week, and we came home through the mountains to Fivemiletown and then on to the motorways. As I travelled through all that land in that area, I looked at it and said, "None of this will be usable for agricultural purposes going forward on the basis of what is being proposed". Land that is considerably less marginal than that will be excluded from land use for agricultural purposes going forward. That is the reality of what we are facing. We have conversed with the Climate Change Committee (CCC) about that and discussed its expectations, and whilst I would like to see wetting of some of that land and would like to see tree planting on some of that land, I do not think that a total abandonment of land like that for farming purposes is the way forward. Therefore, I will bring amendments at Further Consideration Stage to try to rectify the harmful proposals and see if we can get to a more balanced position for the environment and for the people who look after it in the countryside, who are mainly from a farming background. If we cannot bring the farmers with us, it will be damaging for the environment, not for the betterment of it.

Ms S Bradley: Mr Speaker, this is my first time rising in the House since the untimely death of our Member Christopher Stalford, and, if I may, I would like to put on record my condolences to his family and to the DUP Members who spoke so eloquently yesterday. There were many moving tributes in the House, and I hope that, in time, Christopher's family will take great comfort from them.

Minister, I welcome your statement, and, as a Member for South Down, I particularly welcome the announcement to support the Mourne. My question centres around the figure that 30% of people regularly litter. Like, probably, every Member of the House, I absolutely detest seeing our countryside being littered frequently. Will the Minister elaborate on anything in this fund that will directly address that staggering figure of 30% and see it reduced?

Mr Poots: First of all, I thank the Member for her comments about our dear friend Christopher. Our party really appreciated everything that all the other parties said yesterday. The genuine outpouring of affection for Christopher was plain to see. It is hugely appreciated, because, whilst we are in this harsh, combative political world — I can be as combative as the next person — we are, nonetheless, all human beings at the end of it. Ultimately, it is heartbreaking that four children are left without a father.

Thank you for the question. Keep Northern Ireland Beautiful will receive £257,000 to promote that environmental action and behavioural change to make us a cleaner, greener and more sustainable community. We have been working closely with Keep Northern Ireland Beautiful over the period, and it is doing a lot of good work.

The Member will also be pleased to note that Newry, Mourne and Down District Council is receiving £143,000 to implement key environmental outcomes identified and detailed in the various designated site-management action plans that were developed during the previous Northern Ireland Environment Agency environment fund (EF) delivery phase. Your constituency is doing well from this fund.

Miss Reilly: One of the complaints from smaller organisations is that the application process for funding can be difficult and a bit of a barrier, so it is great news that the process for the environmental challenge competition has been made more user-friendly. Could you outline, a little bit more, the changes that have been made to make it more accessible?

Mr Poots: The application process will all be done online, and we believe that it has been established to make it easier and, indeed, more accessible. We are conscious of our need to ensure that the smaller organisations can apply, too, and that organisations that may not have a high level of capacity but can do really good work can also achieve funding support from our Department on this important issue.

11.45 am

their ease for a moment or two, please, until we move on to the next item in the Order Paper?

Ms Bailey: Of course, any funding announcement for environmental improvement has to be welcomed, given the absolute dire state that we are in. There is £2.9 million for community groups and councils, and that goes along with the £8 million a year from green growth for environmental restoration, which has to cover forestry and peatlands. It is tinkering around the edges of environmentalism and climate action, which we do need to be seeing. It was interesting to note in the statement that the environmental challenge competition is expecting not-for-profit organisations "to deliver strategic environmental projects", when the Minister has not yet produced many strategic plans. Our peatlands, for example, are the carbon sinks of the future, and we know that ammonia is killing the carbon sinks, so where is the ammonia strategy? Since July 2020, we have been hearing that it is coming soon. We are 18 months on, and weeks away from the end of the mandate. Where is it? Where is the water strategy, the air pollution strategy and the waste strategy? When are we going to see those?

Mr Poots: What we are dealing with today is the support for this project and the announcement on the environmental challenge fund. Yes, we use community organisations and not-for-profit organisations, because we find a greater level of efficiency than we would if the projects were delivered through the traditional departmental methods. Many of those groups have volunteers — many hundreds of volunteers — and the money that we will distribute will lever a considerably greater impact than if we were to employ those people ourselves. I am grateful to the environmental NGOs for the work that they do, and I want to ensure that we can continue to support them in doing high-quality work that is beneficial to the environment.

There are an awful lot of good things going on, the Department is doing a lot of good things and there are a lot of good plans going forward to ensure that we have a better environment. We are working towards that all of the time. I know that the Member is always pushing for more. That is fair enough; I am pushing for more as well. We will seek to achieve as much as possible through this mandate, and, hopefully, in the next mandate, much more will be achieved for a better-quality environment in Northern Ireland.

Mr Speaker: Members, that concludes questions on the statement. Will Members take

Executive Committee Business

Protection from Stalking Bill: Final Stage

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

That the Protection from Stalking Bill [NIA 14/17-22] do now pass.

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

Mrs Long: I am very pleased to be here today to present the Final Stage of the Protection from Stalking Bill to the Assembly. Incredibly, it was six years ago that a motion was debated in the House that recognised the need for stalking legislation to support and safeguard victims of that insidious and terrifying crime. That followed a Bill that had passed in Westminster for which I was a co-sponsor, and this is something that I have been concerned about for some time and have taken a personal interest in. However, other events intervened, so, when I became Minister early in 2020, one of my priorities was to strengthen the law covering the unacceptable and damaging behaviour that stalking is. Introducing this legislation has been a key objective, not only for me as Justice Minister but for the Committee for Justice and for Members across the House.

I am immensely grateful to everyone who has worked hard to get us to this point. I thank the Committee in particular for its support and commitment in completing the scrutiny of the provisions in the Bill and for its administrative amendments that were tabled at Consideration Stage. I very much appreciate that the challenging legislative programme that I have brought forward, with a record five substantive Bills progressing in this two-year period, has resulted in an intense period of activity and placed considerable demands on the Committee's time. I thank the current and previous Chairs and Deputy Chairs and the members for their commitment to their legislative scrutiny responsibilities throughout this mandate in addition to all the other burdens that they have had to shoulder and for the careful and meticulous manner in which they discharged those heavy responsibilities.

I also want to give a special word of thanks to the expertise of the staff in the Office of the

Legislative Counsel (OLC) and the Departmental Solicitor's Office, who have worked so closely with me and my officials to bring the Bill to this point. At this stage, I want to pay particular tribute to David Sewell, one of OLC's senior draughtspeople, who contributed so much to the drafting of the Bill and sadly passed away as it reached Committee Stage. I want to place on record my appreciation of the enormous contribution that David made to the legislative work of my Department and the Assembly and to express my sincere sympathies to his family and his colleagues in the Office of the Legislative Counsel for their loss. I hope that, in some small way, this legislation can be seen as a fitting tribute to him.

My own officials in DOJ described my legislative programme as "ambitious" and "challenging", which, I believe, is diplomatic in the Civil Service for, "You've got to be kidding". However, as always with the Department of Justice, they were willing to go the extra mile to deliver. I thank them, genuinely, for their flexibility, their determination and their commitment to see these Bills through to conclusion.

From the outset of my tenure as Minister of Justice, I have set out a clear and unambiguous message that stalking, in all its forms, is wrong and will no longer be tolerated. The Final Stage today gives added weight to that message, sending out a clear signal that stalking behaviour is unlawful and can never be tolerated. Stalking can be psychologically and physically damaging to victims, with delusional and obsessive offenders often going to extreme lengths to contact, follow, monitor and harass their victims. I know how persistent and manipulative stalkers can be, and I am most grateful to the victims who very bravely shared their personal accounts with me. Those were terrifying and harrowing in equal measure. Those unsung heroes are the true driving force behind this Bill.

The Bill will create a new specific offence of stalking in Northern Ireland, capturing conduct and acts associated with stalking behaviour. Importantly, it focuses on recognising stalking behaviours, which are fixated, obsessive, unwanted and repeated, and the risks associated with stalking, something that the current harassment law does not adequately capture. It will apply to two or more occasions that cause a person to suffer fear, alarm or substantial distress. A new offence of threatening or abusive behaviour is also being created, and that can be triggered by a single incident. The Bill will ensure that it is the impact

of the particular type of behaviour on the victim that will be paramount in determining whether those offences have been committed.

Crucially, the Bill provides for all victims of stalking to have automatic eligibility for special measures assistance such as the use of live links or screens at court when giving evidence in proceedings. That also applies to family proceedings, in which special measures can be considered by the court on a case-by-case basis.

The Bill also introduces greater and more appropriate penalties and protections than are available under current harassment legislation, reflecting the serious impact that stalking has on its victims. The stalking offence will carry a maximum penalty on conviction on indictment of 10 years' imprisonment or a fine or both. The aim of the Bill is not just to address and punish serious stalking behaviour but to provide the means to disrupt such behaviour before it becomes established.

Stalking protection orders will be a key tool for police, enabling them to intervene at an early stage and prior to any conviction. From elsewhere, we know that, although legislation is hugely important, its effectiveness is dependent on effective training in and awareness of the new legislation and how it can be applied. I am grateful to our justice partners who are planning for the introduction of the legislation and developing appropriate training for their staff in order to ensure that the Bill delivers meaningful change for victims.

I am hopeful that we can secure Royal Assent by May and, along with our criminal justice partners, bring the stalking offence into operation by the end of the summer, subject to the completion of training and awareness raising. Planning is also under way for the introduction of stalking protection orders, which I expect to become operational towards the end of the year.

A public advertising campaign, which is a crucial tool in raising awareness of what constitutes stalking behaviours and in signalling our intention to stop that pernicious behaviour, will also be rolled out once the Bill is enacted. Members will be aware of a similar campaign that is being rolled out for the domestic abuse offence, which became operational yesterday.

I am certain that this Bill and all that it represents will help victims to recognise the acts and behaviours associated with stalking for what they are and give them renewed

confidence in reporting such behaviours to the police.

Since becoming Justice Minister, my goal in this mandate has been to promote legislation that, taken together, represents a coherent approach to protecting the vulnerable in our community. The provisions in the Bill, together with those in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 and the Justice (Sexual Offences and Trafficking Victims) Bill will introduce valuable additional protections for some of the most vulnerable people in our community. Importantly, they also contribute to the Executive's wider approach of protecting women and girls, recognising that, unfortunately, most victims tend to be female.

Today is a good day for the Assembly. On days like this, I am proud to be both an MLA and the Minister of Justice. These are the days when we can work together in harmony for the welfare and well-being of all our constituents. I am heartened on occasions such as this, when we can set aside political differences and work together for the greater good. I want to build on that collaborative approach to protect the most vulnerable and to deliver for the community that we represent. For the remainder of the mandate and, hopefully, into the next, that is my desire.

Mr Storey (The Chairperson of the Committee for Justice): I apologise to the Minister for not being in the House for the commencement of what she had to say. Business is moving more quickly than we anticipated.

On behalf of the Committee for Justice, I welcome the Final Stage of the Protection from Stalking Bill, and I am pleased to speak as the Chair of the Committee. The legislation has been long in the making, as the Minister said. I pay tribute to the previous Justice Committee — its Chairperson, my colleague Mr Paul Frew MLA, and the Committee members — and the previous Justice Minister, Claire Sugden MLA, who worked in collaboration to start, in 2016, the process that has resulted in the Bill. I am sure that they never thought that it would take this much time for the work to come to fruition. They recognised the need for stalking legislation at that time, and the issue came to the fore of deliberations at Committee Stage of the Domestic Abuse and Civil Proceedings Bill last year, when many organisations indicated that a clear legislative gap needed to be addressed.

12.00 noon

During the first debate on the Bill, at Second Stage, the previous Chairman of the Justice Committee, Mr Paul Givan MLA, outlined the need for robust legislation to provide the necessary tools for the criminal justice agencies to tackle stalking behaviour, to take into account patterns of such behaviour over time and to bring the perpetrators to justice. That was abundantly clear from all the evidence that had been presented to the Committee.

Stalking is fixated, obsessive, unwanted and repeated behaviour that often escalates quickly. It is insidious, it is terrifying for victims, and there is no place for it in our society. The new offence of stalking recognises and criminalises such behaviour, and rightly so. To protect victims when there is immediate risk to them, stalking protection orders will enable the police to proactively intervene and disrupt stalking behaviours before they escalate. The stand-alone offence of breaching the order, which can attract significant penalties, is very welcome and provides a tool for the courts to act seriously when orders are not adhered to.

The legislation will provide hope for many victims of stalking. The criminal justice agencies will now have a suite of tools with which to properly deal with the behaviour and put protections in place. While there was widespread support for the Bill, one of the constant themes that ran through the evidence received by the Committee was the importance of how the legislation will be implemented. Many organisations and individuals indicated the need for a comprehensive, consistent and informed approach by the criminal justice agencies.

The Committee agreed with that position. For the legislation and, particularly, the new offence to be effective and achieve the desired result of better protection and criminal justice outcomes for victims, getting the implementation right — providing training to ensure that those involved in gathering evidence and in prosecuting and enforcing the new law have a clear understanding of the difference between harassment and stalking, as well as recognising the behaviours and dynamics of stalking and how it impacts on victims — is crucial, as will be the reporting on and monitoring of that implementation.

Four amendments were tabled by the Minister at the Committee's request. They covered guidance, training, data monitoring and reporting, and they apply to the new offence and the new stalking protection orders and interim orders. The amendments, which were agreed by the Assembly, will, we believe,

provide the basis for the effectiveness of the legislation to be monitored, assessed and reported on in a transparent manner. I thank the Minister for the way in which she engaged with the Committee on that issue.

Stalking has a profound and lasting impact on victims, who, through no fault of their own, very often have to change the way in which they live on a daily basis. That cannot be minimised in any way. The full and effective implementation of the legislation is vital, and the amendments initiated by the Committee are welcome and necessary enhancements of the Bill.

The work that was undertaken by the Committee enabled all aspects of the Bill and the range of amendments to be scrutinised in depth. It provided an opportunity for the statutory and voluntary organisations and, most importantly, those who have suffered stalking to have a voice in shaping the legislation. Again, I thank the members of the Committee for the diligence, time and effort that they put into the scrutiny process, and I again place on record the Committee's appreciation of all the organisations and stakeholders who contributed to our scrutiny by taking the time to provide written and oral evidence. In particular, I place on record our appreciation of the victims of stalking who shared their personal experiences despite the difficulties in reliving them once again. Their contributions were invaluable to the Committee in understanding just how devastating an impact stalking can have on a person and their life, and they reinforced the need to have effective legislation in place to deal with the issue.

I also want to thank the Minister, and I am sure that she will not be surprised that the Committee wants to do that. She rightly said that this is a good news day for the Assembly, not for us as individuals but for those whom we are here to serve and, in particular, for the victims who have been subject to this heinous crime. I thank the Minister and her departmental officials for bringing the legislation to the Assembly, for the work that has been done and for the commitment that has been given to get the Bill to this stage.

This message to the Committee during the process was clear: as an absolute necessity, there should be legislation to provide the criminal justice agencies with robust tools to tackle stalking behaviour, that takes into account the patterns of behaviour over time and their insidious nature, that is comprehensive and workable and that fully addresses any gaps that exist.

I will end with the words that one victim said to the Committee:

"The Protection from Stalking Bill would have made a world of difference in my situation". — [Official Report (Hansard), 25 January 2022, p21, col 1].

That says it all about how victims see that we are not just coming here and merely engaging in politics but that we are bringing forward legislation that could have made, and that now will make, a difference to our citizens and those who have been subjected and who, sadly, will be subjected to stalking behaviour.

On behalf of the Committee for Justice, I am very pleased to support the Final Stage of the Protection from Stalking Bill, and I commend it to the House.

Ms Ennis: I, too, am delighted that we are at the stage where we will see the Protection from Stalking Bill pass its Final Stage. It is not before time that we will see protection given in law to the victims of stalking and stalking behaviour. As the Chair of the Committee and the Minister said, credit must be given to the victims of this crime who bravely shared their experiences with the Committee and helped us to shape the necessary protections that are in the Bill.

As has been said before, stalking is a deeply insidious, invasive form of criminal abuse with shocking side effects and consequences for victims. The Bill is a major step forward for victims of that crime. Whilst victims of stalking are not always women and girls — anyone can be a victim or a perpetrator, regardless of their gender — stalking is overwhelmingly gender-based and is often carried out by men against women.

Violence against women and girls begins as everyday sexism, misogyny, catcalling, on-street harassment, and, over time, it embeds a deep, dangerous and toxic culture that so often manifests itself in serious physical and psychological violence. Stalking is one of those manifestations. That makes the Bill so important not just on its own but in the context of the wider work of the Assembly and Executive.

Violence against women and girls is an epidemic in our society. Many women and girls are fearful and angry and demand an end to this scourge. The Assembly has put a huge focus on tackling domestic and sexual violence over the last number of years. However, legislation is as effective only as its implementation, and, if we want the new anti-

stalking legislation to be effective, it will require training in order to ensure that the right attitudes towards stalking prevail and to improve investigations and secure prosecutions.

Although more can be done to give women and girls the agency and protection that we deserve, the Assembly has passed good legislation and taken big and sometimes groundbreaking steps to tackle the scourge of violence against women and girls. Building and enhancing on that good work will be a priority for Sinn Féin in the new mandate.

Ms S Bradley: I thank the Minister for being here and for moving this significant piece of legislation. On behalf of the SDLP, I warmly welcome the Protection from Stalking Bill at its Final Stage. In doing so, I also thank all those organisations and stakeholders and, in particular, the individuals who worked with our Committee. Although those meetings were at times quite difficult to listen to, it was important that we did so, and we have a Bill that represents those views. As the Committee Chair said, there should be an absolute change in attitudes to stalking and to how it is dealt with.

I also thank the departmental officials, who worked very well alongside the Minister and with the Committee in informing the Bill. It is important to put that on record, because that open communication allowed us to not just scrutinise but really add value to the Bill where it was needed. The Bill Office was, as always, very accommodating and supportive of the Committee.

I thank all the Committee members — not just current but former members — who worked on the Bill, including Gordon Dunne, who was at many of the deliberations and, sadly, is no longer with us to see it at this stage. I am glad that the Minister, quite rightly, mentioned David Sewell, because we have learned that, sadly, he passed away while work on the Bill was proceeding. His hand and his work are enshrined in the Bill, and the Minister's reference to that work is a fitting tribute. Whilst we refer, sometimes sweepingly, to places like the Office of Legislative Counsel, it is absolutely right to remember that behind them are individuals who work very hard and diligently. Today is another day when we see their work reaching Final Stage, and it is genuinely appreciated.

I welcome the fact that the offence of stalking is now defined in a Bill at its Final Stage. I am also reassured by the fact that the Bill includes the

offence of threatening or abusive behaviour. It is a lesser offence, but its inclusion provides a safety net. Ultimately, the Bill and others like it in the suite of legislation that is coming forward speak directly to the problem that we have with violence against women and girls. None of that legislation or those crimes are directed exclusively at women and girls, but, unfortunately, in the vast number of cases, women and girls are the victims. We have, of course, heard harrowing stories in which the victim was not a woman. The suite of Bills that we have developed during this mandate cannot be ignored in the context of the conversation about developing a strategy to protect women and girls. The foundation stones are quietly being laid today. The harassment laws did not encapsulate the full extent of the crime being committed, but I welcome that there is now adequate legislation to deal with it.

We have worked hard to understand this insidious crime, the psychological and, at times, physical effect that it can have and the long-term trauma that it causes for victims. We have collectively made a very good effort to put that into words in the Bill in front of us. Like any legislation, however, it will show its merit only if it is operational in a way that helps the victims. That will require a significant amount of not just training but resourcing. We are moving to a new place with this suite of legislation, but — I would love to hear the Minister elaborate on this — I want to have confidence not only that we have done the right thing in taking forward the Bill but that we will resource it and make sure that it is operationally delivered in the way that it should be. Only then will we really be able to say that we have done the right thing.

I commend the Bill to the House, and I thank everyone who had a hand in bringing it here.

Mr Beattie: I will be brief, if I may. The Bill will make good legislation. It really shows the teamwork and collaborative working — of stakeholders, victims, the Committee, the Department of Justice and the Minister — that has taken place in taking it forward. It has been a long journey, which started way back in 2016, when I was a member of the Justice Committee. The people who championed it back then have to be recognised, and I thank the Chair for making sure that that was done. I thank the Chair and the Deputy Chair for their guidance and all the Committee members for what they have done in scrutinising the Bill. I also have to mention Paul Givan and Linda Dillon for the excellent work that they did, because the Bill would not have got here without that.

Those in the Department of Justice and the Minister, who had the vision to drive this forward, also have to receive a special mention.

12.15 pm

The Bill creates the offence of stalking and the offence of threatening or abusive behaviour and it embeds in our criminal justice system stalking protection orders. Regardless of all the words that have been said and of how we articulate what we want to say, this good legislation will protect the people of Northern Ireland — overwhelmingly, although not always, young girls and women — and it therefore has to be welcomed. As the Ulster Unionist Party's spokesperson on justice, I absolutely welcome the fact that we have got to this stage with this legislation. I look forward to its getting Royal Assent and being enacted and, quite rightly, to all the resources being put in place to make sure that it does what we intend it to do.

Ms Bradshaw: The Bill's Final Stage comes on the day after the laws on coercive control came into force. That serves to re-emphasise just how important the Bill is as part of a package of legislation brought forward by the Justice Minister, particularly in the context of reported crimes of harassment rising so rapidly.

As the Justice Minister reminded us earlier, stalking can be both psychologically and physically damaging to victims, given the extreme lengths to which often-delusional offenders go. That is why it is so vital that we create a specific offence whereby repeated or even fixated behaviour, or a single incident of threatening or abusive behaviour, becomes an offence in law.

A further important aspect of the Bill is that victims will have automatic eligibility for special measures assistance, again as part of a package of legislation that will rebalance the justice system so that it recognises the sensitivities involved in such cases and adequately protects victims. The Bill also creates stalking protection orders, which are an essential prevention tool in the first place.

I thank the Suzy Lamplugh Trust, alongside organisations such as Women's Aid and Victim Support NI, for keeping the issue in the public eye. They have been clear that the fundamental objective is not to put lots of people in prison for stalking but rather to stop stalking from happening in the first place.

I welcome this further extremely important legislation from the Justice Minister. It will make

a significant difference to people's lives and make people safer. That is what we are all here for.

Ms Dolan: The introduction of a new stalking offence marks another milestone on our journey towards building a society that protects women and girls and that challenges and tackles the behaviour of stalkers and abusers. Today is a really positive day. The passing of the Protection from Stalking Bill will bring reassurance and protection to victims of stalking across the North. It will send a very public message that stalking cannot and will not be tolerated in our society.

For too long, the North has been an outlier on these islands, as it is the only jurisdiction without a stalking offence. That ends now. Protection from stalking legislation will help make our legal system more human-rights compliant, and the inclusion of stalking protection orders will be vital for protecting victims.

As we heard from support groups, victims' organisations and, most importantly of all, victims themselves, I listened in earnest to the harrowing impact that stalking has on victims' mental and physical health. I am grateful to and humbled by those who were courageous enough to share their experiences. They really helped us ensure that we focused on getting the Bill right, and I think that we have done that. I recently watched a programme on BBC 3 titled 'Stalkers', which showed the devastating impact of stalking. Many people were afraid to cross their front door, while others had to leave their home to build a life elsewhere. That is the reality for many people. We therefore cannot and will not tolerate stalking. If implemented correctly, the legislation will bring with it long-overdue protections. It is my pleasure to support the Bill's passing Final Stage.

Ms Dillon: I associate myself with all the remarks made so far. I welcome today's Final Stage, particularly given that the laws around coercive control in the Domestic Abuse and Civil Proceedings Act 2021 came into force yesterday.

As has been said, stalking is an insidious crime. As other Members have said, the implementation of this law is what matters. That includes training and reviewing, by constantly looking back at whether the legislation is working and at what is and what is not working. In my role on the Policing Board, I will very much focus on the protection orders. Today is not the last day of our responsibility, as an Assembly, for this legislation; it is only the

beginning. I promised people whom I met during the passage of the Domestic Abuse and Civil Proceedings Act and during the Justice Committee's scrutiny of this Bill that I would continue to keep a close eye on the legislation, and I meant that. For as long as I am elected, I will absolutely keep an eye on it, and I made a promise that whoever comes behind me will do the same. We, as legislators, need to ensure that we do not think that our work is done when a Bill passes its Final Stage. It is far from being done; it is only beginning.

As others have said, we need to ensure that the legislation delivers and is workable on the ground, and that proper training and resources are made available. We all, as MLAs, have responsibility for that as do the Department and the Minister. When we leave here today, we all need to remember that we have a responsibility to come back to the legislation time and again and to keep the promises that we made during the legislative process, particularly during the Committee Stage, when we spoke to victims who have suffered from this terrible crime and to their advocates and the groups and organisations that support them.

I welcome what is happening today. I thank the Minister for bringing the Bill to its Final Stage and thank the Committee for all of the hard work that it has done.

Miss Woods: I, too, welcome the opportunity to speak at the Final Stage of the Protection from Stalking Bill. I am glad that the Bill will soon become law, and that the amendments that were made at Consideration Stage mean that we will have more robust training, data collection, reporting and guidance on the new criminal offences. Like others did, I thank the Department, the Committee staff, our Bill Clerk and the wider Bill team for all of their hard work and support during the progression of the Bill and for facilitating our scrutiny of it at Committee.

As we know, stalking, like other forms of gender-based violence, is rooted in gender inequality. It has been said elsewhere that, in a society that gives agency and power to men but denies them to women, stalking makes up one part of the epidemic of violence against women and girls across the world. Like most crimes of violence against women, it often goes unreported.

As we know, stalking takes many forms. It can involve physically following or spying on a victim, loitering outside their work or home, or monitoring their activities, often through social media and online accounts. It can involve all

sorts of intimidating and intrusive behaviour, such as being sent unwanted messages, gifts or receiving numerous phone calls, which can, on the face of it, not look insidious. For any victim, stalking can take its toll emotionally and be very distressing and frightening. It can also be a precursor to more serious crimes and acts of violence. That is why the new legal protections are so important: they will save lives.

Many victims of stalking will know the perpetrators, but others will not. It could be their partner or ex-partner, but the offence is not always tied to an intimate relationship. It could be as a result of a dispute or a person's public profile, or it could be linked to the workplace, an education establishment and so on. So, incidents of stalking may not, in and of themselves, appear to be criminal. However, repeated unwanted patterns of behaviour are what constitute the new offence, so it is so important to look at the impact of the behaviour on the victim and the entire catalogue of behaviour that they have endured. Stalking leaves victims feeling fearful, threatened, powerless and isolated.

As I mentioned at Second Stage, there will be a need to educate citizens of all ages about, and spread awareness of, the new offences. We need robust workplace policies to be rolled out across all sectors. There needs to be guidance for employers and trade unions, for example, as well as detailed guidance for the police, prosecutors, the courts and everybody in our society. We need to ensure that those at the front line of our criminal justice system are fully trained, especially police officers, who will be the first port of call for many when they are reporting the offence for the first time. Given that clauses 1 to 5, which cover the new offences and court rules, are to be commenced the day after the Bill receives Royal Assent, I ask the Minister for an update on the training programme and the statutory guidance that her Department will be rolling out. I also hope that the Committee will be able to get more detail on those issues before the law comes into force.

Stalking can be a life-or-death situation, so I appeal to anybody who needs help or advice to reach out: there are people and organisations who can help.

I thank the Minister for bringing the Bill forward. I also thank the previous Justice Minister Claire Sugden and the previous Justice Committee for laying the groundwork and all of those who gave evidence to the Committee.

It is your voices that we are trying to capture with the Bill. I thank you for speaking up and speaking out.

Mr Speaker: I thank the Member. I now call the Minister of Justice, Naomi Long, to conclude the Final Stage debate.

Mrs Long: Thank you, Mr Speaker, for the opportunity to close the Final Stage debate on the Protection from Stalking Bill. I am grateful to all Members who have spoken in favour of this important draft legislation, which will help many people in the community who, regardless of gender, sexual orientation, age, race, religion or disability, are victims of a debilitating and insidious crime on a daily basis. The completion of the draft legislation will play a crucial part in generating confidence among victims to come forward and report their experiences to the police, knowing that they will be believed and will receive the support and protection that they need and deserve.

I appreciate the assurance that was sought by Sinéad Bradley with respect to resourcing. Unfortunately, as I know that the Member will understand, I simply cannot give that assurance. In the absence of an agreed Budget for the next three years, which recognises fully the challenges that face the justice system and the importance of the work that we do in creating safer communities and protecting vulnerable people, it is impossible to do so. However, I can assure her and all Members that I will do everything that is in my power to secure adequate resources and prioritise those services.

Mr Storey: Will the Minister give way?

Mrs Long: I will, indeed.

Mr Storey: I thank the Minister for being honest and open on that issue. Sadly, the former Deputy Chair of the Committee Linda Dillon has left the Chamber, but I want to place on record my thanks for the work that she did and for her point about her current role with others on the Policing Board. What conversations can you have with the police, Minister, to ensure that, while this draft legislation will come into law and, I know, will be taken seriously, they will recognise the resourcing challenge that there will be for them? I think that Rachel mentioned that it will be resource-intensive, sadly, because of the magnitude of the issue.

Mrs Long: I thank the Chairman for his intervention. I would have come to that issue when responding to Rachel Woods's

comments. Of course, legislation is a first step. It creates the legal framework within which people can be prosecuted for the offence. It raises the profile of the offence, and, hopefully, gives people the reassurance and confidence to come forward. However, if the legislation is to be truly successful, when people come forward, they need to get the kind of service from the police, the PPS and the courts that will actually encourage other victims to feel confident in coming forward.

It is not easy to talk about things like stalking. Often, people doubt their own mind when they have been stalked. The behaviour is so superficially insignificant yet can be so terrifying when one is subjected to it. Often, victims will doubt themselves. It is important that the right training is there for members of the PSNI, so that they are able to give the necessary support at the right time.

We are, of course, engaging with the police. A number of significant pieces of legislation have been passed in this mandate. Indeed, another one will, I hope, be passed in the next few weeks. All that will add to the police's burden of response. However, whilst that is new legislation which creates new duties, those are existing crimes which are, in many cases, being reported to the police. Their frustration is that, in many cases, they cannot respond because the law is inadequate. The draft legislation addresses that. There are already victims out there — people who would have been protected by such a law, who were unable to access it but will be able to access it in future. That is a help to the police, but we should not underestimate the call that it will make on their resources for training and delivering successful cases for prosecution.

It is important that we recognise that if we are to create a safer society — one in which everyone feels secure, women feel particularly confident to be able to go about their business without the fear of street harassment or being stalked, either by former partners or other obsessive individuals, and where people feel confident about their own safety and security — we have to invest in policing and justice structures. We have to ensure that they are properly funded, because, without that, if people get bad responses, it undermines confidence in the system and means that people are less likely to come forward.

It is a serious issue, because we know just how serious stalking can become if it is not interrupted.

12.30 pm

I also associate myself with the comments of Paula Bradshaw and thank charity, voluntary and community sector organisations, such as the Suzy Lamplugh Trust, which has really driven the process across these islands in looking at stalking and how that can be tackled much better after the atrocious experiences that led to the death of Suzy Lamplugh. I also thank Women's Aid, the Rainbow Project, the Men's Advisory Project and many more who work on behalf of victims who have been subjected to stalking, as well as the victims themselves.

Anyone can be a victim of stalking, and anyone can be a stalker, so we need to be careful. Whilst we recognise that it is a heavily gendered offence, there will be men out there who will have experienced stalking and there will be people from the LGBTQ community who will have experienced stalking. We need to make sure that our laws and our support for victims are adequate for all victims to feel confident in coming forward and sharing their experiences. The Bill is our chance to support those victims in a meaningful and practical way, to make a clear statement that stalking in our community is not acceptable and to criminalise that behaviour. That is not just a message for victims; it is one that, I hope, will be heard today by perpetrators of stalking. If someone says that they are not interested in your attention, if it is unwanted, stop. People must have agency over the choices and relationships that they make, and, if someone does not want to engage, you should stop harassing that individual and you should stop stalking that individual. It is fixated, obsessive, unwanted and repeated behaviour. It terrifies victims, and it ruins lives. Victims are often rendered almost unable to function as a result of stalking activity. When they do function, it is often under enormous stress, strain and emotional disturbance. Many have had to leave not only their homes but their jobs and their friends behind to build a new life away from the stalker. Even that is no guarantee, because often the stalker will find ways at distance to stalk their victim. In the most serious of cases, it can lead to murder. Therefore, we should never take stalking lightly.

The legislation makes a positive difference to many lives in our community. It gives us the tools to disrupt and stop stalking behaviour and to protect those who are victims. On that basis, I commend the Protection from Stalking Bill to the House.

Mr Speaker: I thank the Minister and all those who participated in the debate this morning.

Question put and agreed to.

Resolved:

That the Protection from Stalking Bill [NIA 14/17-22] do now pass.

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

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

Motor Vehicles (Compulsory Insurance) Bill: Consideration Stage

Mr Deputy Speaker (Mr McGlone): Glaoim ar an Aire Bonneagair, Nichola Mallon, leis an Bhille a mholadh. I call the Minister for Infrastructure, Nichola Mallon, to move the Consideration Stage of the Bill.

Moved. — [Ms Mallon (The Minister for Infrastructure).]

Mr Deputy Speaker (Mr McGlone): No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the Bill's two clauses for the Question on stand part, to be followed by the Question to agree the long title.

Clauses 1 and 2 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker (Mr McGlone): That concludes the Consideration Stage of the Motor Vehicles (Compulsory Insurance) Bill *[Interruption.]* Sorry. Excuse me; I am just checking whether anyone wants to contribute to the long title issue.

That concludes the Consideration Stage of the Motor Vehicles (Compulsory Insurance) Bill. The Bill stands referred to the Speaker. Members may wish to note that, as the Bill is proceeding under the accelerated passage procedure and the Further Consideration Stage is listed in the provisional Order Paper for Tuesday 1 March, the deadline for amendments is 9.30 am tomorrow, Wednesday.

Members should take their ease until we move to the next item of business.

General Teaching Council (Directions) Bill: Accelerated Passage

Miss McIlveen (The Minister of Education): I beg to move

That the General Teaching Council (Directions) Bill proceed under the accelerated passage procedure.

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

Miss McIlveen: With your indulgence, as this is my first opportunity to speak in the House since the untimely passing of my friend and colleague Christopher Stalford, I offer my heartfelt sympathy to his family. Whilst I have also done so privately, it is appropriate that I do so in the place where he excelled and was a larger-than-life character. At this sad time, I send my love and prayers to Laura, Trinity, Oliver, Cameron and Abigail, Christopher's mum, Karen, his siblings and his granny. I will miss Christopher greatly.

I welcome the opportunity to address the Assembly on the motion. The use of accelerated passage is not something to be sought routinely, nor do I take it lightly. When taking forward legislation, my preference is always to have the full Committee procedure to ensure scrutiny and the resolution of any issues to the Committee's satisfaction. Nonetheless, there are times when accelerated passage is unavoidable, and, given the shortness of the Bill, I am convinced that its use will not compromise Members' ability to adequately scrutinise the matter.

I begin by noting that, in accordance with Standing Order 42(3) of the Northern Ireland Assembly, I appeared before the Committee for Education on 1 February to explain the need for accelerated passage for the Bill and to outline the consequences of it not being granted. I thank the Chair and members of the Committee for their acceptance of the case that I presented and for their support to move the Bill under accelerated passage arrangements. Members will, of course, have the opportunity to raise issues on the detail of the Bill during its Second Stage debate. However, as required under Standing Order 42(4), I now wish to provide Members with an outline of the Bill, why accelerated passage is required and the possible consequences, should accelerated passage not be granted.

The General Teaching Council (Directions) Bill is a simple two-clause Bill seeking to bring the General Teaching Council for Northern Ireland (GTCNI) within the scope of an existing

provision that permits the Department to issue directions to a body. In this case, it could be used if the leadership persists against advice in taking damaging decisions or pursuing damaging actions. Members will recall from my statement to the Assembly on 13 December 2021, when I announced, on foot of the scathing conclusions of an independent effectiveness review of GTCNI, my intention to legislate for the dissolution of GTCNI and to stand down its council with immediate effect. There was widespread consensus in the Chamber that day that my decisions were warranted and necessary and that they represented a positive step forward for an organisation that had been struggling and dysfunctional for far too long.

Members may ask, if the council has been stood down, why the Bill is required and why accelerated passage is needed to move it forward so quickly. The answer is simple: the decisions that I announced on 13 December rely on an untested legislative power, and, while legal counsel has advised the Department that its use is sound, an untested power is always vulnerable to challenge. Given the damning assessment of GTCNI's performance, legal advice has recommended, as a safeguard against a judicial review and a reinstated council, that DE should secure a direction-making power as a matter of urgency. The Department has already received recent correspondence stating that a judicial review may be pursued, so it is now imperative that DE secure that power as a precautionary and protective step.

Failure to progress the Bill under accelerated passage would mean that it could not hope to complete its Assembly passage within the remainder of the current mandate, forcing us to restart the legislative process early in the next mandate. To leave GTCNI and the Department exposed to legal challenge for such a period and potentially to permit a reinstated GTCNI council — a council assessed as broken, divided and toxic — to take any further action without the Department being able to intervene would not be acceptable. I therefore ask for approval for the introduction of the Bill under accelerated passage arrangements.

Mr Lyttle (The Chairperson of the Committee for Education): I will start by reiterating my thoughts and prayers for the family of Chris Stalford and, indeed, extending my sincere condolences to the Education Minister on the passing of her close friend and offering my ongoing support to her at this difficult time.

The Education Committee has engaged in the scrutiny of the General Teaching Council for some time. The Committee was so concerned that it approved the Minister's decision to take action and dissolve the General Teaching Council in December 2021. In January, the Minister briefed the Deputy Chair of the Committee, Pat Sheehan MLA, and me on her intention to bring forward the Bill. The Minister then attended the Committee on 1 February, where she answered questions and advised of her wish to use accelerated passage in legislating to strengthen the Department's position in relation to the dissolution of GTCNI.

The General Teaching Council NI is the independent regulatory body for the teaching profession, and, unfortunately, its interactions with the Education Committee over the past number of years has not been to represent success. GTCNI has repeatedly been in special measures due to long-standing issues with internal governance. The Committee was alerted to serious concerns about deep dysfunction by the Northern Ireland Teachers Council and engaged with GTCNI's chief executive and the Department of Education to urge resolution and a constructive way forward. The Committee recognised that a complete reform of the organisation might be necessary. It also urged the Department to remedy shortcomings in its legislative underpinning of the organisation.

12.45 pm

In March 2021, the Committee for Education received briefings from the chief executive of the GTCNI and the Department of Education. Additionally, in late May 2021, the Committee heard from the council's chair, vice chair and chief executive. The briefings revealed fundamental disharmony on matters regarding the council's composition and powers, the Department of Education's role with regard to the GTCNI and a pathway out of special measures and into transformation. Recent media coverage of the GTCNI highlighted inquiries into bullying in 2019 and 2021.

In this matter, the Committee's primary focus is the creation of a GTC or equivalent organisation that is of service to the teaching profession in Northern Ireland. It is vital that such an organisation can be competent and professional in exercising a comprehensive range of functions in respect of the registration of teachers, teacher misconduct and the safeguarding of children and young people. In due course, the Department will have to bring a package of legislative measures to redraw the new or revised entity and provide it with a full

range of appropriate powers and sanctions. The Committee understands that this will take some time and urges that it be done without delay.

The Bill represents a simple and immediate measure. Currently, the GTCNI is not listed among the arm's-length bodies that the Department of Education has a power to direct. By introducing the Bill, with its single focus on amending article 101 of the Education and Libraries (Northern Ireland) Order 1986, the GTCNI will be included on that list. On behalf of the Education Committee, that is why it supports the accelerated passage of the General Teaching Council (Directions) Bill, which will bring us one step closer to implementing the tangible change needed for the GTCNI to provide a responsible and representative professional body that works in the best interests of education in Northern Ireland.

Mr Sheehan: First, I offer my sincere condolences to the family of Christopher Stalford, particularly his wife and young children. It is heartbreaking to realise that their four young children have been left without a father. I would also like to offer my sympathy and condolences to the Minister and her DUP colleagues. I know that they will miss Christopher greatly, as, I am sure, will everyone in the Assembly. You could not help but admire Christopher's intellect, intelligence, wit and sense of humour. I said the other night on Twitter, and I will say it here again: the Assembly will be all the poorer for Christopher not being here. Thank you for allowing me to say that, a Leas-Cheann Comhairle.

We have known for a long time that the GTCNI has been a completely dysfunctional organisation. The exercising of its responsibility to regulate the teaching profession and register new teachers has been abysmal for many years. I acknowledge that the Minister has taken decisive action, although it will take quite a long time before she can fully implement change in that organisation. This, however, is a first step in ensuring that the Department can give direction to the GTCNI leadership. It is for that reason that we give qualified support for accelerated passage in this case.

Mr Newton: Like others in the Chamber, I pay tribute to Christopher Stalford on his sad passing, and I offer my sympathy to his wife and their four children. I thank the SDLP representatives who spoke with me on the way into the Chamber this morning. Their decision to postpone their party conference, which was to take place on Sunday, was greatly

appreciated by DUP Members. Thank you for allowing me to say that, Mr Deputy Speaker.

I thank the Minister for introducing the Bill and requesting its accelerated passage. The Chair of the Committee concentrated on and captured the mind of the Committee as it started to take evidence on the General Teaching Council. Indeed, as the evidence started to roll out in those evidence sessions, all the Committee members became increasingly concerned with the level of divergence of opinion that there seemed to be. On examining and hearing the evidence, the dysfunctionality of the council became very evident.

I thank the Minister for deciding to ask for accelerated passage for the Bill so that the body can be replaced. Particularly during the pandemic, we all appreciated the efforts that schoolteachers, principals and schools in general put into keeping our children safe and ensuring the continuation of their education.

The General Teaching Council is a professional body. First, it is a statutory body; we have to have a general teaching council, so the work that the Minister will do will replace a statutory body. The council is also an independent body, and its independence is shown by the fact that schoolteachers pay a fee every year to it in order to ensure that standards of teaching are kept up.

The body was not able to address issues such as when teachers should be disciplined or even the extreme situations when teachers are to be removed from their position. The body was not functioning, and those in the teaching profession as a whole were the ones who suffered as a result. A bad teacher could not be removed, and you can see that it does not take too long to understand the impact of that. The council is also a regulatory body.

The whole teaching profession suffered. The remarks of those who gave evidence to the Committee, which were encapsulated in what the Committee Chair said, were really concerning. Here was a body that was supposed to set the standards for the profession that we all hold in high esteem, yet it was not functioning. Professional registration could not take place, the code of professional values, as I mentioned, was not functioning correctly and the reflective view on teaching competences was not being adhered to.

I hope that we can agree today that the Minister made the right decision. I also hope that accelerated passage for the Bill will be granted in the Chamber and that we can work towards

the establishment of a body that will deliver all the elements that it is supposed to deliver.

Mr McNulty: Minister, your heartfelt words about your loss and feelings at the passing of Christopher Stalford, who was your dear friend and our fellow Member, were very moving. I share with you in offering my sincere condolences to Christopher's family — his wife and four young children — his extended family, his friends and you, his DUP colleagues. He was a man I respected. He was a man of passion and principle. I hope that the glowing tributes that were made to him in the House and elsewhere will provide some solace to Christopher's family in the future. Christopher Stalford made an indelible mark in the short time that he was here.

I speak as the son of two teachers. I am very proud of their commitment to their profession. There should be a prestige associated with the professional representative body of that proud profession. Unfortunately, that is no longer the case. I recognise that the GTC has had a very rough passage over the last few years, and I recognise that there are good people there who are not necessarily associated with the culture that has been allowed to cause all the damage.

The concept of teachers having a voice in shaping their profession, including teacher conduct, is important, but the vehicle, as it is currently constituted, is not fit for purpose and is not delivering for teachers professionally or for society. Therefore, we must go back to the drawing board. The SDLP supports the Minister's Bill, because it is a necessary step in starting again.

Miss McIlveen: I thank all Members for their expressions of condolence and tributes on Christopher's passing. I also thank Members for their comments and for their support for the Department's further use of accelerated passage. A number of important points were raised about the GTCNI, particularly by the Chair of the Committee, and I will be happy to discuss those during Second Stage.

Mr Deputy Speaker (Mr McGlone): I thank Members for their kind and respectful comments. I also thank the Minister.

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

Question put and agreed to.

Resolved (with cross-community support):

That the General Teaching Council (Directions) Bill proceed under the accelerated passage procedure.

General Teaching Council (Directions) Bill: Second Stage

Miss McIlveen (The Minister of Education): I beg to move

That the Second Stage of the General Teaching Council (Directions) Bill [NIA 54/17-22] be agreed.

Mr Deputy Speaker (Mr McGlone): In accordance with convention, the Business Committee has not allocated any time limits to the debate, and, as the Bill is proceeding via accelerated passage, there are no time limits on individual contributions.

Miss McIlveen: Thank you, Mr Deputy Speaker. You will be delighted to hear that the General Teaching Council (Directions) Bill is a very simple, two-clause Bill that seeks to bring the General Teaching Council for Northern Ireland (GTCNI) within the scope of a long-established departmental power allowing it to issue directions to a small number of bodies. In this case, it could be used if the leadership persists, against advice, in taking damaging decisions or pursuing damaging actions.

Members will recall my statement about the GTCNI to the Assembly on 13 December 2021. The Department had received a final report from our consultants, Baker Tilly Mooney Moore, on the findings of its 'Board Effectiveness Review' of the GTCNI. It identified extensive governance and leadership failings, deep-seated divisions and animosities among GTCNI members. In the assessment of Baker Tilly Mooney Moore, those failings were so endemic that it felt it necessary to offer some very stark conclusions and recommendations.

Baker Tilly Mooney Moore concluded that the council is functioning but not functional and is not providing leadership or advocacy to the profession. It also concluded:

"It is our opinion that GTCNI is irretrievably broken and there is no prospect of recovery to any form of adequate performance and as such we believe that DE should move to dissolve GTCNI with immediate effect."

Having carefully considered the report, I accepted that recommendation and took the decision to stand down the GTCNI on 13

December 2021. That decision was conveyed in my statement to the Assembly on the same date. On the advice of legal counsel, I took my decisions using the Department's authority under article 3 of the Education Reform (Northern Ireland) Order 1989, which imposes a general duty upon my Department:

"to secure the effective execution by boards and other bodies on which or persons on whom powers are conferred or duties imposed under the Education Orders of the Department's policy in relation to the provision of the education service."

The use of the duty in that way has not occurred before, however. Its application has not been tested in court, and there are no examples of case law or prior court judgements to give us insight into how a court might rule in such a case. As our legal counsel pointed out, there is therefore a risk to the Department of Education that my decisions could be challenged and, should such a challenge prove successful, the same council, about which Baker Tilly Mooney Moore concluded:

"there is no prospect of recovery to any form of adequate performance",

would be reinstated, pending the passage of legislation formally to dissolve the organisation. In such a situation there would, under the Department's current powers, be no means for DE to prevent the council from pursuing the same damaging and divisive agenda that resulted in that damning assessment of its performance.

1.00 pm

I want to be clear on this point: legal counsel strongly believes that the Department would have a robust defence for its actions on the basis of the primacy of our article 3 power and on the strength of Baker Tilly Mooney Moore's report and recommendations. Nonetheless, there is always a risk in any judicial review process. Given Baker Tilly Mooney Moore's verdict, which was heavily based on the views and self-assessments of council members, that the GTCNI was the worst-performing organisation that it had ever been asked to review, I am unwilling to take any risk that DE would once again find itself powerless to intervene in the operation of an ineffective, factionalised and, frankly, toxic organisation. Furthermore, I am not willing to allow further damage to the already tarnished reputation of the GTCNI, nor to take a risk that, by its actions, a reinstated council might damage

public confidence in our teaching workforce more generally. Legal counsel's advice therefore was that the Department should, in parallel with pursuing the dissolution of the GTCNI, seek to take a power to direct the council in the discharge of its duties, should the need arise as a result of a successful legal challenge.

Legal counsel and the Departmental Solicitor's Office (DSO) have identified that adding the GTCNI to the list of relevant authorities to which DE can issue directions under article 101 of the Education and Libraries (Northern Ireland) Order 1986 is the most straightforward means of securing that outcome. For the benefit of any Members who may not be familiar with that provision, article 101 permits DE to direct a small number of defined relevant authorities in the exercising of its powers and duties. The current list of relevant authorities set out in the Order includes the Education Authority (EA), boards of governors of schools, the Council for Catholic Maintained Schools (CCMS) and the Council for the Curriculum, Examinations and Assessment (CCEA). It may reassure Members to know that it is a power that has seldom been used, and it requires DE to:

"consult with a relevant authority before"

issuing it with the direction. It is a power that gives any organisation within its scope every opportunity to act reasonably, professionally and in compliance with its legal duties before the Department intervenes.

My officials have been working closely with the Departmental Solicitor's Office, the Office of the Legislative Counsel (OLC) and the Office of the Attorney General to develop a suitable Bill. The result is the succinct, two-clause Bill that is before the Assembly. If, however, you exclude the introduction and commencement details, it is a single-line Bill that adds the GTCNI to the list of relevant authorities in article 101(3) of the 1986 Order. It seems hard to conceive how the safeguards that we are seeking could be delivered in a more minimal way.

Some Members may be minded to question the need for the Bill and its urgent passage at this late stage in the Assembly mandate. As I said in the previous debate, I have received three pieces of correspondence asking for clarification of the legal authority under which I stood down the council. One of those was from a group of former council members, and another explicitly mentioned the possibility of seeking a judicial review of my decisions. In that context and being mindful of legal counsel's advice and Baker Tilly Mooney

Moore's assessment of the GTCNI, it was essential to expedite the passage of the Bill at this time.

In closing, I also remind Members, as I outlined in my Assembly statement in December, of the Department's commitment to bringing forward at the earliest opportunity a public consultation exercise to identify the functions currently assigned to GTCNI that are critical to the sector and must be preserved. The consultation will seek views from the public, the teaching profession and key educational stakeholders on how those functions can be delivered efficiently and effectively. In the interim, the Department has taken on immediate oversight of GTCNI's executive team, allowing its staff to continue progressing new teacher registrations and registration renewals. Any decision on a replacement for the current council will, naturally, need to be included in the drafting of a GTCNI dissolution Bill. We will also want that Bill to address all of the issues that have prevented GTCNI from exercising teacher regulation in the manner that was originally intended. It is our firm intention to introduce the substantive GTCNI Bill early in the new Assembly mandate. I commend the Bill to the Assembly.

Mr Lyttle (The Chairperson of the Committee for Education): As I have mentioned, the Education Committee has engaged in scrutiny of the GTCNI for some time and approves of the Education Minister's decision to take action to dissolve it. The GTCNI has repeatedly been in special measures due to long-standing issues, and the Committee heeded the warning of the Northern Ireland Teachers Council, engaged with the GTCNI chief executive and the Department of Education in relation to these matters.

Complete reform is obviously needed, as is a remedy of the Education Department's shortcomings in the legislative underpinning of the organisation. A gap in the statutory vires of the GTCNI has been long-standing, and there should be no further delay in addressing that failure of governance.

The Education Committee wrote to the Education Department in June, asking it to urgently progress legislation, given public statements by the GTCNI that a deficient regulatory framework meant that children and young people could be at risk. The Committee also asked the Department to provide further information on the road map out of special measures for GTCNI. Replies from the Education Department made it clear that a significant level of support had been provided

by the Department of Education to the troubled GTCNI, and I recognise the hard work that was undertaken by a small team of departmental officials in that regard. The Education Department also advised that an independent council effectiveness review was under way. As the Education Minister has said today, when that review reported, she took action to dissolve the organisation. The Education Committee supported that course of action.

This is, however, an unacceptable failure to support our valued teaching profession in Northern Ireland, and the focus for everyone must now be on the creation of a fit-for-purpose organisation for our esteemed teaching profession in Northern Ireland. That organisation must be competent and professional in representing and registering teachers, regulating misconduct and protecting and safeguarding children and young people in Northern Ireland. The legislation before the House is a necessary step towards achieving that aim, although that does not detract from the need for comprehensive legislation to deliver a professional body for teachers in Northern Ireland.

I support the General Teaching Council (Directions) Bill.

Mr Sheehan: The General Teaching Council has been blighted by governance and leadership failures in recent years and, as a consequence, has failed to live up to its responsibilities as the regulator of the teaching profession here. Such is the scale of the dysfunction that we find ourselves working to fast-track the winding down of the General Teaching Council. Sinn Féin supports that approach.

The GTC describes itself as:

"the statutory, independent, regulatory body for the teaching profession and is dedicated to enhancing the status of teaching".

I would argue that, in recent years, rather than enhancing the status of teaching, the dysfunction of the leadership and governance arrangements of the GTC threatened to undermine the status of the teaching profession.

In the autumn, at what was a difficult time for schools due to COVID and the associated staff absences, the General Teaching Council could not process hundreds of newly qualified teachers, which prevented them from entering the classrooms when they were most needed. As a non-departmental public body, it is failing,

and many of its members believe it to be failing. As legislators, we would be failing in our remit if we did not bring this to an end sooner rather than later.

It is important that we also acknowledge the child safeguarding issues that were of grave concern to the Education Committee as we looked into the GTC. We must address the shortcomings and put the welfare of our children and young people first. In Committee, we were told that school leaderships and boards of governors would be able to deal with safeguarding issues in schools. A teacher facing serious allegations, however, might not be an employee of a school. That could be the case for a number of reasons. For example, a teacher could resign from a school before any disciplinary action can be processed; a substitute teacher who does not have a contract with a school could be accused of serious professional misconduct; a teacher who has been referred to GTCNI for serious professional misconduct could make an application to teach in another jurisdiction; or a teacher who has been referred to GTCNI for serious professional misconduct may wish to work from home as a tutor, using their teacher registration certificate as proof of their suitability to teach children. I impress on the Minister the importance of tightening up those areas for the purpose of child safeguarding and ensuring the welfare of our children and young people.

We need a fresh start. Our pupils, our teachers and our school leaders deserve better, and they are prepared to work with the powers that be to bring about that much-needed change. Graham Gault, from the National Association of Head Teachers summed it up well:

"We are the school leaders' union, and our members desire a regulatory body that ultimately serves our children. We are glad that the Minister has taken this action and we are committed to working alongside her and her Department in developing a new, effective and fit-for-purpose regulatory body."

The Bill provides us with an opportunity to take a first step and make some progress. The Minister is aware that ongoing work is required of her and her Department to produce a clear plan that shows us what teacher registration looks like and, crucially, what regulation looks like. I look forward to continued engagement with the Minister and others as we progress the legislation in the weeks ahead.

Mr Newton: I support the Minister in taking this action, as you would when you sit on the

Education Committee and a professional consultancy organisation such as Baker Tilly Mooney Moore appears before it and, in providing the background to its work on the review of the General Teaching Council, indicates that its experience of that was not one that it had had previously and that it found the council to be the most dysfunctional organisation that it had experienced. Its report indicated that.

I welcome the fact that the Minister has acted, despite moving, as she indicated, into uncharted waters. She outlined the legal risk and indicated that there had already been three enquiries about that risk. I accept that the Minister is making a brave decision, but she is making it for all the right reasons.

It is not a political decision but a decision to create an organisation that will take the teaching profession forward.

1.15 pm

There have often been areas of controversy in this mandate between Committee members and the Minister. On this issue, however, if the Minister is to produce a body that will replace the GTC and embrace all its professional functions, she needs the support of the Education Committee, and that support should come forward in a very professional manner in the next mandate.

I welcome the fact that the Minister has, indeed, indicated her willingness to consult. That is a very positive step and, in many ways, without exaggerating it, the wider the consultation, the better the report will be in the end. The aim is to produce a body that will promote, protect and enhance the teaching profession. The outcomes of the working of that body will be to ensure that all school pupils are provided with a much more enhanced educational experience in their years in school.

Mr McNulty: In my role as an SDLP member of the Education Committee, I support the Education Minister's Bill. I have nothing further to add, other than to say "Thank you, thank you, thank you; go raibh maith agaibh" to our teachers, who have kept the show on the road throughout the pandemic. They have been pushed from pillar to post, often putting their health and the health of their families at risk in their efforts to keep educating our children and young people.

Mr Butler: So many Members wanted to pay tribute yesterday to Christopher Stalford, the

Minister's friend and party colleague, that I did not get a chance to do so. I will take a very brief moment, if I may, to put on record my sincere sympathy and regret on Christopher Stafford's passing and to echo the Minister's words. Fair play to every single Member who paid tribute to him across the House yesterday, because you gave the people of this country a little bit of hope and a little bit of insight into the relationships that exist here. As we know, Christopher was, indeed, a unique individual. He was certainly not grey, like the colour of his suits: he was one of the most engaging, charming, articulate and talented legislators that we have had here, and he will be missed forever by every single one of us.

The Minister has the Committee's support for the Bill's accelerated passage and its Second Stage. The Committee listened to a lot of evidence about GTCNI's poor performance and, from my recollection, a lot of it was cultural and relational and had gone beyond the point of being able to be fixed. Having been in special measures for some time, things were irretrievable.

While she has our support, will the Minister clarify something for me with regard to the intention of the Bill? I know that, in itself, the Bill literally moves the powers and name of GTCNI within the provisions of a body, but in terms of the Department's ideas for the next phase, is it likely, now that GTCNI will be front-facing in primary legislation and captured there, that that is where it may be kept, or is it going to be resurrected as a body that will be reformed in the manner that it was and then taken out of the legislation at some time?

Mr Deputy Speaker (Mr McGlone): I call the Minister to make her winding-up speech.

Miss McIlveen: I thank the Chair, the Deputy Chair and the members of the Education Committee for their engagement on all matters associated with GTCNI. It has been a problematic organisation for many years and was so when I was on the Committee, when issues were raised around its functioning at that time. I welcome the comments made by all the Members who contributed. I share very much the desire of the Chair and Deputy Chair that we have an organisation that is competent and professional and will give support to the teaching profession.

The Deputy Chair raised some concerns in relation to allegations of teacher misconduct and the potential for issues of child safeguarding. If you do not mind indulging me,

Mr Deputy Speaker, I will explain the importance of that in the current situation.

Under the Education and Libraries (Northern Ireland) Order 2003, the board of governors of each school is responsible for safeguarding and promoting the welfare of its pupils and carries the primary legal responsibility in that matter. They do so by carrying out thorough pre-employment checks, effective school management and the timely application of disciplinary procedures as soon as any allegations of teacher misconduct, involving children or otherwise, come to their attention. In respect of their safeguarding practices, they must follow DE guidance, 'Safeguarding and Child Protection in Schools — A Guide for Schools'. Where any allegations are received involving a member of their staff, the school must additionally follow the guidance set out in DE circular 2015/13, 'Dealing with allegations of abuse against a member of staff'.

As part of those processes, the school will seek advice from key contacts and agencies, including the chair of the board of governors, the designated or deputy designated teacher for child protection, the EA's Child Protection Support Service for schools, the relevant employing authority, social services and the PSNI. Depending on the nature of the allegations, a criminal investigation or an employer's disciplinary process will normally be commenced.

A GTCNI professional misconduct investigation can commence only once those investigations have concluded. While an initial misconduct referral to GTCNI may be made at any stage in a PSNI or school investigation, GTCNI has no role to play in any of the immediate actions taken to safeguard the pupils involved.

I appreciate that the Deputy Chair also listed other circumstances. The safeguarding processes apply equally to permanent teaching staff, substitute teachers and those employed on temporary contracts. The guidance makes it clear that, even where a staff member resigns immediately after an allegation is received, that must not prevent an allegation being followed up in accordance with the guidance. By the time that any disciplinary and/or criminal investigations have concluded, any teacher judged to present a safeguarding risk to any pupil should long since have been removed from the classroom.

Given the sequencing, GTCNI's current inability to investigate and sanction teachers for professional misconduct could only theoretically give rise to a child protection risk, where the

PSNI or employer's investigations have found evidence of a safeguarding risk but then failed to take action to appropriately address it.

I appreciate the concerns that have been raised, and I want to underscore the fact that there are measures in place to address that, so that we do not create fears, particularly amongst parents.

Mr Butler raised a question about the next steps. I have reiterated on a number of occasions that a substantial amount of consultation will take place in advance of new proposals coming forward in relation to the recommendations that came from Baker Tilly Mooney Moore and to reflect what is required within the teaching profession. We have an opportunity to do the right thing, and we need to do that, to take it seriously and to ensure that the profession is supported in a way that it has not been for a very long time. That will be taken forward by a new Bill, which, at the same time, will dissolve the current GTCNI.

I thank Members for their contributions, and, given the comments made, I assume that we will get support for the General Teaching Council (Directions) Bill. I look forward to continued engagement with Members as the Bill progresses through its various stages.

Question put and agreed to.

Resolved:

That the Second Stage of the General Teaching Council (Directions) Bill [NIA 54/17-22] be agreed.

Mr Deputy Speaker (Mr McGlone): That concludes the Second Stage of the General Teaching Council (Directions) Bill. As the Bill is proceeding by accelerated passage, there will be no Committee Stage, and the Bill stands referred to the Speaker. Amendments to the Bill may be submitted to the Bill Office up to 9.30 am tomorrow, Wednesday 23 February.

Members, given that the Business Committee is due to meet at 1.30 pm, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when we will recommence with questions to the Minister for the Economy.

The sitting was suspended at 1.25 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Economy

Mr Speaker: Questions to the Minister for the Economy have been rescheduled from 14 February 2022. Question 11 has been withdrawn.

Engineering Sector: Mid Ulster

1. **Ms Dillon** asked the Minister for the Economy how he will address the shortage of skilled workers for the engineering sector in Mid Ulster. (AQO 3123/17-22)

Mr Lyons (The Minister for the Economy): Mr Speaker, I thank you and the Business Committee for rescheduling the questions. It is appreciated.

My Department is helping to address the skills gap for engineering in Mid Ulster with a range of skills programmes, including apprenticeships, Assured Skills, SKILL UP, Skills Focus and InnovateUs. I encourage employers to avail themselves of my Department's apprenticeship programmes, which play a key role in creating an effective and sustainable pipeline for skills development in the mid-Ulster area and for the Northern Ireland workforce as a whole. The latest published statistics show that Mid Ulster has the highest number of higher-level apprentices per capita of any local government district in Northern Ireland.

In response to the pandemic, my Department's apprenticeship challenge fund has supported work to create a new higher-level apprenticeship for the manufacturing sector that was developed by the manufacturing and engineering growth and advancement (MEGA) network in Mid Ulster. It is in its first year and is delivered by Ulster University at the Magee campus.

Latest figures show that 136 apprentices are participating on engineering frameworks at levels 2 and 3 in the mid-Ulster area, with a further 53 apprentices participating in the mechanical services engineering framework, which covers plumbing. In addition, economic recovery action plan funding is enabling the delivery of up to seven Assured Skills collaborative welding academies at South West

College that were developed with local engineering companies and offer 84 training places.

Skills Focus offers industry-relevant qualifications at level 2 and above, while InnovateUs delivers upskilling for innovation in the sector. With a budget of £23 million over three years, SKILL UP supports free training linked to priority areas for future economic growth in Northern Ireland.

Ms Dillon: I thank the Minister for his answer. I appreciate that there are a high number of apprenticeships in Mid Ulster, which is testament to the work that has been done by the engineering industry in my constituency of Mid Ulster. However, every engineering company that I have met is still crying out for people with the required skills, even to the point that one business that I met had someone who had taught themselves how to use a machine via YouTube. We need to look at having a centre of excellence for engineering apprenticeships in Mid Ulster. Companies will be more than happy to work with the Department to deliver that.

Mr Speaker: The Member has asked her question.

Mr Lyons: The challenges that the Member has mentioned are faced all over Northern Ireland. I am aware of the skills issues that we face right now. Of course, those challenges are not unique to Northern Ireland; we see them across the UK, the Republic of Ireland and further afield. I look forward to publishing my skills strategy soon. It deals with what we need to do in the longer term to ensure that we have the skills in place and to create a culture of lifelong learning. In addition to that, I am pleased with the progress of the Assured Skills academies in ensuring that we push our young people and make them aware of the opportunities that exist now and those that will exist in the future. I have also launched a careers review, because I want young people to be aware of the options that are available. There is clearly a demand and a need for that, and I want to make sure that we work with businesses, universities and higher and further education colleges to make sure that provision is in place that will make a difference.

If the Member has a specific proposal that she would like to write to me about, I will be more than happy to consider it.

Mr McGlone: Minister, you will know that that constituency is one of the high-end

manufacturing constituencies and has a range — a plethora — of very skilled workers. One thing that I always encounter, aside from the shortages, is a lack of connectivity. You have FE colleges and some of the best schools anywhere in the area, but joined-up connectivity between business and Departments has to take place in a much more coordinated way. Some of the companies are headhunting from the schools. Is there any way that you, the Department of Education or whoever could take a much more coordinated approach?

Mr Lyons: The careers review is so important because it looks at how we can work better together so that schools have an understanding of the opportunities that exist for young people and how we can make sure that those pathways are known to our young people in schools. There has been an improvement in working together and collaboration between businesses, the Department and the education providers. You can see that through the Assured Skills academies. They have been absolutely fantastic. Businesses come to us and identify need, and we work with education providers to address that need. Of course, there is always room for improvement, and I will not be found wanting in making sure that that happens.

Mr Weir: What is the Minister's assessment of the importance of the Assured Skills programme in upskilling? What feedback has he had from companies about the programme?

Mr Lyons: As I have indicated, the great benefit of the Assured Skills programme is its ability to bring together business and further and higher education and to allow my Department to identify the needs that exist. Major businesses that have invested in Northern Ireland — I mean the foreign direct investors who have come here — have told me that one of the reasons why they are reinvesting is the Assured Skills academies. They have been highly successful. They set out with an objective in mind, and they achieved it. As a result, we have seen provision and need being met and additional investment and jobs in Northern Ireland. I want to see that continuing beyond what is in my economic recovery action plan.

Mr Dickson: Minister, may I express my dismay at your recent decision to abandon all-age apprenticeships, given how important they are in areas like mid-Ulster and, indeed, across Northern Ireland in delivering the genuine skills that we need for the new and growing industries that require and are calling out for

apprenticeships, regardless of the age of those who want to do that work?

Mr Lyons: I fully understand and am aware of the challenges that exist for employers who require skilled workers. You have only to look at the plethora of programmes that we have put in place to see what we are trying to do to address them. If there is something that, the Member thinks, we need to do that we are not doing, I am happy to hear from him. All that will, of course, be explored in the skills strategy that I am bringing forward. I think that he will be pleased with the actions that we intend to progress through that strategy.

Project Stratum

2. **Ms Armstrong** asked the Minister for the Economy for an update on Project Stratum. (AQO 3124/17-22)

3. **Ms Dolan** asked the Minister for the Economy to outline whether Project Stratum is meeting its delivery targets. (AQO 3125/17-22)

Mr Lyons: With your permission, Mr Speaker, I wish to group questions 2 and 3, and, also with your permission, I wish to avail myself of the extra minute to answer that grouping.

Project Stratum is a broadband intervention scheme that was allocated £165 million of public funding, £150 million of which was secured under the confidence-and-supply agreement between the Democratic Unionist Party and the Conservative Party and £15 million of which was from the Department of Agriculture, Environment and Rural Affairs. After a competitive tendering process, Fibrus Networks Ltd was appointed as the contractor to deliver gigabit-capable broadband to over 76,000 premises using the £165 million of public funding and its own substantial investment of more than £45 million. Network build is on track to deliver gigabit-capable broadband infrastructure to those 76,000 properties by March 2024.

My Department has now secured additional capital funding of £32 million to bring a further 8,500 premises that are, again, mainly in rural areas of Northern Ireland into Project Stratum. The additional premises now include those that were out of scope due to insufficient funding when the contract for Project Stratum was signed, as well as premises that were not considered for inclusion at that time due to anomalies in the Pointer address database maintained by Land and Property Services (LPS).

As a result of that much-needed public intervention, 85,000 eligible premises will now benefit from Project Stratum, meaning that those homes and businesses will have access to gigabit-capable broadband that delivers the fastest available speeds to consumers. To date, Fibrus has completed infrastructure deployment work to over 22,000 premises. All scheduled builds in seven areas for this quarter are on track to be delivered in line with deployment targets. More than 10,000 fibre poles have been planted, and 2,000 kilometres of fibre cable installed, despite the challenges to working conditions faced by the contractor and its subcontractors during the pandemic.

The deployment of the new full-fibre network infrastructure to reach all 85,000 premises now in Project Stratum will continue across four extended quarters of network build, with Fibrus Networks on target to complete deployment to some of the most hard-to-reach premises included as part of the extended coverage plans by March 2025.

Ms Armstrong: Thank you, Minister. You have just mentioned the number of poles that have gone up. Some of those hard-to-reach areas are in areas of outstanding natural beauty (AONBs). Can you confirm whether part of the contract with Fibrus Networks was to put the poles in AONBs underground, as opposed to overground?

Mr Lyons: Fibrus Networks contacts environmental bodies prior to every build phase of Project Stratum, as well as inviting them to the virtual community events that it hosts prior to build commencement. Fibrus Networks uses those events to explain its build plans, provide more detail on its approach and provide contact information in the event that there are any issues with the network roll-out. It also consults rural community networks, local political representatives and councils. Build teams deliver build letters to local residents informing them of the work that is taking place. If there are any queries, those should be dealt with promptly. On-site meetings are also held with local residents and political representatives to resolve issues; for example, with the visual impact of poles. Such meetings were held during build phases in the Mournes area, for example.

Maps produced at the low-level design stage contain details of the poles infrastructure that is planned for public land considered to be an area of outstanding natural beauty. Details of the placement of the poles are then provided to the relevant council area with at least 28 days' notice of Fibrus Networks' intention to

commence works. If the Member has a problem with individual poles, I encourage her to get in contact. However, that should have been done through the councils in order for that consultation to take place. If it has not, I am more than happy to chase that up for her.

Ms Dolan: I thank the Minister for his detailed answers. It is deeply concerning that BT has chosen to hike its broadband prices when we are already in the midst of a cost-of-living crisis that is hitting thousands of workers and families. Can you confirm whether there are any price controls in the Project Stratum tender to prevent such unfair price hikes for customers?

Mr Lyons: I understand people's concerns about the cost-of-living crisis that we find ourselves in. The scheme is helping to deliver broadband to those who do not have it. That is to be welcomed. On pricing schemes, I would appreciate more detail from the Member about the specific area that she is talking about. I can then take that forward and see what the issue is. I hope that it will go in the direction of there being competition in the areas that will be affected by Project Stratum. That will help to keep the cost of broadband down. Ultimately, competition is what will achieve that.

Mrs Erskine: Project Stratum demonstrates what the DUP can deliver for people in every community and from every background across Northern Ireland when given the power to do so. I know the importance of better broadband in my constituency of Fermanagh and South Tyrone, while others try to diminish the importance of investment in rural areas.

Will the Minister detail how vital the project has been, particularly for people and businesses in rural parts of Northern Ireland?

2.15 pm

Mr Lyons: I agree with what the Member has said. It is absolutely right that my party prioritised it as an issue, because we understand the importance of good broadband and good connectivity.

I was disappointed to hear a Sinn Féin Member say last week that he did not believe that it was the job of government to intervene in this way. I was a bit shocked to hear such a pro-capitalist approach coming from Sinn Féin, but there is change afoot, it seems.

My view and that of my party is that, where there has been what I consider to be a market failure, it is right that we intervene, because

look at the outcomes that we have been able to achieve. As a result of the investment, 85,000 properties that previously did not have access to broadband will now have access to high-speed broadband. That is something that should be warmly welcomed.

Coming from Fermanagh and South Tyrone, the Member will know of the issues that she has had and that other Members have raised about the lack of broadband, and she will know the change that broadband makes. In some cases, it is a game changer, for businesses and those who need access to the internet but also for people in the home. Some people need it in the home for work reasons, some for social and recreational reasons and some for educational purposes. That is what we are able to deliver through the money that we have been able to secure. As the Member will know by now, in Fermanagh and South Tyrone, 13,572 properties now have, or will soon have, that access to broadband.

The other benefit for us is that it makes Northern Ireland as whole much more connected. Connectivity is repeatedly mentioned to me by investors and businesses in Northern Ireland as being really key for economic growth and for the future. That is what we have been able to secure and deliver through Project Stratum.

Mr McNulty: As a Member for the predominantly rural constituency of Newry and Armagh, I recognise the critical importance of connectivity to high-speed broadband for all country families and businesses. Given that Sinn Féin is on record as appearing to have serious reservations about broadband connectivity for rural businesses and families, will the Minister give me an assurance that he remains committed to ensuring that every family and every business in our rural communities is connected to high-speed broadband and that he is demonstrating good value for public money?

Mr Lyons: Not only have I and my party said that we were concerned about access to broadband but we have done something about it, and we have delivered on it. I am delighted to say that, in Mr McNulty's constituency, 9,061 additional properties will now have access to high-speed broadband that did not before. Those include businesses, and it will make them more efficient. It will help families, schoolchildren who are doing their work from home and those who are working from home.

I was really struck by the comment from Mr O'Dowd last week. It is absolutely wrong to

question money going into Project Stratum as a government intervention to help those hard-to-reach properties. I am more than happy for the difficult questions to be asked about the process and how it is being done. I am here in the Chamber today taking questions from Members, but, on the principle of the Executive, through the confidence-and-supply agreement secured by my party, helping those who need it, I do not think that that should be questioned at all. It is absolutely right for us to help those people get access to broadband, and I make no apology for it.

Mr Nesbitt: The Minister will be aware that, at the Economy Committee last week, we were alerted to some disturbingly negative customer satisfaction reports about Fibrus. What is the Minister's view?

Mr Lyons: Unfortunately, I have not had time this week to listen back to the Committee.

Mr Nesbitt: You were reporting at it.

Mr Lyons: I heard part of it, but I have not heard the entirety of it. If there are specific complaints, I will be more than happy to look into them to see what the issues are. Some 85,000 properties will be affected by the installation of broadband. It may well be the case that, at some stage, things go wrong and people are not happy with the service. If people are having problems, I want to help them. I will do what I can to support them as will my Department and Fibrus. Again, if there are specific queries, please raise them with us and we will be happy to take them forward. I have spoken to a number of people who have already been connected, and they are content and happy with the service that Fibrus has provided. If there are others who are not happy, I am more than happy to chase that up.

Energy Prices

4. **Ms Ní Chuilín** asked the Minister for the Economy how 'The Path to Net Zero Energy' will help homeowners mitigate the impact of rising energy prices. (AQO 3126/17-22)

Mr Lyons: I understand the impact that rising energy prices are having on people in Northern Ireland. From the beginning of my time as Minister for the Economy, I have made it clear that affordability is front and centre of the strategy for achieving net zero emissions by 2050.

The strategy and the supporting action plan aim to develop policies and interventions to achieve affordable and stable energy prices. That will require reducing our reliance on fossil fuels, the prices of which are inherently volatile and driven by factors outside our control; improving the energy efficiency of our buildings to reduce the amount of energy that we use, including setting clear targets, standards and regulations as well as providing support to consumers; and maximising the use of indigenous renewable resources to reduce the amount of carbon taxes that consumers pay on their energy bills.

The energy strategy also takes account of the impact of the recent increases in energy prices on our citizens, with a focus on the measures that assist vulnerable consumers. Those measures include establishing a one-stop shop to provide information, advice and support to consumers and establishing a cross-departmental steering group, led by the Department for Communities, to develop and deliver actions to address fuel poverty.

Ms Ní Chuilín: Gabhaim buíochas leis an Aire as ucht a fhreagra. Minister, in your response, you outlined that you are concerned about rising costs. You will not find a Member in the Assembly who is not. You said that your Department is providing a one-stop-shop in conjunction with the cross-departmental response led by the Department for Communities. The Department for Communities has provided £57 million to help people heat their homes. What money is your Department bringing forward to, for example, retrofit homes, which would reduce the bills people that face, particularly at this time?

Mr Lyons: Of course, that is at the front and centre of the energy strategy. As soon as I came into office and looked at the options for our energy strategy, I wanted to make sure that we were doing everything that we could to make sure that it was, first and foremost, affordable for people in Northern Ireland. I have constituents who are struggling as does the Member — we all do — and I want to make sure that we put the support where it is of most use. That is why I want to make sure, first of all, that we put our efforts into energy efficiency because the cheapest form of electricity is the one that you do not use. We want to make sure that people are using as little energy as possible but are still able to heat their homes, and that is where efficiency comes into play.

We are going to establish a one-stop shop for everyone's energy needs so that they have the information, advice and support that they need to make those decisions that will, ultimately,

help to save them money. For some, that could mean pointing them in the right direction regarding renewable energy and energy they can create themselves, and for others efficiency measures will be the most appropriate.

That is where our focus is. The Member has already seen the energy strategy action plan for this year and how we propose to take that forward. I do not want to encroach on other Departments' responsibilities, and fuel poverty is an issue for the Department for Communities. However, at the same time, we are creating that cross-departmental group to deliver on actions to address fuel poverty.

Mr Dunne: Clearly, events between Russia and Ukraine, including the German Chancellor's decision to pull the plug on the Nord Stream 2 pipeline project, could have an impact on the energy markets. How concerned is the Minister that those events could cause further pain to local energy users?

Mr Lyons: The news about Ukraine over the last couple of days and today's news from the German Chancellor will inevitably lead to an increase in the cost of energy in the UK. We do not depend overly heavily on Russian gas — our supplies come from elsewhere — but there will be an impact on the world markets.

That is why I put a focus into the energy strategy around, where we can, creating as much of our own energy as possible. That is where we need to see further investment, because the longer we are reliant on fossil fuels, the longer we will be dependent on the volatility that comes with fossil fuels. In particular, in Northern Ireland, we are well placed to take advantage of hydrogen and the opportunities that it will bring for our economy. That will create not only jobs and investment but, at the same time, a more stable supply of energy. That is why it is front and centre in the strategy.

Ms McLaughlin: Minister, I want to go back to the conversation about energy efficiencies. As we all know, fuel poverty is very prevalent in our communities at the minute. If the heat is going out the doors and windows of homes, particularly in our public housing stock, no amount of efficiencies can actually plug that gap and keep people's homes warm. Therefore, there has to be a certain amount of urgency on developing a programme to support retrofitting. While you said that conversations are happening and you mentioned a one-stop shop, is that happening with the sense of urgency that

is required to support people in their moment of most need?

Mr Lyons: Absolutely there is. That is why I did not just publish a strategy and leave it on a shelf. I have produced an action plan for this year so that we can start to make the progress that we need. Ultimately, this is an Executive-agreed energy strategy, and there will be responsibilities for most, if not all, Ministers. The Department for Communities and the Housing Executive will be key partners in addressing some of the issues that the Member has raised.

Mr Allister: Minister, is it not the case that energy bills could be reduced by 5%, at a stroke, if VAT were removed from household and other bills, but that is impossible because of the iniquitous protocol that subjects us to the EU's VAT regime, which dictates that there must be a minimum 5% VAT charge?

Mr Lyons: It has long been the case that EU regulations have stopped us from taking actions that we would like to take as an Executive and as a UK Government. This is another example that the Member has given us today. I want to be able to provide as much support as I can to those who are struggling with energy prices at the minute. However, I do not want there to be confusion or an inability for us to take action that would immediately help consumers. That appears to be the problem with the protocol right now.

Chinese Imports: Rising Costs

5. **Mr Chambers** asked the Minister for the Economy for his assessment of the impact of rising costs of products imported from China, experienced by local companies, on the economy. (AQO 3127/17-22)

Mr Lyons: I am well aware of the increase in costs of many products coming into Northern Ireland from China and other global markets. I appreciate the challenges that that creates for our local businesses and consumers. Cost pressures are being driven by global factors, such as shipping and logistics bottlenecks, reflecting a much stronger than expected economic rebound from the COVID-19 pandemic. While welcome, it has created inflationary pressure as supply chains strain to catch up with demand. Unfortunately, these global market forces are largely beyond the control of the Government and will take some time to rebalance. The current volatility in availability and prices is causing some businesses to assess the resilience of their

supply chains, including taking steps to source inputs closer to home. My officials continue to monitor the situation closely, including through engagement with the UK Government, business and industry stakeholders, to understand the issues involved.

Mr Chambers: I thank the Minister for his answer. Minister, you touched on the fact that it is also a question of the availability of products for wholesalers, for instance, to sell on to retail customers. Will your departmental officials commit to meeting trade representatives to discuss the difficulties being experienced by the wholesale trade?

Mr Lyons: I did not pick up all of the question, but if it was a request for a meeting with officials from interested business and industry stakeholders, I am sure that that can be arranged by my office. I encourage the Member to get in touch with the private office.

Mr Speaker: That concludes the period for listed questions. We move to topical questions to the Minister.

2.30 pm

RHI Scheme: Closure

T1. **Ms Bailey** asked the Minister for the Economy, albeit it was good to hear him say, about the energy strategy, that he does not want to produce a report only to leave it sitting on a shelf, given that it has been well over two years since the Executive parties agreed to close the renewable heat incentive (RHI) scheme as part of the New Decade, New Approach agreement, has that been shelved, given that although the public consultation on the closure ended in April 2021, no decision has been announced. (AQT 2061/17-22)

Mr Lyons: On a number of occasions I, and indeed my predecessors, have sought to get papers on the future of the RHI scheme onto the Executive agenda. Unfortunately, that has not been possible.

Ms Bailey: Will the Minister give an indication as to the response to that consultation and the ministerial decision that he would like to take, if he cannot get it at Executive level?

Mr Lyons: Anything on the future of the RHI scheme will require Executive approval. I am disappointed that I have not even been able to get it onto the agenda to discuss it.

European Social Fund: Replacement Match Funding

T3. **Mr McGuigan** asked the Minister for the Economy why he rejected the proposal from the Finance Minister earlier this week for match funding to be provided to projects funded under the European social fund to allow them to continue for the 2022-23 year, especially given that those projects support 1,700 jobs and serve 17,000 people in communities across the North, including in his constituency, by providing education, training, skills and employability support to some of our most vulnerable citizens. (AQT 2063/17-22)

Mr Lyons: I thank the Member for the question, because it gives me an opportunity to provide some clarity on our plans to deliver these programmes next year. It seems to have gone unnoticed that I have already committed £6.3 million to support the projects next year. That represents a third of all match funding needed and so is a sizeable and significant contribution. Also, I welcome the announcement from the Communities Minister that she is committing £1.5 million to the projects. The delay in making that announcement caused many of them to fear for the future, so I am glad that it has now been confirmed.

In respect of the Finance Minister's plans announced here by him last week, I have already written to the Finance Minister to explain why his proposals were simply not feasible. It was not just my Department that came to that conclusion. I understand that other Departments reached the same conclusion.

Let me finish on a more positive note. Just this morning, my officials met representatives from all the projects. They will follow that up in the coming days with further detailed individual discussions. The message that my officials gave this morning was that nobody will be left behind, and I am happy to reassure the Chamber that that is my position also. I value the work that these organisations do, I am already committed to supporting them, and I will support them.

Mr McGuigan: Minister, you are quite right: these are vital programmes and projects. You indicated the nervousness and unease felt by people involved in the projects over the DUP's pulling out of the Executive and the uncertainty about funding. I welcome what I seem to be hearing from the Minister, namely a commitment that the funding will be in full. The Communities Minister did support the Finance Minister's proposals, so that could have been

done. Will the Minister once again commit to the House that these projects will be funded in full for the next year?

Mr Lyons: First of all, it is important that I set out the fact that I had recognised the issues that were coming down the track. That is why I submitted to the Finance Minister a bid for £5 million to allow the programmes to continue. Unfortunately, he refused that within the draft Budget, and it was very disappointing that it was not prioritised at this time. I am committed to supporting those programmes. I recognise the work that needs to be done. I will support the programmes, I want to ensure that they can continue in April 2022, and I believe that that is what we will do.

High Street Scheme: Update

T4. **Mr T Buchanan** asked the Minister for the Economy, after thanking him for the successful high street scheme, to give an update on the progress that is being made to deliver Spend Local cards to the small percentage of applicants who did not receive them or whose PIN failed to work. (AQT 2064/17-22)

Mr Lyons: Absolutely. I am delighted with the success of the scheme. The overwhelming majority of those who applied were verified, and the overwhelming majority of them received their cards and spent their cards. It was a fantastic help to the high street, and I thank Diane Dodds for the work that she did in setting up that scheme. It had a fantastic impact and put money directly into the hands of consumers, who were able to go into businesses and spend more than the £100. When the Member spent his £100 card — unless somebody else spent it for him — I hope that he added in some extra money.

I recognise that, through no fault of their own, some people were unable to get or to spend their card. We are trying to help those people. In addition, if there was maladministration on the part of the Department or the card provider at any time, those affected by that will be helped. Emails have already gone out to those who were affected, and the payments will be made in March or April of this year.

Mr T Buchanan: Thank you for that, Minister. Can you give us any indication of when it will finally be brought to a close?

Mr Lyons: I hope that we will have that in place for all those who were affected very shortly and then that spending can begin. It will not go on for a prolonged period. Once we know who is

eligible for a remedy payment, we will send information to tell them that they have been verified and provide them with a form to fill in their bank details. By March or April, that money will be with them. By the end of the scheme, I hope that we will have been able to assist those who were not able to get their cards. Those who got their cards and spent them made a fantastic economic impact across Northern Ireland.

Invest NI: Funding Pause

T5. **Mr McGlone** asked the Minister for the Economy to outline the shortfall and the implications of the funding pause at Invest NI. (AQT 2065/17-22)

Mr Lyons: That was raised this morning during questions on my statement about the review of Invest NI. It is certainly not the case that there has been a pause insofar as businesses are still being supported and commitments that were made are still being honoured. However, of course, as a result of the lack of a Budget and the funding settlement that was due to come our way not being sufficient, there will need to be some prioritisation and analysis of the support that we can give. I hope that that can be rectified and that we will have a better budgetary position, so that we can support those businesses that are creating jobs and bringing investment to Northern Ireland.

Mr McGlone: Thanks very much to the Minister. I see that that is contingent on the Budget. The budgetary implications of that might be something that the Minister will want to speak about too.

Could the Minister be a wee bit more precise about any offers of funding that have been delayed or withdrawn as a result of the pause?

Mr Lyons: Sorry. I think that the Member asked whether any offers of funding had been withdrawn. At this stage and to the best of my knowledge — I certainly have not been told anything else — nothing has been withdrawn. All bids will be considered.

Business Opportunities: Middle East

T6. **Mr Frew** asked the Minister for the Economy, in light of his recent visit to the United Arab Emirates, to state the opportunities that there are for Northern Ireland companies in the Middle East. (AQT 2066/17-22)

Mr Lyons: There are huge opportunities for Northern Ireland companies in the Middle East. We saw that during our recent visit. I met representatives from a company that is providing waste management facilities in the Middle East.

Northern Ireland is at the heart of innovation right now. The Member will know what we are doing and trying to achieve through our 10X strategy. The United Arab Emirates, in particular, is really important for us as a gateway to the wider Middle East. We see huge changes taking place there and, in particular, in Saudi Arabia, which is opening up to us in a way that it had not done before. One of the key sectors is the mining equipment that we make. There are huge opportunities for Northern Ireland companies in that region.

Mr Frew: The Minister will know well that all politics is local. Did the Minister's work there impact positively on any companies from the north Antrim area?

Mr Lyons: Yes, indeed. I met the representatives of a couple of companies from the north Antrim area that are working with Invest NI in the Middle East. It is also worth mentioning the Gulfood exhibition that I attended, where we saw a huge demand for and interest in dairy products from Northern Ireland.

I know that many dairy farmers in north Antrim are also benefiting from that. It is great to see the manufacturing industries doing really well in exports to the Middle East. I had the pleasure of meeting Wrightbus recently, and I know that it has a lot of interest and a lot of work in the Middle East. I am happy to report to the House that there is a bright future for north Antrim businesses in the Middle East.

University Staff: Strike Action

T7. **Miss Reilly** asked the Minister for the Economy, given that he will be aware that university staff are on strike due to reductions in their pension entitlements and broken promises over what they are owed, and assuming that all will agree that no worker should have to take to a picket line to secure fair working conditions, to state whether he will join her in encouraging university management and pension fund managers to work with staff to find a solution. (AQT 2067/17-22)

Mr Lyons: The universities and further and higher education establishments are all autonomous institutions, and I do not have

direct control over them. However, I have encouraged them to get to the table and find a solution. This is not good for anybody. It is not good for the education establishments, and it is certainly not good for our students and others, who have seen enough disruption over the past number of years. I urge everyone to come back to the table and get an agreement.

Miss Reilly: Thanks for that answer. Minister, students are frustrated that their lecturers have had to take strike action, especially as they continue to pay fees and cannot get access to lectures or teaching. Do you intend to raise the issue with the universities and encourage a solution so that this dispute does not lead to further disruption?

Mr Lyons: If I can play any role in that, I will certainly be happy to do so. Ultimately, though, as I have said, it is an issue between the employers and the employees. I reiterate the point that the Member made: it is disruptive to students, and, as I said, they have faced enough disruption already.

North/South Trade Increase

T8. **Ms Kimmins** asked the Minister for the Economy whether he agrees that no one has anything to fear from an increase in North/South trade, which is creating much-needed jobs, particularly given that, last week, it was announced that sales from North to South have increased by 65%, which is a £3.6 million daily increase in the value of trade. (AQT 2068/17-22)

Mr Lyons: Of course, the increase in North/South trade is not new trade; it is the diversion of trade that was previously between Great Britain and Northern Ireland as a direct result of the Northern Ireland protocol. It is a change that others have had to make as a result of the protocol. It does not mean that it is better for them or cheaper; it is just easier, as a result of the protocol. Our focus needs to be on resolving those issues.

I recently received figures to demonstrate the change in food prices over the past number of years and the impact that that is having. Average food prices in Northern Ireland increased by 5%, compared with a 13% decrease in Great Britain. That is a massive change between GB and Northern Ireland. Frictions in the Irish Sea have contributed to that, and that should be a cause for concern, so I hope that everybody in the House will want to join me in ensuring that we deal with those frictions between Great Britain and Northern

Ireland, because, if we do, it will help all our constituents.

Ms Kimmins: Minister, the South is purchasing fewer products from Britain and is instead using supply lines here in the North. That is certainly positive for us in the North. How is your Department supporting local businesses to benefit from the new trading realities?

Mr Lyons: Again, I think that the Member misses the important point, which is that the frictions between Great Britain and Northern Ireland are causing economic harm to Northern Ireland. Part of the problem is that she refuses to accept that that is an issue. I can take the Member to businesses right across Northern Ireland that are impacted by that. Some businesses have had to take on additional staff to deal with the paperwork. I have complaints here about the problems that are being caused by the protocol, including a 10% to 20% increase in costs directly attributable to the protocol. I have letters from Members on the other side of the House complaining about the checks that are taking place and the impact that they are having on businesses. There are goods and products that businesses cannot get from Great Britain, and, as I mentioned, there has been an increase in food prices. We must remember that that is all held up and supported by £500 million that has been put into the Trader Support Service, which is due to go. Our focus should be on dealing with those issues, because they are the issues that are having a direct impact on our constituents.

Mr Speaker: Time is up. Members, please take your ease for a moment or two before we move on to questions to the Finance Minister.

2.45 pm

Finance

Justice: Budget Allocations

1. **Mr Muir** asked the Minister of Finance for his response to the Fiscal Council's assessment of the 2022-25 draft Budget regarding proposed allocations to the Department of Justice. (AQO 3150/17-22)

Mr C Murphy (The Minister of Finance): I did not have the opportunity to be in the Chamber yesterday, so, before I answer the question, I want to add my condolences to those offered to the family, friends and colleagues of Christopher Stalford on his very sad loss. We will all be poorer for his passing.

I have noted the views of the Fiscal Council and its view that the Department of Justice has done less well than other Departments when considering the combined impact of the required 2% savings and the general allocations provided. It is, however, worth noting that the Fiscal Council's assessment did not take into account the other significant funding that was proposed for DOJ in the draft Budget, namely £44.4 million for the PSNI and £10.7 million for work on reducing and preventing domestic and sexual abuse. Further to that, DOJ would continue to receive security funding, which provides £31.2 million per annum for the three years outlined in the Budget.

Of course, many pressures remain, and, throughout the Budget process, I have highlighted the significant financial challenges that we face. Simply, it remains the case that the funding available to us falls well short of what is required. As such, we must prioritise expenditure. On that issue, the Executive have consistently indicated that the priority is Health. The draft Budget reflected that, with the Department of Health receiving additional funding significantly above that received under Barnett. To do that, savings from other Departments, including the Department of Justice, were necessary.

I welcome the views of the Fiscal Council and, indeed, all respondents to the draft Budget consultation. Those will be fully considered as and when the final Budget proposals are developed. It will be imperative that the Executive work collectively to find solutions to the financial challenges faced.

Mr Muir: I thank the Minister for his response. The reality is that we do not have a new Budget for the next financial year, never mind the next three years, and the Fiscal Council's findings on the impact on the Department of Justice were clear. Does the Minister agree that we need not only a Budget but a Budget that keeps our communities safe and healthy? Will he reconsider his decision to terminate the consultation on the draft Budget?

Mr C Murphy: I agree that we need a Budget. We need to ensure that there is an Executive in place to achieve that. I have taken advice on whether the Assembly can proceed with the Budget, but I have been advised that that is not possible. I agree with the Member that we need to ensure that communities are safe and protected. I have paused — not terminated — the consultation on the Budget. There is still a facility in the Department to receive input if people want to continue to make their views

known on it, but there is no point in putting the Department and other public bodies through the process of responding to a Budget when the Executive are not in place to do anything about it. I hope, however that sense will prevail and that we will return at an early opportunity to deal with the Budget properly.

Mr McGuigan: Minister, the independent Fiscal Council said that a multi-year Budget provided a "golden opportunity" to reform public services, including to reform and improve our health service. Does he agree that it is disgraceful that this golden opportunity has been jeopardised by the DUP's reckless and selfish decision to collapse the Executive?

Mr C Murphy: We have long recognised that the health service needs support in dealing with big issues such as cancer treatment, waiting lists and mental health provision. We have also recognised that transforming health services, as we have long wanted to do, would require multi-annual funding, and that recurrent funding is needed to allow us to employ the staff required to do that.

There was the opportunity now, after a long number of years, to do that by getting the Budget agreed and by giving that certainty not just to the Health Department but to a whole range of Departments and other bodies that rely on funding through Departments. The fact that that certainty is not going to be there is, I think, a huge wasted opportunity.

I could see some logic in the decision to pull out of the Executive if that were actually influencing the protocol negotiations, but they are going on regardless of what is happening in this institution. Surely, the logic is to come back in, get the Executive working and try to ensure that it is not the case that the only people who are being punished as a result of the standstill are the people whom we collectively represent.

Mr Speaker: I call Dolores Kelly.

Mrs D Kelly: I have been caught in the wrong spot altogether. On the recommendations for the Budget, the Department of Justice is saying that the Prison Service and, more particularly, the Police Service deal with vulnerable people, as you know and as I said before. What representations and recommendations have you had from the Fiscal Council about dealing with people with vulnerabilities across the piece?

Mr C Murphy: The Fiscal Council did not get into making any recommendations on the

Budget. It noted that the Department of Justice was particularly pressed, and I recognise that, if we were going to make the big commitment that we wanted to make and given that all parties agreed that Health should be the priority, that would put strain on other Departments. None of the Departments were receiving a reduction; they were all to receive an increase, but that increase was not at a level that Justice would need in order to do all the important things that it does. We had about £300 million additional to take into next year, so we had the opportunity to take that and allocate it to try to ease some of those pressures. That would have been very important for justice and policing to supplement their budgets, certainly for next year, but we will not now have the opportunity to do that either, and that is regrettable.

PSNI Budget

2. **Mr Nesbitt** asked the Minister of Finance what representations he has received regarding the draft PSNI budget from the PSNI, the Northern Ireland Policing Board and the Department of Justice. (AQO 3151/17-22)

Mr C Murphy: Minister Long wrote to Executive colleagues and me advising that the Chief Constable, Simon Byrne, intends to defer the March 2022 PSNI recruitment intake as a result of the draft Budget proposals.

As Members will be aware, the Executive had prioritised the health service for financial support during the next Budget. My draft Budget is reflective of that. That said, the draft Budget provides DOJ with an increase of 2.9%, 3.9% and 3.3% over the baseline in each of the respective Budget years. Additionally, it makes specific provision of £14.8 million in each of the Budget years in order to maintain police numbers at 7,100.

It was my intention to consider the public consultation responses and to bring forward final Budget proposals in March; however, with the resignation of the First Minister, that is now not possible. Without an Executive, there will not be a Budget, and that creates greater difficulties for Departments in delivering public services. On that, it is imperative that we come back together as an Executive and work collectively in order to find solutions to the financial challenges that we face, produce a final Budget and ensure that all the funds that we have available are effectively utilised.

Mr Nesbitt: I thank the Minister for the answer. There is talk that, without the Budget, Departments will get 45% and then 95%. Of

what, Minister? Is that a percentage of this year's Budget or what?

Mr C Murphy: It is of what would be expected to be their baseline for this year. It is 45% initially up as far as 95%, and that is if no Executive is formed by the summer. Some ring-fenced moneys are associated particularly with the Department of Justice, which that Department would have access to as well, but the extra £300 million, which I have talked about and which could have been spread to help ease pressures on Departments, and, of course, the bigger Budget itself are now not available. It will really be a care-and-maintenance Budget that Departments have to work with over the next period of time until such time as an Executive is formed.

Ms Dolan: Minister, you briefly touched on this matter in a previous answer. The Department of Justice has confirmed that it intends to cut the legal aid budget. Have you engaged with or had representations from the Law Society regarding the potential implications of that?

Mr C Murphy: Yes, I had a discussion with the Law Society last week, I think it was. It outlined the pressures that it faces because of that matter. It was a very useful discussion for me as Finance Minister. My impression was that the difference between what it needed and what the Department was advising it is available is not a huge amount in the overall sum of the Department's budget. Of course, it is for a Justice Minister, whoever that may be in the new mandate, to prioritise according to their needs, but I hope that the gap can be bridged between what the Law Society has said is needed in order to allow people who are struggling to access legal services and what the Department can afford to give them.

Mr Weir: The Minister mentions the baseline impact on the Department of Justice. Concerns have been raised by DOJ and the police that the baseline figure for policing does not reflect the money that is currently spent on policing. In-year money has, effectively, had to be drawn in to plug gaps to meet even the current policing demand. In light of those concerns, what discussions has the Minister had with DOJ or the police on the baseline figure for policing?

Mr C Murphy: I have not had any discussions with the PSNI, but I have ongoing contact with the Department of Justice. We have had numerous communications with it to try to understand and get a sense of the issues that it will struggle with in the time ahead. I recognise, as I have said many times, that making the offer

to Health, which the parties said should be prioritised, will put stress on other Departments. It is not a cut, because they all get an increase, but it is certainly not the amount of money that they would want.

I am happy to continue to work with the Department of Justice to understand these matters and the solutions that could have been found; however, that work might inform an incoming Executive. The £300 million that we could have carried over and allocated in the next financial year could have met some of the immediate pressures, in year 1 certainly, for Departments like Justice, particularly in funding for the PSNI. That funding is, unfortunately, not now available to us, but I hope that an Executive will be back in place soon to take those decisions.

Mr Blair: My colleague Andrew Muir mentioned just a moment ago that we are operating in a situation in which we do not have a Budget. Even if we did, the New Decade, New Approach commitments to increase police numbers to 7,500 and to deliver committal reform to speed up the criminal justice system would still be outstanding. How on earth could those be delivered under the current Budget proposals?

Mr C Murphy: There is a range of New Decade, New Approach commitments that Ministers try to meet. In every Department's budget, Ministers have a significant degree of autonomy to decide their priorities. As I said, if this institution collectively decides that health is a priority because of the big issues that need to be tackled, and if that is the outcome of the Budget consultation and the final Budget process, then, to reflect those discussions, that is the Budget that I would present. That undoubtedly puts pressure on other Departments, but Ministers will prioritise New Decade, New Approach commitments and a range of other matters. They will then try to match the budget available to the priorities that they identify.

RHI Inquiry Recommendations: Implementation

3. **Ms S Bradley** asked the Minister of Finance what steps his Department has taken to implement the findings of 'The Report of the Independent Public Inquiry into the Non-domestic Renewable Heat Incentive (RHI) Scheme'. (AQO 3152/17-22)

Mr C Murphy: The Executive's corporate response to the RHI inquiry was published on

Thursday 7 October 2021. It sets out, in a detailed action plan, the substantial work that has been done to date and the pieces of work that are still required. Work to date includes the revision of codes of conduct for Ministers and special advisers and the introduction of guidance for Ministers; a better business case policy and new guidance on policymaking; the people strategy to build the capacity and capability of the Civil Service; the revised guidance on project delivery, and the creation of a project delivery profession in the Civil Service; new commercial skills and financial awareness training; significant reviews of policy and practice in records management; a revised Civil Service code of ethics; the transformation of the workforce model in the Civil Service and of the policies on Civil Service recruitment and workforce planning; and the development of a unified policy for raising concerns.

Ms S Bradley: I thank the Minister for his answer. Minister, can you confirm that all the recommendations pertaining to Ministers and their spads will have been implemented before the establishment of a new Executive?

Mr C Murphy: A number of recommendations cannot be implemented exactly as set out. An independent mechanism for discipline of special advisers was recommended. We are following the advice that the discipline of special advisers is the responsibility of Ministers. Following the passage of the Functioning of Government (Miscellaneous Provisions) Act 2021, that will be in line with the NICS handbook.

There are recommendations that we address as part of wider reforms and not immediately as stand-alone changes without the relevant context being put in place. Some of the recommendations are couched in terms that cannot be given effect by making new rules but simply require responsible Ministers and officials to conduct themselves in line with good practice. Timescales for the remaining actions are proposed in the response, and there will be annual progress reports on them.

3.00 pm

Ms Sheerin: Thank you for the update, Minister. Do you agree with me that the DUP, having botched the introduction of the RHI scheme, is now failing to close it, in accordance with its NDNA commitments?

Mr C Murphy: A paper about the RHI scheme was due to be brought to the Executive before the First Minister resigned. We have been pressing for some certainty about the future of

the scheme, because, and you are correct, the Executive had adopted a position of wanting to see the scheme closed. That went out to consultation. Complex legal issues are involved, but the Executive wanted to get back to a position in which we could take a decision on the future of the scheme. The paper was not in on time to be considered by the Executive, because the First Minister resigned. I want, however, to see the matter brought to a conclusion, as we had promised before the Executive were put in place.

Dr Aiken: Only one person has been disciplined by the NICS board over RHI. Does the Minister think it was appropriate for the Civil Service board to have taken the disciplinary process decisions on this very controversial and cross-cutting issue without informing Ministers or the Executive?

Mr C Murphy: You will find that the timeline meant that no Executive were in place when the disciplinary processes were begun.

A Member: There was.

Mr C Murphy: No, there was not. I know from when I came into office where the disciplinary process sat. It had already been initiated and had taken forward the work from the inquiry.

Due process was followed, and people are entitled to that. The outworking of that perhaps does not reflect what the public might have expected from listening to the inquiry, but, nonetheless, that was the process put in place ahead of the Executive's return, and I have to respect the outcome of it.

Mr Dickson: The RHI report makes recommendations about ministerial directions and record-keeping. You are required to take note of those ministerial directions. Can you tell the House what information you have received to date from the Agriculture Minister concerning his directions given on the sanitary and phytosanitary (SPS) checks at our ports?

Mr C Murphy: We have not received any as such, but it is now subject to court proceedings. I presume that matters relating to the decision that the Minister took have become sub judice. The direction that he gave is now subject to legal challenge. I understand that a court hearing is due in the next week or two. Perhaps we will then get some understanding of what his rationale was for the instruction that he gave to his officials.

Thankfully, our protocol arrangements, which we need to have and which the Executive have agreed, is the course that we need to follow. The courts have put a stay on the Minister's instruction, and we will see how they deal with it in the coming weeks.

Departmental Underspends: Update

4. **Mr McNulty** asked the Minister of Finance for an update on departmental underspends. (AQO 3153/17-22)

Mr C Murphy: The last opportunity for Departments to submit reduced requirements due to underspends is in the January monitoring round. We know, from historical performance, that Departments will not always spend the full amounts that they forecast in January monitoring. That position is not confirmed until accounts have been audited after the end of the financial year.

Provisional out-turn, which provides a good indication of performance, is, however, notified to the Assembly alongside the June monitoring round. Departments provide monthly out-turn and forecast out-turn information, which may provide an early signal as to where underspends might emerge at the year end. That information is routinely provided to the Finance Committee. At this point, however, the published January monitoring position remains the latest available.

Mr McNulty: Thank you for your answer, Minister. Do you agree that, given the cost-of-living crisis that our constituents are facing, it would be entirely unacceptable for any more money to be left unspent? What proposals has your Department to deploy any underspent funds to help struggling families, who need that money most?

Mr C Murphy: I have proposals to spend underspent funding to make sure that we do not surrender any money at the end of the financial year to the Treasury. I have circulated those around the Ministers. I would like to have made allocations for next year, in a three-year Budget, but that option is not now available, because there is no Executive. In the absence of an Executive, I want to ensure that we spend what we can and carry over as much as we can so that, hopefully, an incoming Executive in the short term will be able to allocate that money to where it is needed next year.

A number of Departments, including the Department for Communities, have bid for additional funding, and I have written to all the

Ministers who are left in the Executive — obviously, the First Minister and the deputy First Minister are absent — to take their view on that. The response has largely been positive. I intend to propose spending some £45 million to £50 million between now and the end of the financial year across a range of Departments.

Mr McHugh: Minister, you recently wrote to ministerial colleagues about your intention, in the absence of the Executive, to allocate £45 million this year to the health board. Will you confirm whether other Ministers were supportive of that initiative and whether that allocation has gone ahead?

Mr C Murphy: I was proposing to spend the £45 million across a number of Departments on the basis that, if the money was not spent by the Executive, we would exceed our carry-over limits. I wanted to balance that out, because we will need significant additional funding next year, and the money would have been used to supplement some departmental budgets next year. At the end of the January monitoring round, we recognised that more money would be coming into the system and that I would be required to take further action to manage that. On that basis, I wrote to other Ministers with my proposal. The response has been largely positive, so I intend to press ahead with that.

Mr Muir: A lot of the debate on this question has focused on resource spending. I understand that there is about £30 million of unspent capital. If that money is not spent, about £8 million of it will be lost to Treasury. What progress has there been on allocating that unspent capital funding?

Mr C Murphy: The Treasury has redone its books and changed the capital position for us. It notified us that we would receive £37.4 million less capital than previously advised, which means that we are now in an overspend situation with capital. So, it is not a question of trying to allocate any of that between now and the end of the financial year. As is always the case with capital, we anticipate some smaller amounts being surrendered, which will even things out. That notification only came to us after January monitoring, when the Treasury was doing its books.

Budget 2022-25

5. **Mrs Erskine** asked the Minister of Finance for his assessment of the 2022-25 draft Budget, which is out for consultation. (AQO 3154/17-22)

Mr C Murphy: The draft Budget reflected the Executive's wish to prioritise Health, providing it with a 10% uplift. While that has meant fewer resources for other Departments than they might otherwise have received, no Department faced a reduction from its baseline.

Furthermore, since the publication of the draft Budget, an additional £300 million has been made available for next year. However, as I set out in my statement to the House last week, the absence of an Executive means that a Budget cannot be agreed before the start of the financial year. That means that Departments will not be able to access the additional resources proposed and, importantly, nor will they be able to plan on a long-term basis.

Mrs Erskine: The cuts of 2% in the Minister's Budget would create difficult decisions for Departments, which they have indicated in the media and at Committees. That cut across all the Departments will impact on education, roads, public transport, policing and investment in our businesses. Does he think that that is fair and that it provides the best services for all our constituents?

Mr C Murphy: It was not a case of cuts of 2% to Departments. Rather, Departments were asked to find efficiencies of 2% over the Budget period. Even with that, every Department had an increase in its baseline budget and, therefore, an increase in money it could spend.

The point is that with finite resources comes prioritisation. We would love to spend all the money that is needed on all the areas that you have outlined, if we had all the money to do so. Ten years of austerity budgets from the Tory Government have meant that our public services are under huge strain, particularly our health service. Time and time again, the people in this institution and around the Executive table have said that the health service is the priority, that we need to tackle the big issues, that we need to begin the transformation process in the health service and that we need an opportunity to do that. We now have a three-year Budget, which gives us an opportunity to do that, so my question was this: do we want to match the spend with the rhetoric that people have been indulging in for the past four or five years in relation to Health? If so, other Departments will not get the level of increase that they want, but they will get an increase. It is then up to Ministers to prioritise where they spend that money in their Departments.

Mr O'Toole: Minister, you are right that prioritisation is necessary and that various parties here, including mine, have said that the

Department of Health should be prioritised, but it is obviously not as simple as prioritising that Department and letting go of anything else that you had decided to do.

The DUP walkout has meant that the three-year Budget has been delayed. Does that mean that the findings of the Fiscal Commission might feed into a more strategic three-year Budget document that can either look at alternatives for raising revenue or, perhaps, a more ambitious use of our borrowing powers to fund the three-year Budget that, we hope, will be agreed by the next Executive?

Mr C Murphy: The Member's initial premise that you can prioritise Health but you then have to look at other areas is fine; that is what the Budget consultation was for. If you are going to give to Health, you either take that prioritisation back from Health or increase some Departments' budgets and further decrease other Departments' budgets. Those are the choices that you have to make. We cannot have motherhood and apple-pie; we have to have one or the other.

We were hoping that the Fiscal Commission's work would be done before the end of this mandate, but it will probably be early in the new mandate. That very much depends on how long it takes for an Executive to get back into place. If it takes a long time, so that we are back to restarting the entire Budget exercise, it might coincide with the time frame for that work. For the sake of all of people that we represent, however, I hope that it will not be a very long time before an Executive are back in place. There is no logic to an Executive not sitting; that is not having any impact whatsoever on the protocol negotiations. Walking out and damaging the people of the North has been a pointless exercise as far as the stated objective goes. I hope that that logic leads people back into the Executive sooner rather than later. Nonetheless, I look forward to seeing the work of the Fiscal Commission. I think that it will contribute substantially to debate in the next mandate.

Ms Á Murphy: Minister, do you agree that the extra £300 million that was available for next year, which now sits idle as a result of the DUP collapsing the Executive, would have been much better utilised in helping relieve the pressures facing our Departments?

Mr C Murphy: Yes. Had the legal advice said that I could, I would have liked to pre-allocate that for Departments now for next year. A lot of Departments, and a lot of organisations that

depend on spend coming from Departments, are sitting in a very uncertain position. I had meetings with the voluntary and community sector this morning. Recently, I had meetings with people involved in charities. I also had meetings this morning with people who rely on having certainty about the next financial year to decide whether they can employ staff, continue to employ staff and continue to provide training and other support programmes. They do not have that certainty yet. The £300 million for next year would have gone a long way to supporting some of the Departments that were particularly squeezed, and that, in turn, would have gone a long way to providing certainty to those who rely on funding from those Departments.

Mr Beggs: Will the Minister explain why he stopped the consultation on the draft Budget? Either current Ministers or a new set of Ministers will need to start to consult on the draft Budget. You are elongating any solution and finalisation of the funding that will go to Departments and, ultimately, to different groups, bodies and agencies.

Mr C Murphy: As I said, I paused that exercise. I engaged in a series of Budget discussions with various sectors, and this morning's exercise was part of that. Those discussions are part of the consultation exercise. The meetings that I proposed have not been substantially changed by the fact that we do not have an Executive to agree a Budget. A lot of the participants wanted to continue the discussion anyway. They still have an opportunity to make a response to the Department, should they wish to do so.

The uncertainty that was caused by the First Minister's walkout from the Executive, and the collapse of the Executive's ability to do collective business, means that putting all of the Departments and arm's-length bodies through a body of work at this time in the financial year would have been a rather futile exercise.

The information that has been gathered to date will not be lost. That is banked. People can continue to make submissions, if they want to. However, I hope that we get back to a situation where we can pick that up in the near future.

Mr Speaker: The next Member is not in his place. We move on to Linda Dillon.

Multi-year Budget

7. **Ms Dillon** asked the Minister of Finance how the absence of an Executive will impact on the

plans for a multi-year budget. (AQO 3156/17-22)

Mr C Murphy: I sought legal advice on that matter. In the absence of an Executive, it will not be possible to agree a final Budget for 2022-25. That means that Departments cannot plan on the basis of a settled multi-year Budget. Although mechanisms are in place to allow Departments to continue spending to maintain public services, they will not allow Departments to utilise the additional resources proposed in the draft Budget. That is of particular concern in the Department of Health, which expected a full 10% uplift to fund waiting lists, mental health and cancer strategies in full.

Ms Dillon: I thank the Minister for his answer. Minister, given that we do not have an Executive, as a result of the DUP withdrawing from the Executive, is there a real risk of underspend? Following on from what you said about health services, most of us in the Chamber are in the same position in that we have been impacted on in some way or another by the loss of someone or by someone becoming seriously ill as a result of cancer. You just outlined that the cancer strategy is at real risk. Is there a real risk of money being returned to the Treasury?

Mr C Murphy: I am doing what I can in this financial year to make sure that that risk does not arise. I have written to Executive colleagues to propose a level of spend to try to ensure that we manage what we can carry over and what is spent in this financial year so that no money is returned to Treasury. If this situation continues for a lengthy period, it will be very difficult to spend that £300 million in the next financial year, so it is imperative that people get back around the Executive table as soon as they can.

3.15 pm

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

SEN Investment: AME Funding

T1. **Mr Newton** asked the Minister of Finance, who will know that, around Committee tables, there is a general dissatisfaction with his Budget, to state why, in the Supplementary Estimates, no annually managed expenditure (AME) is available for special educational needs (SEN) investment, given that, following the three-year Sinn Féin collapse of the

Assembly and its return two years ago, SEN provision, in the form of revenue and capital, has accounted for a considerable amount discussion at the Education Committee. (AQT 2071/17-22)

Mr C Murphy: I am certainly happy to come back to the Member in writing about the reason for that. I will just say that, after the Executive collapsed in 2017, there was a solution — a deal on the table — in February 2018 that would have allowed the Executive to return. Your party rejected that. It returned to the same deal two years later and accepted it, so two of those years were down to your party. We can go over the whole history of RHI if you wish.

I understand that a Budget consultation process has been going on. That means that all the challenges and difficulties that will arise from the Budget will be discussed around Committee tables, within arm's-length bodies and all that. We do not have the resources to give everything that we want to everyone. Your party supported and kept in government an austerity Tory Government. There was the option of putting in a Labour Government instead, but your party chose to support Theresa May and her Government. Those are the consequences that flow from that, in terms of our overall Budget spend. We do not have the ability to do all that, so we have to decide what we are going to do and what our priorities are. We know that, in doing that, there are other areas that do not receive the level of funding that they might otherwise have wanted. That was the choice that faced us. That is what every Executive have done. I do not recall any Executive since 1998 having all the funds that they wanted. We have to identify priorities and make choices.

I will come back to the Member on the AME question.

Mr Newton: I thank the Minister for his response. Minister, it is a simple question that I raised with you 12 months ago in the debate about the Budget as to why there was not an AME line in the Budget for special educational needs provision. At that stage, you indicated to me that you would consider the matter and come back to me.

Mr C Murphy: I have done quite a degree of consultation with the Education Department in relation to the draft Budget, and that issue has not been raised with me. I am quite happy to look at why that is the case. I am sure that you would expect that I, and any other Finance Minister, will want to get as much into our

Budgets as we possibly can. If there is another method of achieving that through AME, I will certainly be very happy to explore it. However, that issue was not raised with me as a significant deficit by the Department of Education.

Red Diesel

T2. **Mr McAleer** asked the Minister of Finance whether he agrees that the British Government should reconsider their plan to restrict the use of rebated red diesel. (AQT 2072/17-22)

Mr C Murphy: I understand that we all have a responsibility to try to engage with policies and proposals that will help to reduce damage to the environment, and this is included in one such proposal. There are unforeseen consequences of that for farms and small contractors. Viable alternatives, or even support mechanisms, have not been put in place to move people away from that. It is a very short, sharp reduction. I have no doubt that the Member, and many others around the Chamber, have been lobbied about that over recent weeks and months. I have engaged with Treasury about that. I asked it to reconsider that proposal, and I outlined the effect that it was having on our agriculture and other sectors. As I said, contractors are also affected.

While we want to make a contribution to climate change support to ensure that we undo some of the damage of climate change, we have to do that in an organised and structured fashion, bring people with us and make sure that they are able to make the changes that are necessary.

Mr McAleer: I thank the Minister for his response. I agree with him that it is clear that restricting the use of red diesel alone will not reduce emissions, and, at present, there are no sufficient alternatives. Does he agree that, if the British Government continue with the plans, the hardest-hit sectors will be small businesses, construction, manufacturing and the agri-food sector, and that that will, indeed, place jobs at risk in all those sectors?

Mr C Murphy: We have certainly heard loud and clear from those sectors about the consequences for them. As I said, while we want to ensure that we play our part in the reduction of emissions and in meeting climate change targets, that has to be done in a way that people can engage with. It seems to me that there are unforeseen consequences to the British Government's action. That is why I have

raised that proposition with them and asked them to reconsider.

Mr Speaker: Mr McCrossan is not in his place. I call Stewart Dickson.

Airports: Funding

T4. **Mr Dickson** asked the Minister of Finance to outline the additional funding that he plans to deliver for Northern Ireland's three airports, beyond that previously allocated for air connectivity. (AQT 2074/17-22)

Mr C Murphy: One of the propositions that were agreed in the draft Budget paper — a number of things were agreed, and others were noted, which is why we cannot proceed with the Budget — was for the continuation of a rate holiday in the next financial year. Airports are included in that three-month rate holiday. They have received significant support. Obviously, they are starting to get back to more business since the pandemic has begun to recede somewhat. Nonetheless, they continue to struggle. It is a high-risk business, given its profit margins. The responsibility for airports is not as clear-cut here as it is in other jurisdictions. The Department of Finance plays a role, as do the Department for Infrastructure and Department for the Economy. We have been trying to engage specifically with City of Derry Airport on its business case for the time ahead. We will continue to try to engage with the airports to see what support we can provide. From a Finance perspective, we have been able to include them in that three-month rates holiday coming into next year.

Mr Dickson: I appreciate your answer, Minister. Recently, the United Kingdom Government announced the airport and ground operations support scheme to support the regeneration of airports following the COVID pandemic. What share will Northern Ireland get of that funding? How do you plan to distribute it to the airports?

Mr C Murphy: We are not sure yet what it will be. Sometimes, after an announcement in Britain, it takes some time to find out whether a Barnett consequential will flow our way at all and, if it does, how much that will be. Then, it requires an Executive discussion, because we do not have to spend it on the reason for which it came across. I would be afraid that, in the absence of an Executive, we cannot take any decisions, should we be aware, in the near future, of what Barnett consequential might arise from that decision. We will keep across it. Obviously, I have been committed to working

with the airports over the past couple of years. We have a good working relationship. We will continue to engage with and try to support them in whatever way we can in the time ahead.

Business Rate Holiday

T5. **Mr McGlone** asked the Minister of Finance whether there will be a rate holiday for businesses this year. (AQT 2075/17-22)

Mr C Murphy: I will follow on from my answer to the previous question. One of the issues that were agreed in the draft Budget paper was that, as a consequence of the compensatory factor that came across as a Barnett consequential, all businesses will receive a one-month rates holiday, which will be the month of April in the new financial year. Targeted business sectors, including retail, hospitality, airports, childcare, newspapers — some of the sectors that, we agreed, have been hardest hit by the pandemic and on which we have done some policy work — will continue to struggle to recover and will receive a three-month rate holiday that will bring them to July.

Mr McGlone: Just to be perfectly clear, all businesses will get a one-month rate holiday, and the sectors that you have just announced will get three-months: is that correct?

Mr C Murphy: That is correct. There is a compensatory issue in that, because of the pandemic, people could have claimed compensation back on rates, but we had already compensated people for the impact of the pandemic, so it would have been a double receipt in that regard.

We have legislated to close off that opportunity, but, as a compensatory factor, a £50 million Barnett consequential came across, and we decided to use that for one month for every business to recognise that there was some loss of right to claim compensation, although they had already been compensated, and to continue to recognise that sectors like retail, hospitality etc continued to struggle.

Mr Speaker: The next two Members to ask a question are not in their place.

Health Service: Funding

T8. **Mr McHugh** asked the Minister of Finance, after apologising for referring to the health board in a previous question, when he meant other Departments, to state whether he has considered alternative ways to fund health

services, particularly because, like many other MLAs, he has been contacted by many constituents who are worried about the reports about health service waiting lists and how they will be affected by the DUP's action in bringing down the Executive. (AQT 2078/17-22)

Mr C Murphy: The primary means to fund our health service is through the Budget. We had put in place a draft Budget over three years, with a significant 10% uplift for Health in the time ahead. On that basis, Health was planning to tackle the waiting list issue, to fund in full cancer treatment services, to fund in full mental health services and to begin the transformation of health, which has been talked about for many years and is long overdue. It is also needed to get public spending on health under control. None of that is possible now in the time ahead.

There was also a Barnett consequential to come across as a consequence of the National Insurance increase in Britain, and we have been engaging with Treasury and getting legal advice to see whether that Barnett consequential can come straight into Health. Our advice to date is that it has to go through an Executive. That may well jeopardise that money. The National Insurance contributions that are being used to increase funding for health in Britain may well get stuck in the logjam because we have no Executive here. I hope that that will not be the case, but the advice that we have to date is that that is likely to be the case: if we do not have an Executive, we cannot give Health that uplift. You can see that all the plans to give Health significant support have been stymied by the absence of an Executive.

Mr McHugh: Go raibh maith agat as do fhreagra. Thank you for your answer. I am sure that the Minister will agree that it is an absolute disgrace that, in the time of a pandemic, because of the reckless decision by the DUP to bring down the Executive, funding will not now be available, particularly for cancer services, the mental health strategy and other needs in the whole health service.

Mr C Murphy: The strategy might have some logic attached to it if it were having an impact, but, as far as I can see and as far as anybody who is sitting here can see, the negotiations on the protocol are going on undisturbed and they are almost oblivious to what is going on over here. The strategy is not having any effect, apart from impacting on the people whom we represent, people who are on waiting lists and people who are desperately seeking a better health outcome.

I say to those who have decided to bring down the Executive that, if you want to protest against what is going on with the protocol, bring that protest to where it has some impact. Bring it to the discussions, bring it to the British Government and bring it to the European Commission, who are conducting the negotiations. Do not impose penalties on the people whom we represent here, because it has no outcome for the discussions on the protocol.

Mr Speaker: I call Justin McNulty. The Member may not get a supplementary question.

Daisy Hill Hospital

T9. **Mr McNulty** asked the Minister of Finance whether he agrees that it is quite extraordinary that, just weeks after the announcement of the withdrawal of emergency surgery from Daisy Hill Hospital, his Department has announced that it will hand back money to the Treasury, when, surely, that money could have been apportioned to the trust to enable it to facilitate a widespread recruitment process to bring surgeons to Daisy Hill to secure 24/7 surgical and emergency department access. (AQT 2079/17-22)

Mr C Murphy: I am not sure where the Member got the information that we are handing money back. I have spent the last hour and a half explaining how I do not intend to hand money back to Treasury. Perhaps explanation and repetition are required in some of these things before it eventually sinks in. The other fact is that the Health Department, which needs to bid for additional money to deliver to the trusts to do whatever the trusts want to do, has not bid for any money at the end of the year either. My ability to foist money on the Health Department and on the trusts to do recruitment is limited — regrettably, perhaps, on some occasions — but the fact is that the Member's initial premise that we are handing money back is completely false. We are spending the money that is available at the end of the year, and we are ensuing that, whatever happens with the Executive in the new financial year, they will have £300 million at their disposal. I hope that the incoming Executive, whoever they are, will engage with the Budget that I have proposed, because it gives Health the uplift to do the sorts of things that the Member has talked about across all our health sites, including Daisy Hill.

Mr Speaker: Time is up. Members, please take your ease for a moment or two before we move on to the next item in the Order Paper.

3.30 pm

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

Executive Committee Business

School Age Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Education, Michelle McIlveen, to move the Further Consideration Stage of the Bill.

Moved. — [Miss McIlveen (The Minister of Education).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. The single group of amendments contains four amendments dealing with definitions and the long title. In that group, amendment Nos 2 and 3 are consequential to amendment No 1.

I remind Members who intend to speak in the debate on the single group of amendments that they should address all the amendments in the group on which they wish to comment. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we will proceed.

Clause 1 (Meaning of “compulsory school age”)

Mr Deputy Speaker (Mr Beggs): We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 4. I call the Minister of Education to move amendment No 1 and address the other amendments in the group.

Miss McIlveen (The Minister of Education): I beg to move amendment No 1:

In page 1, line 10, at end insert—

“(1B) A reference in this Article to a person who attains a specified age on any date occurring in the period beginning on (and including) 1st April

in any year and ending on (and including) 1st July in the same year includes—

(a) a reference to a person who would have attained that age on a day in that period were it not for having been born prematurely, and

(b) a reference to a person who was born before the beginning of that period but in whose case the expected week of childbirth was after the end of that period.”

The following amendments stood on the Marshalled List:

No 2: In clause 2, page 2, line 31, after “46” insert—

“and paragraph (1B) of that Article applies for the purposes of this Article as it applies for the purposes of that Article”.— [Miss McIlveen (The Minister of Education).]

No 3: In clause 2, page 3, line 7, at end insert—

“(1ZA) Paragraph (b) of the definition of ‘final pre-school year’ is to be read with Article 46(1B) of the Education and Libraries (Northern Ireland) Order 1986.”— [Miss McIlveen (The Minister of Education).]

No 4: In the long title, after “Orders” insert “; and for connected purposes”.— [Miss McIlveen (The Minister of Education).]

Miss McIlveen: I am pleased to move amendment No 1, which will allow premature children to defer entry to primary school if their due date was after 1 April. The amendment encompasses within young-for-year children babies born prematurely between December and March who were due to be born between April and June or even in the summer months if born at term. Members will note, for example, that children born in the twenty-fourth or twenty-fifth week in late March will, due to the amendment, be able to defer entry to preschool and primary school. That approach enshrines fairness and equity, as it means that no child is further disadvantaged and excluded from the young-for-year category due to their prematurity.

The amendment focuses on the expected birthdate of the child and whether they would have fallen within the young-for-year category if born at term. In a small number of cases, there will also be very premature babies born in late March who would have been part of a younger chronological year group if born at term. My

amendment is what representatives of premature children have advocated for many years: an approach that is based on corrected age. No longer will any child in Northern Ireland be required to start school a year earlier due to their premature birth. That is very much in line with evidence on the double disadvantage of being both premature and young for year and with the broader intent of the School Age Bill to permit deferral for all those who are young for year. It also continues to avoid a situation where children separated by almost two chronological years are educated in the same school class. The amendment, coupled with the right to defer for all young-for-year children will give Northern Ireland one of the most progressive and evidence-based approaches to school starting age in the world.

Amendment No 2 is consequential to amendment No 1. The School Age Bill amends article 46A of the Education and Libraries (Northern Ireland) Order 1986 to recognise that deferred children will not start post-primary school until they reach the age of 12. The amendment brings premature children due to be born after 1 April who choose to defer into the scope of that definition.

Amendment No 3 is another consequential amendment. It applies the same definition of "final pre-school year" for children who defer to children who are born prematurely but were due to be born after 1 April. That means that premature children, like all young-for-year children, will have the option to defer entry to preschool education and to receive priority for a government-funded preschool place in the school year after their fourth birthday.

Amendment No 4 is a technical amendment to the long title to ensure that it is wide enough to include amendment Nos 1 to 3 in the Bill's competence.

I have listened to the parents of premature children and their advocates such as TinyLife and have tabled the amendments to bring premature children who would have been born after 1 April within the scope of the Bill. My Bill gives real choice to the parents of the many thousands of children born in April, May and June each year and now to premature children who would have been young for year if born at term. My Bill is unprecedented in its scale and scope and will transform the lives of many children in the years ahead. I trust that Members will support the amendments.

Mr Lyttle (The Chairperson of the Committee for Education): I welcome the overdue but extremely important progress that has been

made on deferred school start age via the Bill being presented by the Education Minister and the amendments, which were developed in cooperation with the Education Committee. I acknowledge those efforts and the liaison that occurred between the Minister, her officials, the Deputy Chair and me and the work that has been done to address as many provisions as possible in the accelerated passage of the Bill.

At Consideration Stage, the Minister tabled an amendment providing for a review of the category of deferred cases, as urged by the Committee. The Committee requested that measure to provide an opportunity for other aspects of flexible school starting age to be addressed. It requested and now welcomes the amendment at Further Consideration Stage to include premature children in the Bill.

The Assembly Research and Information Service (RaISe) detailed extensively the potential gap in attainment between summer-born and other children. The youngest in class across Northern Ireland have been over-represented in referrals to the educational psychology service, and primary-school teachers have been more likely to identify behavioural problems in children with May and June birthdays. Subsequently, that group's attainment in literacy has been poorer than average. One of the most concerning findings in the RaISe paper suggested that the youngest in the year group tended to be less mature cognitively, socially and emotionally than older classmates and that, as a result, the youngest pupils were up to 1.5 times more likely to be diagnosed with ADHD and 1.3 times more likely to be diagnosed with depression.

The Committee welcomed views from TinyLife, Early Years and parents at an informal meeting on 14 December 2021 on the Department's proposals to allow flexibility in school starting age. Whilst the group as a whole was supportive of the approach and the enactment of legislation in this mandate, concerns were outlined about the impact of the proposals, particularly on children born prematurely. The amendment is welcome in that regard.

Stakeholders told the Committee that children born prematurely and/or experiencing developmental delay should be included in the new deferral arrangements and that two years' funded preschool should be provided in cases where children began school too early and their parents discovered belatedly the need for them to defer. I understand that that is a provision that will form part of the consideration of the review mechanism that is in the Bill. The Education Committee relayed the views of

stakeholders to the Minister and looks forward to the review and report on the operation of the Bill in due course. The Committee asked the Minister to add the review mechanism so that these matters may be addressed in further legislation, if necessary, in the next mandate.

I welcome the Minister's liaison with the Deputy Chair and me on the text of the definitional amendments that have been tabled at Further Consideration Stage. I am reassured by the proposed inclusion of prematurity via the amendments in defining the category of pupils referred to as "deferred cases". That appearing in the Bill now, hopefully as it passes, lifts a burden from the shoulders of many parents. It also precludes children missing out on the provisions of the legislation prior to the review process. That may affect a small number of families, but it will make a significant difference to the lives of the children who will now have the provision.

This important Bill shows that, with resolve, goodwill and precision, it is possible to make good law quickly. I welcome the tabling of the amendments by the Minister and commend the parents who have worked long and persistently to bring the issue to the fore. I have worked with and supported the campaign for years. I have asked the Minister to progress the Bill since her first days in office and am grateful for the work that she has done in that regard. It seems that we did have time to achieve this outcome before the end of the mandate and, indeed, the end of my time in this role.

Ms Brogan: A LeasCheann Comhairle, may I begin by expressing how sorry I am about the sudden passing of Christopher Stalford? I take the opportunity to pass on my deepest sympathies to his wife, Laura, their four young children and his extended family. I also offer my condolences to the Minister in the Chamber and to the entire DUP on the loss of a friend and colleague. There is no doubt that Christopher will be sorely missed in the Chamber. He was always very warm and kind to me in any interactions that we had, and he really made me feel very welcome as a new MLA. I know that he will be a huge loss to you all, so you are all in my thoughts and prayers at this difficult time.

I welcome the chance to speak on the School Age Bill and am pleased to see that this important legislation is progressing through the Assembly. The legislative change will have a hugely positive effect on the lives and education of so many young people and will be welcomed by many parents and carers. I support the amendments tabled by the Minister. I am

particularly pleased to support amendment No 1, which stretches flexibility to meet the needs of children who were due to be born between 1 April and 1 July but were born prematurely.

Many groups have argued for that flexibility in the school starting age. With that amendment, the Bill is a victory for those parents and those support groups, such as TinyLife, that have been such strong advocates for change. It is also a victory for children, because it will continue to safeguard their absolute right to equal access to statutory education, as children whose parents decide to delay their starting school for a year will still stay in school beyond the age of 16. It is also a victory for our society, because the Bill manages to recognise different needs while protecting equal rights. Those are great achievements for what is a very modest Bill.

3.45 pm

The parents of any child who meets the criteria will have a choice to defer their child's school starting age. That simple and straightforward approach is very welcome. The Bill deserves to make it through to enactment. Let us ensure that it does.

Mrs Dodds: First, I also want to record my sadness at Christopher's passing. He is a huge loss to the Assembly and to his wife and family.

I support the Bill and, of course, the Minister's proposed amendment No 1 to it. The Bill is relatively short in length, but it will make a massive change to the lives of young children and to the lives of their parents as they struggle with very young children who are young for the year in which they are due to start primary school.

The original intent of the Bill to allow parents to defer primary school for one year for those children born between 1 April and 1 July has been added to by amendment No 1. The amendment will mean that children who are born extremely prematurely but whose original birth date was within the qualifying April to July period will be allowed to defer their education for a further year. As the Chair of the Education Committee said, many of those children who are premature, or others who are just simply young for their year, sometimes have a more difficult start to education. Although that attainment gap can narrow, many of those children go on to have a range of difficulties and problems that the flexibilities and intent of the early curriculum are unable to meet.

We support the Minister's amendment. We also commend the Minister on bringing forward the Bill and, indeed, the Education Committee for the cooperation that has been enjoyed in getting the Bill to this stage very quickly. The Bill will give parents a real choice about the early education of their children and will ensure that we have a progressive, evidence-based school starting-age policy. The idea of inserting a review into the Bill will ensure that we continue with appropriate policies at the appropriate time.

I am delighted that the Bill is going through its legislative passage very quickly and that it will be in operation in time for the September 2022 intake. That is a very positive move for many parents in Northern Ireland. I commend the Bill to the House and reiterate our support for the amendments.

Mr McNulty: I am supporting the School Age Bill because children, particularly premature children or those who are young for their year, will have the flexibility to start formal education at a time when they are ready. The current system does not afford them that flexibility. Other jurisdictions have already addressed that important issue for children and families. Now is the time for us to do the same.

Accelerated passage is not an ideal way of doing it.

However, in this instance, the cause is a good one, and I support it wholeheartedly. Huge credit goes to the Minister for listening and to the parents, families and TinyLife, who have brought the issue to the fore and been instrumental in it being brought into legislation. That is really important and will have a positive impact on children and families in the future.

Mr Deputy Speaker (Mr Beggs): I now invite the Minister of Education to respond to the — Apologies, I call Robbie Butler.

Mr Butler: Mr Deputy Speaker, you were picking on your party colleague there and not allowing me in. That will be noted, because I am the Chief Whip, by the way.

I spoke at reasonable length on this at Consideration Stage, so I do not intend to rehearse what I said then other than to say well done to the Minister and her team in the Department. Very often, we can be quite hard on the Department and the Minister with regard to politics and what we do, but this is a really good day, as I said during the debate at

Consideration Stage. I look forward to the Bill passing this stage.

I thank the Committee Chair. He is outgoing and will not stand in the next election. Out of everything that he has achieved in this mandate, this is the one that will affect the most lives, and it has secured cooperation at the level that we all like to see.

Miss McIlveen: I thank all Members who spoke to these important amendments. I am really encouraged and pleased by the level of support, particularly from the Chair and the Committee members, for the inclusion of premature children and for the Bill as a whole. We have worked through it in a very short period of time.

Today's amendments address very real concerns about a potentially vulnerable group of children who have been impacted by premature birth. The amendments will give the clarity and comfort that parents of those children have sought. The amendments fit very well within the broader intent of the School Age Bill, which is to permit deferral for all those who are young for year.

I again thank those parents and supporting groups who have made the case for young-for-year and premature children. It has been inspirational to hear their voices, and I am delighted to have been able to bring change on their behalf. These are important, groundbreaking and progressive amendments, and I commend them to the House.

Amendment No 1 agreed to.

Clause 2 (Consequential amendments)

Amendment No 2 made:

In page 2, line 31, after "46" insert—

"and paragraph (1B) of that Article applies for the purposes of this Article as it applies for the purposes of that Article".— [Miss McIlveen (The Minister of Education).]

Amendment No 3 made:

In page 3, line 7, at end insert—

"(1ZA) Paragraph (b) of the definition of 'final pre-school year' is to be read with Article 46(1B) of the Education and Libraries (Northern Ireland) Order 1986."— [Miss McIlveen (The Minister of Education).]

Long Title

Amendment No 4 made:

After "Orders" insert "; and for connected purposes".— [*Miss McIlveen (The Minister of Education).*]

Mr Deputy Speaker (Mr Beggs): That concludes the Further Consideration Stage of the School Age Bill. The Bill stands referred to the Speaker. I ask Members to take their ease for a few moments.

The draft Environment (2021 Act) (Commencement and Saving Provision) Order (Northern Ireland) 2022

Mr Deputy Speaker (Mr Beggs): The next item in the Order Paper is a motion to approve a draft statutory rule.

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

That the draft Environment (2021 Act) (Commencement and Saving Provision) Order (Northern Ireland) 2022 be approved.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there should be no time limit on this debate.

Mr Poots: I am grateful for the opportunity to bring before the Assembly the draft Environment (2021 Act) (Commencement and Saving Provision) Order (Northern Ireland) 2022. The order will be made under sections 147(6), 148(4) and 148(7) of the Environment Act 2021 which requires the order to be laid in draft and approved by a resolution of the Assembly. It is the first and only commencement order for the provisions of the Act relating to Northern Ireland devolved matters. While it is unusual for a commencement order to be subject to the draft affirmative procedure, the approach respects our devolution agreement and affords Members an opportunity to approve the coming into force of the Act's Northern Ireland provisions.

The Assembly has, of course, previously debated the provisions of the Act in respect of two legislative consent motions, and I am grateful for Members' consideration and consent on those occasions. The Executive have also had the opportunity to consider and

agree the Northern Ireland provisions of the Act on several occasions. I am grateful for my ministerial colleagues' support and that of the AERA Committee, which has scrutinised the legislation in a thorough and expeditious manner.

The Act received Royal Assent on 9 November 2021 and has two main themes, the first of which provides a legal framework for environmental governance and accountability now that the UK has left the EU, while the other provides for changes to the environmental legislation on producer responsibility, waste and resource efficiency, charges for single-use plastic items and carrier bags, water, chemicals, and forest-risk commodities. The order, if approved, will commence the sections of the Act in Northern Ireland on 28 February 2022. I will now set out the sections.

Section 49 and schedule 3 set out the functions, duties and powers of the Office for Environmental Protection (OEP) in Northern Ireland. The OEP will operate independently in enforcing and monitoring environmental protection in Northern Ireland. Section 50 and schedule 4 allow my Department and the DEFRA Secretary of State, with DAERA's consent, to make regulations in respect of producer responsibility obligations and their enforcement in Northern Ireland. They also repeal the Producer Responsibility Obligations (Northern Ireland) Order 1998. As a result of that repeal, a saving provision has been included to allow the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007, made under that order, to remain in operation until a new regime is established.

Section 51 and schedule 5 enable the making of regulations for extended producer responsibility for packaging. That will require those involved in manufacturing, processing, distributing or supplying products or materials to meet the disposal costs of those products.

Section 52 and schedule 6 enable my Department and the DEFRA Secretary of State, with DAERA's consent, to make subordinate legislation requiring the provision of resource efficiency information to consumers about products, durability, life cycle and reparability.

4.00 pm

Section 53 and schedule 7 enable the making of regulations by my Department and the DEFRA Secretary of State, with DAERA's consent, that set resource efficiency requirements for products that have a

significant impact on natural resources at any stage of their life cycle, with a view to reducing that impact.

Section 54 and schedule 8 provide enabling powers for my Department and the DEFRA Secretary of State, with DAERA's consent, to make regulations that establish deposit schemes. That will bolster enforcement procedures by creating a new criminal offence for any serious breach, as well as fines and sanctions for minor breaches. Section 55 and schedule 9 give my Department powers to make regulations about charges for single-use plastic items. That measure also creates a number of civil sanctions that are designed to minimise the use of plastic items, and it is an example of our commitment to tackling the climate crisis and reducing our carbon footprint.

Section 56 amends schedule 6 to the Climate Change Act 2008 to provide a power for my Department to make regulations that require sellers of carrier bags in Northern Ireland to register with an administrator.

Section 59 amends the Waste and Contaminated Land (Northern Ireland) Order 1997 to create powers for my Department to introduce electronic waste tracking in Northern Ireland. It will create associated criminal offences and civil penalties.

Section 61 gives my Department increased domestic powers around the regulation of hazardous waste. That will enable the current hazardous waste legislation in Northern Ireland, including provisions related to fixed penalty notices, to be updated and strengthened in the future.

Section 65 gives my Department powers to make charging schemes related to waste licensing, waste licensing exemptions, producer responsibility, end-of-life vehicles, waste batteries and accumulators, and waste electrical and electronic equipment.

Section 67 amends article 27 of the Waste and Contaminated Land (Northern Ireland) Order 1997 to provide my Department with powers to give direction in specified circumstances to registered carriers of controlled waste, keepers of controlled waste or the owner or occupier of land on which waste is being kept.

Section 71 is a technical amendment to article 22 of the Waste and Contaminated Land (Northern Ireland Order) 1997 to reflect the transfer of functions from the Department of the Environment to DAERA.

Section 89 enables the DEFRA Secretary of State, with DAERA's consent, to make regulations about the substances to be taken into account in assessing the chemical status of surface water or groundwater and to specify standards for those substances. Section 91 gives similar powers to my Department.

Section 140 and schedule 21 relate to chemicals and enable my Department or the Department for the Economy to amend the REACH Enforcement Regulations 2008 so far as they relate to Northern Ireland.

As I previously stated, all these provisions will commence on 28 February to ensure that, where possible, Northern Ireland has the same access to legislative power as other parts of the United Kingdom. The following provisions will come into force a little later in the year, on 25 July. Section 48 and schedule 2 cover two significant policy issues: environmental improvement plans (EIPs) and a policy statement on environmental principles. The first of those places a statutory duty on my Department to prepare and publish an EIP. The first Northern Ireland EIP will be the environment strategy that is currently under development, a draft of which I recently consulted upon. The second requires my Department to prepare, lay and publish a policy statement on environmental principles. Northern Ireland Departments and UK Government Ministers will be required to have due regard to the statement when making policy for Northern Ireland. The statutory duty to have due regard to the policy statement will commence six months after the final policy statement has been laid at the Assembly, to allow for sufficient preparation time.

We face a challenging time ahead in tackling the dangers posed to our natural world. These provisions represent a comprehensive package of measures not only to protect but to improve the environment in Northern Ireland. Accordingly, I ask the Assembly to approve the draft order.

Mr McGuigan (The Deputy Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to outline the views of the Committee on the commencement order, which will bring into effect a number of provisions of the Environment Act, which completed its legislative passage in Westminster in November 2021. Members will recall that the Assembly previously granted its legislative consent for the extension of the Environment Act to here on 30 June 2020 and for supplementary provisions on 20 September

2021. The regulations before us today will bring into law most of the aspects of the Act that apply to the North.

As Members will be aware, the Environment Act establishes a framework for environmental policy and oversight and provides powers to jurisdictions in respect of a number of different areas, including water, resource efficiency, biodiversity, and air and water quality management. The commencement order will bring a broad swathe of the Act into effect locally, including provisions regarding the activities of the Office for Environmental Protection, producer responsibility requirements and provisions pertaining to DAERA's ability to bring forward regulations to set charges on single-use plastics and carrier bags. It also provides a legislative basis for the Department to enforce the removal of controlled waste, to make regulations for waste-charging schemes and to facilitate water quality monitoring. The Committee notes that certain aspects of the Environment Act, including the management and use of forest risk commodities and provisions regarding disclosure of information to the OEP, will not be implemented via the order and will come into effect at a later date through alternative means.

The Department notified the Committee of its intention to lay the regulations on 16 December 2021, and the Committee considered the policy intent on 6 January 2022, where it recommended that the Department proceed to lay the regulations. Following the submission of the SL1, filed by the Department on 25 January 2022, the Committee referred the order to the Examiner of Statutory Rules for scrutiny. The Examiner reported back to the Committee on 4 February and did not draw the Committee's attention to any of the provisions. The Committee, therefore, subsequently recommended that it be affirmed by the Assembly.

In summary, the Committee is satisfied that the order that is being considered today is appropriate and recommends that it proceed in order to bring into effect important provisions in the Environment Act that will provide DAERA with the legislative authority to discharge its duties in respect of environmental oversight and which also legitimise the role and function of the OEP in respect of local matters.

Mrs Barton: I welcome the opportunity to speak on this legislation, the purpose of which is to commence the Northern Ireland provisions in the Environment Act insofar as they relate to Northern Ireland-resolved matters. The Act can be divided into two parts, the first being on

environmental governance and accountability, including plans and provision for a new Office for Environmental Protection, as the UK has now left the European Union.

The second part refers to environmental legislation enabling powers to Northern Ireland Departments or amends existing legislation with respect to environmental measures, including producer responsibility for disposal costs, deposit schemes, charge for single-use plastic items, charges for carrier bags, waste charging and waste tracking where possible. The provisions being brought include resource efficiency requirements on products that will have a significant impact on the environment and natural resources, such as the possibility of encouraging disuse of single-use products and disuse of products that take a considerable time to decompose. Consumers will also be provided with the necessary information to help them to make informed choices, including information about a product's durability, life cycle and reparability. There will also be the power to introduce electronic waste tracking and create punishable penalties where necessary.

While no consultation has been carried out locally, there was UK-wide consultation before implementation, and the Department will have to prepare and publish an environmental improvement plan for a policy statement on the environmental issues, including on the importance of the natural environment and environmental principles. That will also have a consultation carried out on it. Given that these provisions, essentially, bring most of the local effects of the Environment Act into law in Northern Ireland, the Ulster Unionist Party will support the motion.

Mr Blair: I rise on behalf of Alliance content to agree commencement of the Environment Act and provisions in the Act that extend to Northern Ireland. The Act addresses key environmental governance gaps exposed by the UK's exit from the European Union. I have shared with many others my frustration at the incredible delay in progressing the Act. As the only jurisdiction in the UK and Ireland that is without an independent environmental protection agency, a climate change Act, and, to be more specific, net zero emissions targets, Northern Ireland is in urgent need of policies and frameworks that will restore our damaged ecosystems, yet there has been a reluctance to accept independent oversight, or increased independent oversight, both in the Assembly and, it should be said, at Westminster.

Foot-dragging by the UK Government on that issue was the main cause of delay in the

implementation of the UK Environment Act, for example. There is an existing, outstanding New Decade, New Approach commitment to have an independent environmental protection agency in Northern Ireland, plans for which seem to have been put on the back burner until the next Programme for Government. It is regrettable that that commitment, which was made in the early days of the restoration of the Assembly, has been delayed.

I welcome the inclusion of Northern Ireland in the remit of the Office for Environmental Protection, but I stress that the Office for Environmental Protection cannot be the absolute of environmental governance in Northern Ireland. The establishment of an OEP, with its different roles and scope, should not be used as an excuse for not proceeding with the independent environmental protection agency to which I previously referred.

Governance needs to be considered separately from policy. It should go without saying that independence and an ability to prosecute effectively are critical for the Office for Environmental Protection, but that is not the case. Although technically correct, it is clear that the new power will have the effect of allocating DEFRA and DAERA Ministers a central role in shaping the basic principles of the oversight body, thereby constraining the role of the OEP and its ability to act independently.

Finally, I have to say this: the pandemic has laid bare the need for a new outlook on our economy and wider society. We need to look, therefore, at new, more holistic and inclusive economic models, including more sophisticated economic objectives and indicators, such as for environmental regeneration, renewable energy and our impact overseas, alongside equality, inclusion, health, income, housing and the well-being of future generations.

I am content to support the motion, but I stress again the pressing need for bespoke environmental legislation for Northern Ireland and the establishment of the independent environmental protection agency for Northern Ireland.

Ms Bailey: I welcome the Minister's tabling the motion, because it allows us to speak to the commencement and saving provision order. With some reservations, the Green Party welcomes the Northern Ireland provisions of the UK Environment Act coming into operation. We welcome in particular the oversight of the Office for Environmental Protection, as, since Brexit, Northern Ireland has been left without the

oversight of the European Commission. It remains to be seen how the OEP will function in Northern Ireland and how effective it will be.

Ultimately, the OEP does not replace all the functions that the European Commission previously held, and the main issue, of course, is that it does not have the power to levy fines. It does, however, have a key oversight role, and oversight of Northern Ireland's environmental performance can only be a good thing.

We are pleased to see the forest risk commodities provision come into effect in Northern Ireland. That amendment will make it illegal for UK businesses to use products such as soya if they have been produced in a way that is responsible for deforestation. That gives legal protection against the worst-case scenarios of the claims that we have heard the Minister make about what will happen as a result of a Northern Ireland net zero target, for example. With that provision, fears of Brazilian beef flooding the Northern Ireland market overnight should be seen as unfounded.

I hope that the provision also requires us to reimagine our food systems here. Some 19,307 hectares of Brazilian land are used to grow soya to feed pigs in Northern Ireland. That is industrial farmland of about the size of 19,000 rugby pitches where the Amazon once was. It is almost as if Northern Ireland is offsetting its carbon in Brazil. Much as some may like to point the finger at Brazilian beef as being responsible for deforestation, our food system and locally produced meat are very well connected to deforestation and environmental damage around the world.

4.15 pm

While the Green Party welcomes the NI provisions of the UK Environment Act coming into operation, we have little confidence that it will result in any improvement to our environment. Departmental actions that have so far come out of the Environment Act do little to inspire such hope.

The environment strategy that has been mentioned — the public consultation on it closed recently — is intended to act as Northern Ireland's environmental improvement plan, which the OEP will provide oversight of. Under the Act, environmental improvement plans are required to "significantly" improve the environment, yet the strategy does not even set basic measurable targets: for example, the targets on air pollution are vague. They want to publish further strategies and improve monitoring. You could meet those targets and

not see any improvement in air quality. How can a strategy that lacks measurable targets in most areas meet the legal requirement to significantly improve the environment? While we know that between 500 and 600 premature deaths every year are attributed to a lack of clean air, we still do not set basic measurable targets.

The water quality targets in the environment strategy do not even meet existing standards. The 2000 EU water framework directive required all member states to have all water bodies at "Good" status by 2015: Northern Ireland failed. We were then told that the target was 2021, and Northern Ireland failed again. Having failed to meet that target, member states were given 2027 as the deadline by which all water bodies should meet good standards. In our environment strategy, however, we set ourselves a target to reach 70% of water bodies to be at "Good" status by 2027. Before we have even begun, we have regressed. If that is a sign of what is to come, it does not bode well.

The issues about targets point to a bigger issue. When Northern Ireland misses its target in the environment strategy, what sanctions will we face? As far as I can see, the answer is none. The UK Environment Act places no duty on Northern Ireland to set and meet targets. That is pretty shocking and totally inadequate. It backs up the demand for our own independent environment protection agency, which, as Mr Blair pointed out, was, of course, promised under the New Decade, New Approach agreement.

The Northern Ireland provisions that will commence with the order are not fit for purpose. They do not protect or improve our environment. That is why the Green Party voted against them when they came before the House for debate. I urge all parties to pay close attention to the detail, and, where we can, we should demand better.

Northern Ireland is the twelfth worst region in the world for biodiversity loss. All our waterways fail to meet basic good standards. Those stats and many others are a damning indictment of the Executive's destructive approach to environmental protection. Minister Poots, you are overseeing a public health and environmental disaster. Your Department and the Environment Agency have serious questions to answer on how pollution in Northern Ireland has been allowed to get this bad. You are not alone, however. Many blind eyes have been turned, and it needs to stop. Northern Ireland urgently needs its own

Environment Act that reflects our unique environmental and geographical context, includes a substantive commitment to non-regression and creates adequate legal duties on Departments to achieve targets. The overarching target should, of course, be net zero, and we should not hide behind split targets. When we get that right, we can begin to build a sustainable future for all.

Mr Deputy Speaker (Mr Beggs): I call the Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, to conclude the debate and make a winding-up speech on the motion.

Mr Poots: I thank all Members who contributed to the debate: those who support the commencement of the provisions and those who have reservations. I will touch on some of the points that were raised.

There was the question of whether the OEP had sufficient independence. I believe that that is not the case, and, more importantly, the chair of the OEP does not believe it to be the case. The Act contains statutory guarantees of the OEP's independence, so, if Members are worried about its independence, the best thing that they can do is to support the order to bring those guarantees into force.

I understand that there may be some reservations about the power for DAERA to issue guidance to the OEP. The provision is there to ensure that the OEP spends money effectively and accountably. I am happy to reassure the Assembly that neither I nor the Department have any intention of proactively issuing guidance before the OEP is established in Northern Ireland and that those powers will not be used to stop the OEP taking action against my Department or to preclude its investigating a broad category of cases. I remind Members that I worked with the UK Government to amend the Bill as it proceeded through Westminster to ensure that the Assembly would have the opportunity to scrutinise any draft guidance prepared by DAERA.

We are finalising detailed arrangements on the budget. The current estimate for Northern Ireland's contribution is between £700,000 and £800,000 for 2022-23, although the figure is expected to rise in year 2 as the OEP recruits its full staff complement and assumes its full functions. The OEP will cover England and Northern Ireland, and being part of that larger organisation will bring economies of scale and access to a broad knowledge base. The costs of creating a bespoke Northern Ireland

oversight body are estimated to be significantly higher, probably at least double in the first year.

Regarding the environmental improvement plan, the strategy will be open-ended, with a series of action plans containing targets that are relevant to specific policy areas. It will contain outcomes and high-level targets. The policy-specific action plans that will flow from the strategy will, in turn, contain more detailed targets and milestones. The plan will provide a coherent response to the global challenges of biodiversity loss and climate change. It will be monitored and reported on by the OEP, and that will ensure transparency in how we are improving the environment.

The waste and resource efficiency measures in the Act will help us to deliver a circular economy in which resources are kept in circulation for as long as possible and waste is minimised. In almost all cases, the area's policy will be taken forward through regulations that the Assembly will have the opportunity to scrutinise at a future point. Examples include extended producer responsibility for packaging, a deposit return scheme for drinks containers and electronic waste tracking.

While approval of the commencement order is an important step, much remains to be done. Establishing the Office for Environmental Protection in Northern Ireland, publishing an environmental improvement plan and developing a draft policy statement on environmental principles are immediate priorities, but there will also be a significant amount of new subordinate legislation, especially on waste, to make during the next Assembly mandate. I assure Members that the implementation of the Act's NI provisions will be progressed with minimal delay.

Finally, I once again thank the AERA Committee, my Executive colleagues and Members for their support through the lengthy process of getting the Environment Act on to the statute book. The measures to be brought into force by the order will not only enhance existing environmental protections but create mechanisms that will benefit future generations through a cleaner, healthier and more sustainable Northern Ireland.

Question put and agreed to.

Resolved:

That the draft Environment (2021 Act) (Commencement and Saving Provision) Order (Northern Ireland) 2022 be approved.

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

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

Supply Resolution for the Northern Ireland Spring Supplementary Estimates 2021-22 and Supply Resolution for the Northern Ireland Estimates: Vote On Account 2022-23

Mr Deputy Speaker (Mr McGlone): The next two items of business are motions on the Supply resolution for the spring Supplementary Estimates (SSEs) 2021-22 and the Supply resolution for the Vote on Account 2022-23. There will be a single debate on both motions. The Minister will commence the debate on both motions. When all who wish to speak have done so, I will put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. If that is clear, we shall proceed.

Glaoin ar an Aire Airgeadais leis an rún a mholadh. I call on the Minister of Finance to move the motion

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

That this Assembly approves that a sum, not exceeding £21,827,567,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2022 and that resources, not exceeding £24,645,707,000, be authorised for use by the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2022 as summarised for each Department or other public body in columns 2 (c) and 3 (c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2021-22 that was laid before the Assembly on 9 February 2022.

The following motion stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £9,822,408,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 and that resources, not exceeding £11,090,573,000, be authorised for use by the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Northern Ireland Estimates Vote on Account 2022-23 that was laid before the Assembly on 9 February 2022. — [Mr C Murphy (The Minister of Finance).]

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed to allow up to four and a half hours for the debate. The Minister will have 30 minutes to allocate at his discretion between proposing and making a winding-up speech. The Chair of the Finance Committee will have 10 minutes in which to speak, and all other Committee Chairs will have seven minutes. All other Members who are called to speak will have seven minutes too.

I call the Minister to open the debate on the motion. Glaoim ar an Aire an díospóireacht ar an rún a fhoscailt.

Mr C Murphy: As you have set out, a LeasCheann Comhairle, the debate covers the Supply resolutions. The first resolution seeks the Assembly's approval of the 2021-22 spending plans of the Departments and other public bodies, as set out in the spring Supplementary Estimates, which were laid in the Assembly on 9 February 2022. The 2022-23 Vote on Account was laid alongside the spring Supplementary Estimates. It is the subject of the second Supply resolution.

The first resolution before the House relates to the supply of cash and use of resources for the current financial year. Since the Main Estimates in June 2021, the Executive have allocated additional funding received from Treasury and reallocated existing resources. In the three monitoring rounds, the Executive allocated over £650 million additional resource and over £90

million capital. The detail of those allocations is published on my Department's website.

This has been another year in which financial management has been made more difficult by the pandemic and the uncertainty over our final funding envelope. The Executive concluded the January monitoring round with a significant level of funding remaining unallocated. While the Executive wish to maximise the amount carried forward into the next year, it is also important that total underspends do not exceed the limits imposed under the Budget exchange scheme.

As I explained to the Assembly last Tuesday, in normal circumstances, I would bring a paper to the Executive, recommending that £45 million be allocated now. The Department for Communities, the Department of Education and the Department for Infrastructure have come forward with proposals to utilise the available resources. Having taken legal advice, it is my intention to make allocations to those Departments, despite the absence of an Executive. Sufficient headroom has been built into the spring Supplementary Estimates to ensure that those allocations can be utilised.

On 3 February, the Chancellor announced that a further £100 million would be allocated to the Executive as a consequence of the council tax rebate in England and confirmed that that can be carried forward in full into 2022-23. We will also receive an additional £150 million in 2022-23, following the announcement of a discount on electricity bills for consumers in Britain.

We can also carry over up to a limit of £104.3 million in unspent resource. It is my recommendation that we carry over at least £50 million of that. That means that the Executive, if they were in place, could allocate in the region of an extra £300 million to Departments next year, on top of the published draft Budget position. Unfortunately, the legal advice is that that cannot happen without an Executive, so that money will sit idle until such times as an Executive are re-established.

4.30 pm

As the Bill must receive Royal Assent before the end of the financial year, accelerated passage through the Assembly is required. My officials have attended the Committee on a number of occasions to answer questions on the spring Supplementary Estimates, the Vote on Account and the Budget Bill, which we will debate tomorrow. I put on record my thanks to

the Finance Committee for agreeing to its accelerated passage.

Alongside the SSEs, which are for 2021-22, there is a Vote on Account that provides authority for Departments to spend in the first few months of 2022-23. The Vote on Account does not represent the setting of a 2022-23 Budget, which can be done only by the Executive. The amount for each Department in the Vote on Account is set at approximately 45% of the 2021-22 provision. It is designed to ensure that Departments can continue to deliver services until the Main Estimates and the Budget (No. 2) Bill, which will be based on the final Budget, are presented to the Assembly. The Bill is normally brought to the Assembly in June.

On behalf of the Executive, I request and recommend the levels of Supply that are set out in the two resolutions under section 63 of the Northern Ireland Act 1998. I request the support of Members for the resolution for 2021-22 and also for the resolution on the Vote on Account to allow services to continue to be funded into the first few months of 2022-23.

Dr Aiken (The Chairperson of the Committee for Finance): On behalf of the Finance Committee, I thank the Minister for his opening remarks on the Supply resolutions for the spring Supplementary Estimates and the Vote on Account. The Minister's officials kindly provided written and oral explanations at a number of Finance Committee meetings. If the Minister could pass on his thanks to those officials, that would be very much appreciated by the Committee.

Officials also provided copies of the Estimates memoranda for all the Departments and some other bodies. The Committee was pleased and pleasantly surprised to receive those. To be sure, further work is needed to optimise their content, but, notwithstanding that, it is a very positive development in improving the Assembly's scrutiny of the Estimates. A number of other Statutory Committees indicated as much in their helpful recent submissions to the Finance Committee. Members look forward to further iterations of the memoranda in the next mandate and to all other Departments emulating the Department of Finance by sharing those documents with Statutory Committees in a timely fashion.

The Supply resolutions are the founding resolutions for the Budget Bill for 2022 and are part of the process of providing legal authority for the Executive's spending since the passage of the Budget (No.2) Bill in 2021. The Finance

Committee wondered whether, in the absence of an Executive at this critical time in the Budget Bill process, the legislation would be moved and these debates take place. Officials clarified that Executive sign-off on the related legislation is not actually required. It is thus understood that, subject to the Assembly's approval, the Supply resolution and the Budget Bill will pass. Thankfully, that means that the collapse of the Executive will have no adverse impact on the public-sector pay run at the end of March.

There are, however, still questions that may need to be resolved about departmental spending for the rest of 2021-22 and during the Vote on Account period. I refer, first, to the outcome of January monitoring and the surprisingly high level of unspent resource and capital departmental expenditure limit (DEL), coupled with some last-minute and very substantial Barnett consequentials. Officials have helpfully clarified that perhaps around £300 million, including the council tax rebate and electricity discount consequentials, can be carried into next year. The position in respect of other unspent resource DEL is less clear, however. Perhaps the Minister, in his winding-up speech, will provide an update on the additional allocations that he mentioned in his statement last week and referred to earlier in his remarks.

More generally, spending in 2021-22 has been characterised by the exchange of substantial amounts of money for all the monitoring rounds. Each of the allocations exceeded £150 million. The total change in resource DEL since the Main Estimates is over £800 million.

The bids and the reduced requirements were, often, quite significant. In the case of the latter, that continued, surprisingly, until the final monitoring round. All that is quite unusual, and is one of the many unwelcome products of the pandemic.

To be fair to the Department, that all presented a significant challenge, with a number of new, novel and untried schemes coming to the fore and, sometimes, driving those large underspends. There were also errors with some ultra vires payments being made for the localised restrictions support scheme (LRSS), some frauds that are being investigated, and, indeed, some good-faith write-offs for other schemes. Indeed, as the Assembly is aware, the Comptroller and Auditor General has qualified his opinion on certain COVID support scheme matters.

Notwithstanding those problems, the overall strategic financial position prior to the collapse

of the Executive, although difficult, seemed to be reasonably sound. Support was going to hard-pressed businesses, and the Executive's coffers appeared to be heading towards being appropriately depleted as we approached year end. A very welcome, if unexpected, spanner in the works was the additional £250 million of late consequentials. It is hoped that the Minister can assure us that all is well and that his Department will, indeed, be able to land all the unspent resources before the end of the financial year.

I want to take a moment to mention the Vote on Account. The Committee is more than a little concerned about the £400 million of additional money that has been generated by the increase in all our National Insurance contributions. It would seem that the Department of Health, for which that money is earmarked for waiting list reductions, may not be able to access that accruing resource in 2022-23 as it cannot be included in the Vote on Account, even though, as we have already heard, the £300 million for the council tax and power consequentials can be. That appears to be more than just an anomaly. Maybe the Minister could talk about the legal advice that he has had specifically on that issue. Indeed, perhaps, he will clarify whether an Executive must be in place in order to access that £400 million plus the £300 million that is leftover from 2021-22.

Turning to capital, we began the financial year quite ambitiously, with lots of planned conventional capital, reinvestment and reform initiative (RRI) borrowing and financial transactions capital (FTC) spending. However, throughout the year, we have seen RRI borrowing dropping and then, quite surprisingly, in January, substantial capital reduced requirements. At January monitoring, the Minister redirected current FTC spending to meet future repayment costs. RRI borrowing was also reduced and replaced by conventional capital spending. Again, in your winding-up speech, Minister, can you confirm what you believe the final capital position will be, and whether any moneys will have to be returned to Westminster? From what we heard at Question Time earlier, you indicated that that would not be the case, but it would be quite useful if you confirmed that.

Perhaps the Minister might also comment on how the in-year capital underspends happened. I also ask him to comment on the end-of-year capital surges, which, according to the Department's own figures, will see 55% of our capital spending happening in the last three months of the financial year — 55% of all our capital spending. Does the Minister agree that

that may not be the best approach, and that it might be part of the perennial reason why Departments seem to struggle to spend their capital budgets?

Statutory Committees have kindly provided some commentary on the 2021-22 capital and resource spending to the Finance Committee. I anticipate and hope that some of the Chairpersons of those Committees will speak eloquently to those issues today and tomorrow. In anticipation of that, I will conclude my contribution to the debate as the Chairperson of the Committee for Finance.

Dr Archibald (The Chairperson of the Committee for the Economy): I will not go on at length today, as I have further remarks to make tomorrow in the Budget debate. The past year has continued to be a difficult time for many families and businesses. The Department for the Economy was allocated £246 million to fund economic recovery activities. Members will be most familiar with the high street scheme, which was part of that.

In December, when the Finance Minister asked Departments to look at their budgets to try to identify any money that could be freed up to bring forward the energy support scheme, in response, DFE relinquished £40 million, £30 million of which was from the economic recovery fund. We were told that that was possible because the economy was in a better place than expected. I am glad that the money could be made available to the energy support scheme. However, that was before the restrictions as a result of omicron came about. I and, I am sure, other Members were contacted by businesses in different sectors that faced difficult circumstances due to those restrictions. However, despite representations, the Department for the Economy did not bid for any additional money in the January monitoring round to provide support, despite money being available. The travel sector, for example, was first hit and is still a long way from recovery, and the beauty sector is another that continues to struggle and make representations. While the Finance Minister brought forward the omicron business support scheme for hospitality, hotels and soft-play businesses, nothing has come forward from the Economy Minister. Obviously, as a result of the DUP walking out of the Executive, there is £300 million of funding that cannot be allocated. As I understand it, no additional funding can be allocated at this stage for those businesses, even if the Economy Minister were to decide to support them, although he has discretion over his own budget for economic recovery. Perhaps the Minister

could clarify the situation around any allocations that can still be made at this stage.

Last week, the Finance Minister announced that the draft Budget consultation is being paused. We were concerned by what was being presented to us by DFE in Committee. The loss of EU funding will particularly hit the Department for the Economy because, despite a £50 million uplift over the next three years, there will be a £100 million loss in EU funding, and the so-called replacement fund — the Shared Prosperity Fund — remains elusive. We are no further forward on any clarity around its administration or purpose. The Economy Committee was presented with model savings that would particularly hit skills and business support, which is obviously entirely counter-intuitive to driving forward economic recovery.

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

We are also now in a situation where European social fund projects, which were extended for a year, last year, as a result of the Finance Minister being able to allocate COVID funding, have been told that the Department for the Economy will not provide the additional 35% match funding that it would have done in previous years, although the Economy Minister said earlier today that he wanted to support those projects. I ask the Finance Minister to update us on the latest position regarding whether or not the Economy Minister has signalled that he will take him up on the proposed solutions that were outlined to him last week, and which the Communities Minister confirmed she would take up and will provide £1.5 million of match funding to the projects funded by her Department.

It must be stressed again that the projects employ 1,700 people across the North and support 17,000 people to gain skills in employability programmes, including some of our most vulnerable citizens, those with disabilities and those furthest from work. The people working in those projects are skilled community workers, and they are being put on protective notice, which is incredibly stressful. If they are at risk of losing their current position, they will seek other work, meaning that their skills could be lost to the organisations that they are currently with. So I urge the Economy Minister to clarify his position and the comments that he made earlier today. I will write to him on that as well.

We are facing a cost-of-living crisis, with families struggling to make ends meet and businesses struggling with increased costs. Inflation is at its highest level in years and

energy prices, in particular, are really impacting. To date, the interventions from the British Government have been inadequate, with what amounts to a loan in the reduction of energy bills in Britain and no meaningful intervention in regard to living costs. The Finance Minister has made representation to the British Treasury regarding the removal of VAT on energy bills, which would immediately cut household bills by 5%. Perhaps he could update us on whether anything is likely to happen in respect of that.

I, along with other parties, have called for a windfall tax on some of the biggest companies that are benefiting from rising energy prices to be directed towards fuel poverty interventions. The reality is that, before the energy price hikes, we, here in the North, had the highest rates of fuel poverty. That is likely to have risen considerably. We need to see meaningful action, and it has to come from British Government level.

There is also the planned National Insurance increase coming down the track. Despite the cost-of-living crisis, it seems that the British Government are intent on ploughing on with that. Obviously, that will hit lower-paid workers and small businesses. I and others have urged the British Chancellor to rethink that move.

We are often left to deal with the consequences of bad decisions or inaction in Westminster.

Despite that, our Ministers here are making meaningful interventions. Whether it is Deirdre Hargey putting in place supports for families with their energy costs and ensuring that workers in the community and voluntary sector have proper pay and conditions, or whether it is the Finance Minister supporting businesses through the restrictions and ensuring that procurement rules support local businesses, those measures highlight that the best people to take decisions on behalf of people here are the people on this island. Surely, it would be so much easier if we had the powers of a sovereign Government and the ability to plan our public services and economic development for ourselves.

Mr Irwin: As a member of the AERA Committee, I will comment on the issues that are most pertinent to the agri-food industry and the environment at this time.

It has been another challenging year for the Assembly and, indeed, for agriculture in Northern Ireland. The pandemic has continued to have an effect, and, whilst the signs are encouraging and the severity of COVID-19 is lessening, we continue to hope and pray that

the virus will continue to weaken to allow some level of normality to return. The removal of restrictions is certainly a good start and a welcome signal that normal life is resuming across all sectors.

Despite the immense pressures that the virus brought to bear on many areas of life in Northern Ireland, it is very clear that many thousands of people who are employed directly in the agri-food industry have continued to provide the most vital service to ensure that all links in the supply chain continue to function from farm to fork, and that has been the case from the outset of the pandemic. When many areas of life locked down, our agri-food sector stepped up a gear and met an increased need. I pay tribute to the sector.

Not surprisingly, the pressure on resources across Departments has risen significantly, and that has been for a multitude of reasons, most notably the various support schemes enacted to offset the impacts of the COVID restrictions.

From the farming industry's perspective, various sectors have been under pressure, not least our pig sector. In recent times, there has been a significant squeeze on its margins. I welcome the fact that the Minister has given some attention to various sectors within our agri-food industry due to the pressures of COVID. I urge the Minister to continue to look at ways to support the pig sector at this time.

Other pressures have been brought to bear on the wider agri-food industry, not least the spectre of continued rising energy prices and general input costs across the production sectors. These are concerning times, and it is most important that the House recognises the pressures being applied in terms of energy and inputs. The security of food supply is vital for any society, and Northern Ireland is no different. It is a concern that the Treasury has stated that the rebate on red diesel fuel will end in April for most uses, with the exception of agriculture. Many industries have spoken about their concerns about the impact that this will have on their operations. Increasing costs will have to be passed onto the consumer. I reiterate my call to the Treasury to reconsider that change, especially in the current economic climate. I urge our Ministers to redouble their efforts on that issue.

It will not be lost on the farming public that in recent weeks, against all scientific and reasoned advice, the Assembly voted to catastrophically impact our agri-food industry most severely and heavily with a decision to allow a path to net zero by 2050. That decision,

if carried through, will have a profound and long-lasting negative impact on the finances available to each and every Department, given the costs associated with such a move. It will also have a massive impact on wider society and every sector of business, yet such a vote was taken despite the reality of that being fully explained to the other parties in the Chamber.

Whilst the impact of climate change deserves detailed attention, the measures and legislation created, if implemented, cannot be allowed to damage our agri-food industry or create a situation where the massive gaps left in our ability to produce food for our consumers are filled with cheap imports from countries with woeful records on emissions. It beggars belief that the Assembly, despite the strongest of objections raised by the UK Climate Change Committee's (CCC) economists, farming representative bodies and, indeed, the farming public, actively rejected those concerns and opted for a massively over-ambitious target.

If the decision for net zero by 2050 is to be carried through, it will require a massive budget to deliver. Indeed, it will take a significant proportion of the finances available to our Executive to be directed solely at Agriculture. A huge financial mountain has been placed in front of the Assembly, and it is very clear that the resources required are not available. It is, therefore, vital that the issue is revisited and that changes made to the AERA Minister's Climate Change (No. 2) Bill, as a result of the recent vote, are reconsidered and the more reasonable approach of 82% by 2050 is re-established. Our farmers depend on it.

Mr O'Toole: I will keep my remarks today on the Vote on Account and Supply resolution fairly brief, because we will have — as we do when we debate these things — the chance to do it all again in 24 hours' time, much to the delight of the Finance Minister and whoever is in the Chair and gets to sit through Members regurgitating the same remarks.

Dr Aiken: It has never stopped you before.
[Laughter.]

Mr O'Toole: It has not. Thank you to the Committee Chair. I am tempted to say, "Back at ya".

The Vote on Account and Supply resolution is a necessary and technical measure to authorise spending. I will keep my remarks brief, but I want to reflect on where we are today and, indeed, tomorrow. We will have voluminous statements from politicians talking about the

priorities. Those are urgent, and we face a whole range of priorities that are particularly acute. We all know the ones that are top of mind at the minute: a health service that has waiting lists that are not just the worst on these islands but among the worst in the developed world; an education system that is not delivering properly for people; too many young people leaving here; a Department for the Economy that is buckling under the pressure of lost EU funding but with no strategic plan to take advantage of our new dual market access opportunities and to deal with the productivity crisis that we have faced in this region for far too long; the crisis in our water infrastructure; and a whole range of other priorities.

One of the most vital points to make is that, in authorising this spending, we are doing so, yet again, in the absence of a strategic three-year Budget. My party and I had significant concerns with the Finance Minister's draft Budget, but the truth is that the walkout by the DUP will make it impossible to produce a three-year Budget. What we are debating today is simply authorising spending to continue as it was. We are authorising Departments to keep going and civil servants to keep the engine running, as it were. We have abandoned the car and effectively said to the civil servants in the car, "Leave the engine on, keep the car in neutral, and we will just see what happens. Hopefully, we will come back and put it back into gear when we can agree later on". That is a huge abdication of responsibility.

When Members stand up and say that there needs to be this or that strategic priority and that money needs to be spent here, there and everywhere, particularly if they are doing so from the DUP Benches, and unless they are talking about the absolute immediacy of continuing spending that has already been allocated or making small uncontroversial allocations here and there, there is a degree of disingenuousness, because this is just legal authorisation of spending. In this instance, technically, we are authorising the expenditure limit set out in the Supply Estimates.

We have lost the opportunity, for now, to deliver a strategic three-year Budget. With a three-year Budget, we could guarantee, for example, police numbers over the next three years or deliver a proper plan from the Health Department to get waiting lists down. It is worth noting that, whilst my party and I are very supportive of Health being prioritised in this Budget, we would like to see a more detailed plan from the Health Department on how that extra resource will be matched to a plan with targets, both short and medium-term, to actually

get elective waiting lists down, rather than it simply being used to continue to fund the pressures on the health service. We want to understand how it is going to be matched to targets.

It is important to make it clear that all that we are debating today is the continued authorisation of spending. If Members are standing up and saying that they want greater prioritisation in the long term for x, y or z, I am afraid that, unfortunately, we cannot do that, because we cannot deliver a multi-year Budget with proper strategic priorities.

It is worth going back to the first Supply resolution that I debated in 2020 when we came back. From memory, what we were doing there was the slightly surreal thing of authorising spending that had already happened. That was even more bizarre than what we are doing today. We were authorising money that had already been spent. We were, effectively, retrospectively saying that money spent on the health service, schools and roads was not illegal, and we all know that for three years, between 2017 and 2020, we did not have institutions, and Westminster, in a piecemeal and technical way, kept spending running over.

It is worth acknowledging that that was because Sinn Féin walked out of government in 2017. That was wrong then, and it is wrong now to walk away from government, so there is an important point about taking responsibility. We cannot stand here today and make out to people who are putting this up on social media. We cannot call for a spending strategy when we are not taking responsibility to make these institutions work in delivering a three-year Budget.

I will deliver more comprehensive remarks tomorrow in the round, but I want to ask the Finance Minister about the Budget exchange scheme. In Finance questions earlier, he mentioned a lack of certainty about the scheme. We have talked about the £300 million, but it would be helpful to know whether he believes that the lack of an Executive jeopardises the Budget exchange scheme and the ability to roll over current underspend. We are currently within expenditure limits in terms of underspend, and it would be helpful to know whether the lack of an Executive will create any problems in rolling it over.

As I said, I will save most of my remarks for tomorrow. We will, obviously, support the resolution today. My final point is around the strategic piece. I talk about that every time we have these moments. One thing that I will

sincerely commend the Minister on is that, since we reconvened in 2020, we now have two institutions — one, hopefully, permanent, the other temporary — the Fiscal Council and the Fiscal Commission. One will be a standing fiscal body to advise the Finance Minister specifically but the Executive in general on the sustainability of their spending plans, on how they are doing with public finances and fiscal sustainability more generally. There will also be a Fiscal Commission to advise not only on the potential for new fiscal powers but on how we use the powers that we have. It has already delivered an interim report and is working on a final report that, hopefully, will be published in the months to come.

One thing that has emerged thus far from the utterances of both those organisations is that we need much more strategy.

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

Mr O'Toole: Yes, indeed I will.

We heard that from the Fiscal Commission on the multi-year Budget. I will bring my remarks to a close there and look forward to boring people even more tomorrow on the Budget Bill.

Mr Lyttle (The Chairperson of the Committee for Education): I welcome the opportunity to speak to the spring Supplementary Estimates and Supply resolution as Chairperson of the Education Committee.

At January monitoring, the Department of Education bid for £20.9 million of pressures to the Department of Finance. That consisted of £18.3 million for special educational need pressures arising from special educational needs in mainstream schools, special schools, pupil support and special educational needs in transport pressures, and £2.4 million for the voluntary exit scheme costs. In addition to that, the Department of Education required funding of £22.5 million for COVID-19-related pressures at January monitoring.

While the Education Department welcomed the additional funding allocations in the draft Budget, it indicated to the Education Committee that the proposed additional funding allocation was wholly insufficient to address the significant pressures that face the education sector. When departmental officials briefed the Committee, they emphasised that the sector faced significant financial pressure and rising service demands associated with delivering statutory and policy obligations and that, without

substantial additional funding, the budget position would continue to be extremely challenging.

5.00 pm

Department of Education officials also stated that, without additional and adequate funding, it would be extremely difficult, if not impossible, for the Education Department to take actions on the Northern Ireland COVID recovery plan; the implementation of the Special Educational Needs and Disability Act (Northern Ireland) 2016; the continued implementation of the 'A Fair Start' action plan arising from the expert panel on educational underachievement; future teachers' pay settlements; and any recommendations from the independent review of education. I also note the ongoing absence of a childcare strategy and budget.

Special schools have seen pupil numbers increase by a staggering 20% in about five years. That has led to an increase in costs, with the Education Authority's special educational needs expenditure up by about 52% since 2015-16. In mainstream schools, the demand for special educational needs support for non-statemented and statemented pupils has increased by similar percentages during the same time. The Education Committee holds special educational needs as a particular priority, and it will hear from the Education Authority shortly to assess progress on special educational needs support.

Mr Beggs: Will the Member give way?

Mr Lyttle: I am happy to give way, yes.

Mr Beggs: During Public Accounts Committee hearings, we discovered that there can be up to four classroom assistants standing at the back of classrooms in some post-primary schools. They are not engaging with pupils; they are there in case they are needed. Yet, some schools have been granted the flexibility to make much better use of that money and are already producing much better outcomes for those pupils. Does the Member agree that we have to maximise the use of resources and give flexibility to our principals so that they can help children who need additional assistance?

Mr Lyttle: I thank the Member for his intervention. Yes, the Public Accounts Committee report demonstrated a clear need for a more efficient and targeted approach to special educational needs.

The Education Committee also heard that over £2 million is being invested in ventilation works, the provision of CO2 monitors, window replacements and air filtration units. That is welcome, but there is little detail on the implementation of that expenditure. The Education Committee engaged significantly with the Department of Education and the Education Authority to encourage them to implement that work urgently, to promote it and to stimulate uptake to enhance COVID safety. The Committee will also hear shortly from the Royal Institution of Chartered Surveyors on what constitutes a best practice approach to that matter.

Another portion of the resource demand comes from school deficits. Stakeholders raised concerns about the inadequacies of the present funding environment that have resulted in many schools being unable to operate effectively, with many operating in deficit.

As mentioned previously, the Public Accounts Committee report, 'Closing the Gap', points to a need for the Education Department to complete its review of free school meals and exercise more control on the funds provided for targeting social need. Despite providing £913 million of targeting social need funding since 2005, the Education Department does not appear to have data that clearly demonstrates that that funding is improving the performance of pupils in receipt of free school meals.

Moving forward, the balance between school autonomy and the Department of Education's value-for-money oversight will be crucial. If we also consider other inescapable costs associated with teachers' pay, it is clear that the very substantial extra sums that are needed in Education will be challenging.

Although aware of the system's over-reliance on in-year allocations, the Education Committee has worked hard to monitor those processes, and it greeted news of a three-year Budget with great relief that financial planning might finally be less short term and more transparent for schools. As mentioned previously, it is unconscionable that the opportunity for multi-year budgets for schools has been jeopardised by the resignation of the First Minister. The Education Committee has had regular and informative briefings on monitoring rounds. The SSEs memorandum certainly cannot be said to represent any granularity in respect of the Estimates.

In order to address the multi-million-pound budget pressures, significant reform will be required. The Committee does not

underestimate the task of the independent review of education in somehow rationalising a system that has been in crisis for far too long, but it will need to meet that challenge urgently.

Mr Gildernew (The Chairperson of the Committee for Health): I welcome the opportunity to participate in today's debate as Chair of the Health Committee. I will then make some brief remarks as Sinn Féin's health spokesperson.

From the outset, we should acknowledge that, once again, this has been a difficult and very challenging year for our health service. COVID has continued to wreak havoc on departmental and trust spending plans, and a number of important priorities have been pushed back as the Department continues to deal with the pandemic. Throughout the financial year, we have seen a number of COVID-related allocations to the Department so that it can deal with issues including track and trace, testing and vaccination. Those allocations have been welcome and much-needed, and they have helped the Department and the Executive to provide a map out of the pandemic and to get closer to a return to normality. However, as we all know, we cannot accept a return to normality for the health service because normality has become increasing waiting lists, overcrowded emergency rooms and people having to wait longer to get the diagnosis and treatment that they so badly require.

The previous Committee heard evidence in 2016 that, without adequate investment in transformation, hospital waiting lists would rise and GP practices would close. Members will all know that that is happening as we speak. As a Committee, we have heard of the great work of the multidisciplinary teams (MDTs) in GP surgeries and the real benefits that they bring to patients and communities. However, this year, we saw no increase in the roll-out of MDTs, with funding being allocated on a standstill basis only. We know that it can be done, and we know how it can be done. Indeed, we have cross-party agreement on the road map, including the roll-out of multidisciplinary teams, with investment in primary and community care as advised by countless reports over the years. Moreover, we know that investment will be repaid with early intervention, health promotion and prevention, easing pressure on acute care over the longer term. However, we need to acknowledge the risk that, without sufficient funding, transformation becomes much more difficult.

The Committee was briefed on transformation just last week, and we see the transformation

agenda as key to addressing waiting lists and providing the best levels of care across the North. The Department needs to place transformation at the core of all budget and Department needs in order to consider how funding can be directed and allocated into transforming our health service. An example is seen in the continued and, indeed, growing reliance on locum and agency staff. The latest indications are that the total cost of locum and agency spend is close to £300 million this year. That cost has increased fourfold since 2014-15, and it could clearly go some way towards achieving transformation if workforce planning, recruitment and retention issues were addressed.

Throughout the past two years, I have taken the opportunity in Budget debates to outline the difficulties that the Committee continues to experience in identifying spend across various streams. We cannot look at the papers that are supplied and identify, for example, how much it is proposed that we spend on mental health, on cancer or on the split between primary and acute care, and we cannot track the investment outcomes that are involved in addressing the continuing health inequalities that we see across our population. We have struggled to get clarity on total spend, and, following Budget briefings, we have written to the Department in order to ask for further detail.

We believe that the Department needs to undertake further work and to make progress on transparency and accessibility in our budgetary processes. Throughout the past two years, we have been advised by the Department that a multi-year Budget is required to provide some surety and allow planning so that we can tackle some of the key issues that are inherent in our health and social care system.

While the mandate is coming to an end, I am sure that any incoming Committee will look closely at the Department's budgetary planning in order to make sure that the Department delivers the transformation that is needed to ensure better health outcomes for everyone in our community.

I will now say a few words as a Sinn Féin MLA. The Health Minister has already set out a number of strategies for improving health outcomes, and it is proposed that his bids for the elective care, cancer and mental health rebuild strategies are met in full, providing £120.9 million, £182.4 million and £255.3 million over the Budget period. That is a total Budget allocation of £1.9 billion. That is recurrent funding over three years and would

allow planning on workforce rebuild, cancer services and other services.

However, all of that has been put at risk by the resignation of the First Minister. The health and well-being of our constituents and communities cannot be held hostage to the political difficulties that one party has created for itself. We need the recurrent funding that Conor Murphy proposed so that we can begin to tackle those waiting lists, rebuild a health and social care workforce that is well paid and well respected, and transform health and social care so that it better meets the needs of our constituents.

Mr Storey: I thank the Member for giving way. I appreciate his concern, but, perhaps he could clarify where that concern was when, for three years — not three weeks — his party brought this place to its knees and we had no Assembly and no Executive. Will he explain the difference?

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

Mr Gildernew: If the Member is suggesting that the DUP is adopting some kind of a copycat strategy, that is ill-considered. We are dealing with a public health pandemic. We are not dealing with a situation in which the Assembly was presiding over a scheme that had the potential to bleed millions of pounds over years. He is comparing apples with pears, frankly, and I do not think that it adds to the debate.

We need the increased Health budget, proposed by Conor Murphy, to address the needs of the patients in our community who are waiting anxiously for cancer treatment, cardiac care, orthopaedic procedures and the other procedures that are so badly needed. We also need it to deal with the 358,000 people who are waiting to see a consultant for the first time, the 116,000 people who are waiting for their first hospital or surgery appointment and the 147,000 people who are waiting for a diagnostic test. Those needs cannot be cast aside by one party that is continuing to deal with political difficulties of its own making.

Mrs Cameron: I rise to speak as a DUP member of the Health Committee. These are, undoubtedly, unprecedented times in the provision of healthcare in Northern Ireland. The sums of money that have been poured into protecting our people against COVID-19 are without parallel. It is worth mentioning that, when we take together resource spend and the like of National Insurance spend, the projected

expenditure for this year exceeds £30 billion. That is a huge amount and, once more, underlines the scale and importance of the financial support that the Treasury provides to us, as part of the United Kingdom.

We are in an economic climate in which every pound must be made to count. In that context, it is welcome that, under the exchange scheme, we have the ability to carry forward up to £104 million in resource expenditure. It is crucial that we explore with the Treasury all routes to maximise flexibility in remaining funds that can be carried across to next year. In the absence of Executive agreement, we also need to explore innovative ways of reallocating any amounts that are returned to the centre before the end of the financial year. Substantial headroom is included in the Estimates to enable the Executive to make further last-minute allocations. Perhaps the Minister will expand on the options that his officials are exploring to be in a position to make such allocations in the absence of Executive agreement, and on how any process would respect the need for fairness and avoid the type of divisive attitude threatened by the Communities Minister towards the subregional stadia programme.

The Department of Health has been a significant beneficiary of additional funding from monitoring rounds, and that money has been key to addressing immediate pressures, both COVID-related and non-COVID. However, we need to go beyond the sticking plaster solutions. It is high time that we pursue the reform of our health system that is so desperately needed.

Last week, I listened to the Finance Minister and others talk about waiting lists and about how, somehow, the decision that my party leader took to withdraw the First Minister is to blame for our waiting list crisis. Our waiting lists have been in crisis for years. The Finance Minister and his colleagues stood on the border for three years, dressed in costumes and engaging in pantomime politics, while our waiting lists grew longer and longer. Meanwhile, it was our party that secured tens of millions of pounds for our health service and to address waiting lists. We will take no lectures from the party opposite.

5.15 pm

As I looked back on my comments in the House last year on 7 June on the Supply resolution for the Northern Ireland Main Estimates 2021-22, one aspect of my comments struck me. It related to the party leaders' forum meeting to

agree the summit on waiting lists that was to be held the following week. I dare to say that the summit produced very little. The statistics on waiting lists back that up. Where is the plan? Some parties, particularly the party opposite, claim that the three-year draft Budget that the Finance Minister put forward would have addressed our waiting list backlog, yet, even with the proposed increase to the Department of Health budget, it came with absolutely no plan whatsoever to back up the cash. If we are to address waiting lists and issues such as domiciliary care and investment in services and staff, surely we need a plan first and then to cost the plan. That will deliver the best and most efficient outcomes for everyone. We know that the party opposite specialises in fantasy economics and political pipe dreams, but that issue needs to be taken forward in a structured, coherent way that delivers maximum impact.

We have previously argued that the Budget process should start between April and June for the next financial year, with the draft Budget being consulted on in the autumn, allowing for a full debate at the turn of the year. That would afford greater detailed scrutiny in advance and potentially better align with the more normal siting of the election or the formation of an Executive in May or June. The proper process for agreeing a three-year Budget should be after a Programme for Government has been agreed, not in the dying days of a current mandate. Strategy and spending must be a cohesive force, not the back-of-a-cigarette-packet, get-it-out-the-door strategy that we see from Sinn Féin.

Post-election, it is our hope that an incoming Executive can be formed and that plans can be put forward first and then money be allocated towards that plan. Of course, such an outcome will depend on whether the cross-community consensus needed to sustain this place is established, and, in that regard, the ball is very firmly in the court of the Government and the European Union.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to speak on behalf of the Committee for Agriculture, Environment and Rural Affairs on the spring Supplementary Estimates. DAERA has a wide-ranging remit that encompasses support for food and farming, the protection of the natural environment and the development of rural communities. Its budget is therefore used to deliver a diversity of schemes and projects that help maintain key industries, support animal, plant and environmental health and

improve the health and well-being of people living in rural areas.

Just under £316 million was used to make direct payments to farmers in 2021-22, which comprises the vast majority of the DAERA revenue budget. It is an essential aspect of expenditure, as local farmers fundamentally rely on direct payments to make ends meet. Direct payments comprised 92% of net farm business income in 2020. Other substantive elements of DAERA's revenue spend include staffing costs, of which approximately £144 million were incurred in this financial year, and the bovine TB control programme, which is expected to run to around £38 million by the end of March. Of that, £26 million will be used to pay compensation to farmers whose herds have been affected by the disease. The Department advised the Committee on 21 January that it expects to incur its full budgetary allocation of £18.8 million revenue funding by the end of the financial year for measures to support the EU exit, which are mostly associated with the need to recruit additional staff.

The Department was successful in securing additional revenue through the October and January monitoring rounds, including £1.4 million to support inescapable ICT pressures and £4 million to facilitate compensation payments to owners of flocks affected by the ongoing outbreak of avian influenza. There was a negligible 0.2% decrease in the Department's resource DEL in the spring Supplementary Estimates, compared with that in the 2021-22 Main Estimates.

From its capital DEL, the Department spent approximately £30 million this year on research and development activities at the Agri-Food and Biosciences Institute (AFBI), which the Committee supports, in order to help develop an evidence base for key projects that will be introduced in the years ahead to improve carbon sequestration and the optimisation of productive livestock genetics. A further £19 million was expended on digital transformation activities, including the development of the roll-out of the new IT systems, such as the NI farm animal information system (NIFAIS). The Department transferred a total of £14 million in-year capital funding to the Department for Communities and the Department for the Economy in order to support the COVID recovery small settlements regeneration programme and Project Stratum respectively. The Committee welcomed those transfers to support local businesses in their recovery from the pandemic and accelerate the roll-out of high-speed broadband to citizens in rural areas.

However, the Committee was concerned about the significant net reduced capital requirement of £7.5 million that has been declared by the Department in this financial year and considers that there may have been missed opportunities to reallocate those moneys for alternative purposes that could have been avoided had better financial controls and oversight of planned capital activity initiatives been in place. Those concerns have been communicated to the Department.

Given the breadth of issues facing the Department, the Committee believes that there are numerous initiatives that would have benefited from additional capital funding, such as the expansion of the existing rural development programme schemes, the provision of training grants and the consideration of short-term compensatory support to the meat-processing sector. The Committee corresponded with the Minister, urging him to consider options for using the declared capital reduced requirement, and it is disappointing that it will not be possible to use that in the current financial year.

In summary, the Committee considers that DAERA's utilisation of its 2021-22 budget broadly reflects its statutory remit and that it has engaged usefully in the allocation of capital moneys to support worthwhile initiatives in rural areas. However, the Committee believes that, through more proactive and forward-looking financial management, the Department may have been in a position to use its declared capital reduced requirement to support a broader number of projects.

It is imperative, given the period of flux that will likely manifest over the next several months, that the Department has some degree of certainty regarding its 2022-23 budget spend. The Committee, therefore, supports the passage of the Vote on Account. My colleague Philip McGuigan will pick up on this from the Sinn Féin perspective during the Budget debate tomorrow.

Mr Storey (The Chairperson of the Committee for Justice): I welcome the opportunity to speak as Chair of the Justice Committee in today's debate.

Throughout the year, the Committee has scrutinised the Department of Justice's budget through the regular briefings and updates that it has received, both oral and written, on areas including in-year monitoring rounds, bids for COVID-19 funding and forecasting performance. In addition, the Department provided briefings on its planning for the multi-

year Budget and the 2022-25 draft Budget, which the Committee also had the opportunity to discuss with the Minister of Justice.

Turning to the 2021-22 spring Supplementary Estimates, in their oral evidence to the Committee on the June monitoring round, departmental officials advised that the opening baseline for 2021-22 left significant resource pressures of £27.7 million, excluding COVID pressures. Recent reports in the press that the Department returned somewhere in the region of £47 million to the Department of Finance were, therefore, of grave concern. On 20 January, however, officials clarified that the £47 million referred not just to returns from this financial year but to returns from the previous year. In addition, £33 million of that was capital funding, and the majority of the underspend was due to delays caused by COVID. A significant proportion of the resource underspend related to COVID and was ring-fenced and could not be used for any other purposes. The ring-fenced resource funding that was returned included over £1.6 million for the Police Ombudsman for historical investigations, which was for a specific purpose and could not be reallocated internally. Those easements arose due to a delay in the preparation of a business case and, consequently, there has been slippage in the recruitment of staff, which will now be pushed into future years.

The Committee was also concerned to learn that Together: Building a United Community (T:BUC) funding had been returned due to delays in a regeneration project on the Springmartin/Moyard interface in west Belfast. The Department advised, however, that bids for T:BUC funding had been oversubscribed each year and that the Executive Office had confirmed that the easement declared had been repurposed within other T:BUC programmes.

The officials advised that the Department endeavours to redistribute easements internally where possible to maximise the use of its budget. Over the past number of years, the legal aid baseline has been insufficient to meet demand and has therefore received internal reallocations, though bids for legal aid have also had to be made at monitoring rounds.

The bids for additional funding during the year also included £5.7 million for the PSNI in relation to the Northern Ireland protocol, as only £9.8 million of the funding to cover the cost of the 308 officers required had been allocated. Two million pounds was allocated in the June monitoring round, which was followed by an unsuccessful bid for the remainder at the

October monitoring round. The Committee was advised that a further bid would be made in January, although the January monitoring position appears to have subsequently been revised. The requirement to bid for that funding in-year serves to highlight the difficulty faced by the PSNI in planning and managing headcount. Funding for officers and support staff comes not only from the baseline but from a number of other funding streams, including non-recurrent funding that often needs to be supplemented by in-year allocations.

Late in the year, a further significant pressure for the PSNI arose in relation to a legacy case for which a bid of £7.5 million was made at January monitoring. Although that bid was successful, the Department has previously flagged up its concerns on legacy, advising that it is not funded for such significant costs when they materialise and that it will need to look to the centre for funding. That is far from ideal, and the position will need to be carefully considered when the way forward on legacy is known.

I will make a few comments on the Estimates process as my party's spokesperson on justice. The prevalent concerns that I have outlined about how the PSNI is funded cannot continue to be ignored as they have been, despite all the glossy documents and the promises made by past Governments and by the Executive — would you believe it? — through the document called 'NDNA'. That is held up as though, all of a sudden, we have the milk and honey of the promised land, but it is piecemeal. You can pick and choose whatever you want to do, and the rest you can ignore.

Let me make it clear: it is unsustainable for the PSNI to continue to be funded on the basis of what the Estimates process has given us and what the Budget process will give us. I will give you the reason for that. If you were to take funding for PSNI officers only from the baseline, you would have 6,200 officers in the PSNI. Today, we have just under 7,000 officers, and they are there simply because additional money has been made available, as I have outlined, but that money is not included in the baseline.

Although many talk about their commitment to law and order, their commitment to the peace process, their commitment to keeping our streets safe and their commitment to the police having all the resources that they need to tackle the various and very serious crimes that the House debates, the sad reality is that the PSNI is being left in a totally intolerable situation. The Finance Minister cannot continue to avoid that.

We have pressed the Justice Minister, and I have to say, in fairness to her, she has listened to us on the issue, and she has endeavoured to bring forward proposals that would help, but, given that almost 70% of the Justice budget is the payments for and delivery of the PSNI, it is certain that the Justice Minister cannot address the issue by herself.

With those comments, as Chair of the Justice Committee, a Member of the House and a member of the DUP, I conclude.

Ms McLaughlin (The Chairperson of the Committee for The Executive Office): I will keep my remarks brief, as I am conscious that the expenditure of the Executive Office is a very small part of the overall Budget and departmental finances. That seems very unusual, as the recent trend has been for the Department to be required to manage high-profile programmes at very short notice.

The original budget was for £120.5 million resource DEL and £15.3 million capital. Roughly half of the resource DEL was for baseline funds, and the other half was for ring-fenced funds. The ring-fenced funds included requirements for payments for victims of the conflict and of historical institutional abuse, match funding for EU programmes and other EU-related expenditure for managing the COVID-19 pandemic.

The spring Supplementary Estimates show a reduced requirement for resource DEL of £32.6 million. For a small budget, that is a significant amount. That reduced requirement has been in the areas of payments for victims and survivors of the conflict, payments for historical institutional abuse redress, Urban Villages, EU exit, Peace IV match funding, COVID management and the social investment fund.

5.30 pm

What might at first glance appear to be a startling inability to budget for and manage expenditure has, in fact, two main alternative explanations. The first is the unpredictable nature of the administration of funds at short notice, such as for victims of the conflict and of historical institutional abuse. The second is the requirement for Ministers to agree on certain matters where they may not see eye-to-eye on what money should be spent on. Certainly, in the case of the former explanation, it makes sense to err on the side of caution to ensure that, in any event, the funding for people who have suffered because of the conflict or because of abuse is accessible and available.

The Committee has been particularly engaged on that last point. For those who have suffered abuse in what stands out as a shocking indictment of the historical treatment of children and young people in our society the very least that we can do is to ensure that there is a timely and effective victim-centred redress process. That is the reason why the Committee called for a review of the redress process, when victims and survivors of abuse told us that the process was not up to scratch. That is the reason why we have worked with the Department to make sure that the same thing will not happen to victims and survivors of the conflict. It is the reason why we have striven to lay the foundations of an appropriate process for victims and survivors of mother-and-baby homes when the time comes.

The second related concern for the Executive Office Committee has been the capacity of the Department to form teams at short notice to implement programmes, whether paying travel agents' support due to the impacts of the pandemic — that was right and proper but, in the Committee's view, should not have rested with TEO — or ensuring that promises of redress made to victims of abuse or the conflict are honoured. While the Committee has had nothing but praise for the individual officials who have come before the Committee, the recruitment of agency workers and secondments from the Strategic Investment Board are not a good use of money, as they are expensive and do little to invest in and grow expertise and capacity in the Civil Service.

Finally, the Committee has been engaged on the issue of the Maze/Long Kesh site, which costs over £1 million per annum to maintain but has huge potential for investment as a major regional hub. It has been undermined by the disagreement over one part of the site, which is the prison itself. The Committee has suggested that there are elements of the site where infrastructure investments could take place. Without agreement, however, that annual amount will continue to maintain a considerably underused site.

In summary, the story of the Executive Office has been one of maintaining the regular work of the Department. The Committee was pleased to hear that £12 million per annum of shared future funding would continue while the Department administers essential programmes that are difficult to predict or to quantify.

Mr Beggs: I will concentrate my comments on the Department for Infrastructure, which I scrutinise in particular through my membership of the Infrastructure Committee. The spring

Supplementary Estimates list a number of significant changes to the original figures, and I should like to go through some of them.

An additional £6.3 million has been allocated to the Driver and Vehicle Agency (DVA) in the spring Supplementary Estimates, which is an increase of almost a third. That is understandable, because DVA was operating with a reduced capacity during the COVID period and therefore will have received less income. I am, however, pleased that it is now working at full capacity and, indeed, with considerable overtime although, sadly not enough to meet the demand. My question to the Minister is whether, in the Vote on Account, there will be any funds for DVA for the future. There are unlikely to be any, but, hopefully, it will not need it. We should bear it in mind that, whilst we have allocated money to that area, I am not aware of additional moneys being allocated in the rest of the United Kingdom during that period. Garages continued to operate as normal, and MOT and PSV certificates were provided by the private sector. I am not aware of grants being paid there.

I turn to other areas where there are significant increases in funding. Under "Railway Services", there has been an increase of £47.5 million, and, under "Road Passenger Services", there has been an increase of £86 million. Public transport has been operating with lower passenger levels as a result of hybrid working or people working from home full-time. Alternatively, people may have been using other means of transport. If we wished to ensure that we provided public transport, for example, for NHS workers getting to our hospitals or other facilities or, indeed, just to help the economy, we still had to provide those buses and trains, even though they were not as busy as they otherwise would have been. I agree that that had to be done. It would be helpful if the Minister could indicate what funds might be available in the future to subsidise that area. I do not think that passenger numbers will return to what they were, and we will face difficult choices if there continue to be lower revenues from the transport. That is a concern and an issue that needs to be addressed.

It would be useful to have an explanation for one other figure in the spring Supplementary Estimates. Under the heading of "Depreciation & Impairment Costs", the original figure was £168 million. However, the change in gross provision is £25 million. That is a very significant change under that heading. We are due an explanation of what has happened and what has gone wrong, in order to ensure that we do not make the same mistake again. That

is money that was allocated to that heading but did not need to be drawn down, and perhaps it could have been allocated earlier to some other heading.

Another significant heading that has had changes in the spring Supplementary Estimates is Northern Ireland Water, which has received an additional £15 million from this publication. Northern Ireland Water has experienced particular difficulties. There was COVID, when it received a smaller income as businesses used less water. Recently, the big pressure has been energy costs. Northern Ireland Water is, I understand, Northern Ireland's largest consumer of electricity. As we all know, the cost of electricity has significantly increased. It is perfectly understandable and correct that the Executive should allocate additional money. Just before Christmas, Northern Ireland Water had to go through an exercise rehearsing what it would do if it could not make the January monitoring round. I hope that the Minister will be able to assure us that the Vote on Account will enable Northern Ireland Water to avoid such emergency contingency planning in the next financial year. It is vital that we continue to treat sewage and, even more importantly, to provide fresh water to the Northern Ireland public. That is a pressure that any Budget should address.

Another area that strikes me as vital is Health. Everybody is aware of the difficulties that the health service has experienced. Elective surgery has had to be slowed down or stopped entirely.

We had been looking forward to a new Budget with the additional funds that were coming from the increases in National Insurance. I had hoped that those would go largely to our health service. I had also hoped that the health service could benefit from some of the other additional Barnett formula moneys that would have come to the Northern Ireland Executive. It is vital that we address our waiting lists but even more important that there should be a multi-year Budget —

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

Mr Beggs: — so that we can have proper planning, employment of new staff and new arrangements to transform our healthcare and provide a much better service to our public.

Mr Muir: Today, we are debating the Supply resolution for the Northern Ireland spring Supplementary Estimates for 2021-22 and the

Vote on Account. Tomorrow, we will debate the Second Stage of the Budget Bill and then, on Tuesday 1 March, the Rates (Regional Rates) Order (Northern Ireland) 2022. On 7 March, we will debate a motion from the Committee for Finance on the Northern Ireland Fiscal Council's report on the 2022-25 draft Budget, and, on 8 March, we will have the Final Stage of the Budget Bill.

Each debate is different in approach, and it is important that we approach today's consideration in that context. What we are dealing with here is about keeping the show on the road and giving authority for spend most recently incurred. I welcome the fact that we are able to give that authority; it is in contrast to 2017, when there was no ability to do so, so the fact that the motion has been tabled today is to be welcomed.

The lack of a decision by the Executive on an overall Budget, however, as a result of the First Minister's resignation and the inability of the Executive to meet, delivers real uncertainty to the people of Northern Ireland. There are many examples of a Budget's being agreed before the end of a previous mandate, so that excuse does not hold water. The Executive should have been able to meet, sort out their differences and agree a Budget, but, unfortunately, they cannot meet, because the DUP First Minister left.

What we have here is not a sticking plaster but just one crutch for the public services that are desperately in need of proper support over the next three years to help people in communities across Northern Ireland to recover and grow from the COVID-19 pandemic through the cost-of-living crisis and in the face of a climate emergency. What we have here is welcome, but it is not good enough. There is a real lack of certainty for the health service over the time ahead. We should have a three-year Budget to enable the health service to recover and plan for the future. I say that today in the context of a potential major incident that has been declared in Antrim Area Hospital, yet we do not have a Budget for the next three years. That is not acceptable. We owe it to the health service, its patients and staff to have certainty about their finances for the future.

Tomorrow, in the Budget Bill debate, I will talk about the wider issues. On the matter at hand, I will talk about a number of issues, some of which have been mentioned already. One relates to justice and policing. Many aspects of the justice legislation need to be funded, whether in the legislation that was recently passed by the Assembly, that which is coming

up or that which was passed previously. There are also commitments in New Decade, New Approach: mention has been made of its commitment to police numbers of 7,500. We need to find the finances to keep our people safe and to deliver policing and justice in Northern Ireland.

On infrastructure, Northern Ireland Water and Translink received funds as part of the monitoring round that has just passed. I am particularly concerned about Northern Ireland Water's financial position in light of the increasing energy costs that are affecting not only households across Northern Ireland but our public services. Recent events will also contribute to increased pressures on Northern Ireland Water. It needs to have certainty and not to have to rely on monitoring rounds. I am conscious that £300 million that could be used to assist Northern Ireland Water will sit idle in the next financial year.

Regarding Translink, passenger numbers are recovering, but it will be a hard slog to get back to the position that we were in pre pandemic and grow beyond that. Translink needs to have certainty beyond monitoring rounds.

Some items in what has been presented today fall under the sole authority of the Budget Act. I read through that information today.

There are a number of areas within that. One is from the Department for the Economy. It describes itself as:

"Supporting the operation of HMS Caroline as a visitor attraction".

Expenditure for that is sought under the sole authority of the Budget Act. There is quite significant expenditure in relation to that. Within the document, it details:

"Provision is sought under Sole Authority of the Budget Act for expenditure on HMS Caroline. Approval was first granted in January 2020 to incur expenditure under Sole Authority of the Budget Act and in total the approval under the Sole Authority of the Budget Act ... has been in place for 3 financial years. A further provision is required for the 2021-22 financial year to establish an endowment fund to meet future running costs of HMS Caroline".

It is important to raise that, because part of what we are doing today is scrutinising the information that has been given to us. I understand that concerns have been reported

about the governance and financing of that attraction. I am also aware that the attraction is currently closed. The last time that I visited its Facebook page —

5.45 pm

Dr Aiken: Will the Member give way?

Mr Muir: Yes, no problem.

Dr Aiken: I declare an interest as an ex-member of the ship's company of HMS Caroline.

The Member raises a very good point. A question needs to be asked about the amount of money in the endowment process and the mishandling of the issue with HMS Caroline, particularly by the Department for the Economy: is the money sufficient for us to make sure that HMS Caroline stays in Belfast? I think that we, as an Assembly, would like to see that.

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

Mr Muir: I thank the Member for his intervention. This is an important issue on which we need to get clarity, because, today, we are approving this expenditure. When I went online to see what the current situation was, the last Facebook post was on 6 August 2020. It stated:

"We are sad to say that unlike our other sites, HMS Caroline will not be reopening to the public until further notice."

I understand that it still has not reopened, yet we are approving expenditure in relation to it.

The last thing that I want to come to relates to the Executive Office. The Chair of the Committee referenced this, but she is not here at the moment. I understand that £1.3 million was set aside for the Maze/Long Kesh site. That figure is included in the information that we have been provided with today. It is important that we ask questions about the good use of public funds on this ongoing expenditure. It is important that we highlight that on the record.

As I said, we will debate the Budget Bill and continue further debate tomorrow. I welcome the motion from the Committee on the draft Budget, because it is important that we are able to consider that. Today is about scrutiny of the information that is presented to us, however, and it is important to get clarification on the issue that I raised.

Mr Deputy Speaker (Mr McGlone): I call Mike Nesbitt.

Mr Nesbitt: Mr Deputy Speaker, I ask for your indulgence, because I want to be a little nostalgic, as I think that that is relevant to the way in which the debate is being conducted this evening.

I was first elected to the House in 2011 for the 2011-16 mandate. One of the first things that I noticed — not in a great way — was the way in which we conduct business when it comes to finance. We are almost obsessed with the inputs of government — giving £x million to Health and £y million to Education — but not with looking at the other side of the equation: the outputs and outcomes.

To be fair, perhaps we sometimes look at the outputs. Actually, Mr Beggs gave a very good example of that, albeit in a very small way. We give hundreds of millions of pounds to the Department of Education — that is the input — and one of the outputs is classroom assistants. Mr Beggs talked about a classroom in which there are four classroom assistants at the back of the class. What is the outcome of that? According to Mr Beggs, there is none: they stand at the back and twiddle their thumbs because they have nothing to do.

It was a very exciting day, therefore, when the Office of the First Minister and deputy First Minister (OFMDFM), as TEO was at that time, said that it would do things differently with the next Programme for Government. It said that it would be outcomes-based. I will never forget the evening when Mark Friedman brought a team up here to brief the OFMDFM Committee. Mr Friedman is the author of the book, 'Trying Hard Is Not Good Enough' and, indeed, effectively the inventor of the idea of OBA — outcomes-based accountability — government. I will never forget one of the examples that he gave, which was from Canada. Every agency in the criminal justice system there — the police, courts, probation and prisons — was asked to take the same percentage cut in its budget. The agencies went away, sat down together, came back to government and said, "We have a better way of doing this: we will save you the same overall sum of money, but we're going to take different percentages of cuts, because we think that that will deliver better outcomes".

From memory, probation, for example, did not receive any cut at all, and some of the other agencies therefore took a bigger hit. They did that because they felt that that was the way to do it.

However, tonight, we are engaged in a debate on the spring Supplementary Estimates and the Supply resolution in which each Member who speaks talks about the Committee that they represent, be it Education, the Executive Office, Infrastructure, Justice, Finance, or Health. We are not coordinating. If we think about the issues that we are trying to tackle, such as educational underachievement, we will find that we cannot simply point the finger at the Minister of Education and say, "That's your responsibility", because we know that healthier children and children in better-quality housing do better at school, so the Minister of Health and the Minister for Communities have a role to play.

I campaign on mental health. I commend Robin Swann for all that he has done, as Minister of Health, on mental health, such as the creation of a mental health champion and a proper 10-year strategy on mental health, but it is not just a health issue. Yes, pills, tablets and therapies have their place in helping people with mental health issues, but it is also a societal issue. We need societal interventions. We need interventions in our schools and workplaces. We have to go for something that is a bit more holistic than simply analysing the spend, Department by Department, in each Committee.

Mr Storey: I thank the Member for giving way. Does he accept that mental health is also a Justice issue, given the fact that the police are spending more of their time in wards and hospitals because the health system is not adequately prepared for or suited to dealing with those issues? The police end up in hospitals managing mental health crises when they should be doing other things.

Mr Nesbitt: The Member makes an extremely important and excellent point. The police attend a lot of incidents where the issue is mental health. The Member is aware of the experiment in the south-eastern area — this happened in the Ards and north Down area — where there was a multidisciplinary response and a triaging. Traditionally, if you found somebody on the streets on a Friday night, you might say, "We're going to put them in a prison cell". That is probably the last place that that person should be put, because the underlying issue is not alcohol; it is mental health, so a hospital is where they perhaps belong.

When I spent an overnight observing the emergency department at the Ulster Hospital, I wondered whether alcoholism was a big issue for the staff. They laughed at me; they said, "We've been dealing with alcohol problems forever. The big issue is mental health. We

have only one side ward that's secure for somebody with a mental health patient, so when the second person arrives, we have a huge issue, because, logistically, we don't have the facilities to deal with them".

My final point is that, in the previous mandate, we committed ourselves to doing something about the fact that we tend to treat the Programme for Government and the Budget separately. There was a desire and determination to see if we could better align the Programme for Government and the Budget. Do you know what? We have achieved that — in the worst way possible — because, as we come to the end of the mandate, we have neither.

Mr Dickson: I will address two specific areas of concern in my capacity as Alliance spokesperson for the economy. The first is the financial arrangements around Invest Northern Ireland and its inability to provide financial support to potential investors due to the Budget uncertainty, and the second is the shortfall in funding for community projects in Northern Ireland due to the Brexit chaos, which was largely created by the party opposite and the withdrawal from the European Union.

The Chamber will be well aware that, recently, in response to the current Budget position, the Department for the Economy told Invest Northern Ireland to pause any activity that would incur new financial commitments beyond March 2022. Without clarification of the Budget, Invest Northern Ireland is unable to issue any new financial offers, with knock-on effects for trade and FDI targets, in-year budget spend and company engagement. That comes at a time when we are trying desperately to build back the economy after a two-year pandemic and grappling with cost-of-living increases, and the Executive are not functioning properly because of obstinacy and grandstanding by one particular party.

What I find particularly jarring about that situation is that Invest Northern Ireland has been warning the Department since 2020 that it faces colossal funding problems due to the loss of EU grants. A substantial part of its budget was from the European regional development fund. Thanks to the DUP-backed Brexit, that funding will no longer be available, and, despite any hollow promises to the contrary, will not be replaced by UK Government funding. It is therefore important that the Budget, which, regrettably, at best is on hold, and, at worst, will fall down around our ears, is able to address those core issues. For example, core funding of some £100 million, which would have come

from the EU and is no longer available to us, requires double the approximately £45 million cash increase that the Department will get from Stormont funds. Those figures alone paint a pretty bleak picture, but that is worsened when we consider that the same officials warned us that our skills and innovation programme would bear the brunt of the cost-cutting measures.

Apart from Invest NI and, by extension, the businesses that will suffer, the Economy Minister has taken aim at those groups that work to deliver at a basic level on the ground. Last week, he rejected proposals that would have allowed him to approve the funding of dozens of groups in the absence of the draft Budget for next year. I await what the Finance Minister has to say about the potential workaround that he has offered to the Economy Minister, but there does not seem to be any evidence that the Economy Minister has taken any interest in or note of that.

There are some 67 community groups, working with around 17,000 of some of the most vulnerable people in Northern Ireland, that have traditionally been reliant on EU structural funds. We know all too well that the funding will run out at the end of March, with the result of service provision being hamstrung, job losses among providers and a great deal of uncertainty. Due to the severity of the risk, the Finance Minister has managed to obtain a workaround, but it will be interesting to see how it can actually be achieved.

It is news to no one that we are in the midst of a cost-of-living crisis, with too many vulnerable citizens having to choose between heating and eating. To remove programmes that are aimed at assisting individuals into work is unforgivable. I appreciate that spiralling utilities costs are a global issue, exacerbated by the sad events that are unfolding in Ukraine. However, I was surprised to see in the spring Estimates a significant drop in provision for the Utility Regulator; although I understand that a lot of its income comes from licensing arrangements.

It is illuminating to scrutinise the specifics for the spring Supplementary Estimates. When looking at the detail, what becomes clear is just how desperately we need a three-year Budget in order to properly forecast and plan for the future. Without the ability to look ahead for the long-term resourcing of Departments and arm's-length bodies, we are stuck in a constant cycle of sporadically firefighting and plugging gaps. Unfortunately, that endless game of whack-a-mole is destined to continue until at least one party, if not both major parties, returns to the Chamber to deliver for the people of Northern

Ireland, rather than trying to deliver for themselves. I encourage the party opposite to come back to the table to work collaboratively with the four other Executive parties to deliver a better future for Northern Ireland through an effective and efficient Budget.

6.00 pm

Mr Allister: Tonight, I want to draw out a few points from the spring Supplementary Estimates that relate to some bodies that perhaps we do not talk enough about. The first one that I want to refer to is the Utility Regulator. It is not that the Utility Regulator is a big spender of our public funding. Rather, the problem that I have with the Utility Regulator is its total lack of accountability. We give it money, but to whom is it accountable? You go to the Minister for the Economy about an issue, and he will say, "No, that is the Utility Regulator. I cannot do anything about that". In my experience, the Utility Regulator is a body that is taking maximum advantage of that.

Let me illustrate. I have a constituent just outside Ballycastle who runs a small business called Glenview Foods. It is a manufacturing business that processes potatoes etc. For the purposes of being more energy-efficient, it sought approval for an anaerobic digester. It got involved with Northern Ireland Electricity (NIE) Networks, which, frankly, messed up in its delineation of what the project was about. As a consequence, Glenview Foods got into difficulties by failing to get authorisation from Ofgem.

The Utility Regulator, which should oversee how Northern Ireland Electricity Networks dealt with the issue, was therefore approached. On 1 October, Paul Frew and I, as two local MLAs, met the Utility Regulator about the case. Here we are almost at 1 March, and we have not even had a reply to correspondence, which I have constantly sent it, asking for a response to the points raised on 1 October.

The Utility Regulator is a body that, frankly, is accountable to no one, and yet a business in Ballycastle is crying out for answers as to why it did not oversee, and what it has done about the issues with, NIE Networks. We are just ignored. As public representatives, we have been ignored by the Utility Regulator. I therefore look askance at the fact that we are sending it more money, when it does not have any accountability to anyone, it seems, in the Province.

I now turn to the Strategic Investment Board (SIB), which is some sort of arm of the

Executive Office. I discovered in these accounts that the Strategic Investment Board is getting a 74% hike in its allocation, which is going up from just under £5 million — sorry, it is not a 74% hike — to £8 million.

What does the Strategic Investment Board do? It has fingers in many pies. It has fingers in many local government pies of quite a dubious variety. It appoints, it seems, the head of the Civil Service when we have an applicant who does not want to be a civil servant. It seems to be a largely unaccountable organisation that is deployed in all sorts of ways that are quite opaque, and yet here it is getting a huge increase in its allocation. I would like to know why. Why are we now going to give that huge increase to the Strategic Investment Board? What is it doing with it? Whose interests is it serving? Is it just a consortium for more and more consultants to be paid? Is that what the SIB has turned into? It certainly seems to have a distinct lack of accountability.

The other huge increase that I notice is in respect of Tourism Ireland: up from £17 million to £22 million. That is an organisation that rarely serves the interests of Northern Ireland. Frankly, it is a body with little interest in or inclination to serving the interests of Northern Ireland, but we will give another £22 million of our public funds to Tourism Ireland Limited

Dr Aiken: Will the Member give way?

Mr Allister: Sure.

Dr Aiken: The Member makes an interesting point. This might be of interest to the Finance Minister: we have had difficulty in getting audited accounts from some of those bodies, particularly Tourism Ireland. Maybe the Minister will reflect not only on his allocation of funding but on being able to account for it as well.

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

Mr Allister: I trust that the Chairman will not be disappointed in his expectation in that regard.

Then I look at the allocation to InterTradeIreland, which goes up from £4.5 million to almost £7 million. What we need in Northern Ireland, on foot of the iniquitous protocol, is an "InterTradeUK" body, because that is where the problem is. Trade between GB and Northern Ireland is the source of most difficulties for businesses. An "InterTradeUK" body would be a far more deserving body than InterTradeIreland. I hope that the Economy

Minister will take up a suggestion that I made, probably a year ago, to explore the establishment of such a body with the relevant Department in Westminster. It should be based in Northern Ireland to deal directly with the issues of trade between us and GB — our biggest partner and market — and between them and us. That would be a far wiser use of spend than much of what is in the Estimates.

Mr Deputy Speaker (Mr McGlone): Agus anois tagaim chuig an Aire Airgeadais. A Aire, tá suas le 26 bomaite agat le críoch a chur leis an díospóireacht. I call the Minister of Finance, Conor Murphy, to conclude and make a winding-speech on the debate. You have up to 26 minutes.

Mr C Murphy: Twenty-seven minutes. I will say what some others said before they took up their full seven minutes: I will be brief [*Laughter.*] I would not like to see them if they were not being brief.

Today's debate has covered many aspects of public expenditure, and I will endeavour in the time allotted to address as many of the points that were raised as I can. First, I thank the Finance Committee for agreeing to take this important legislation through the accelerated passage process. That agreement will ensure a timely passage of the legislation through the Assembly, thereby avoiding any legal uncertainty over the funding of public services for the remainder of 2021-22 and the early months of 2022-23.

I listened with interest to the points raised in the debate and now return to some of them. The Chair of the Finance Committee raised the issue of the end-year underspends and the Budget exchange. I think that Matthew O'Toole also raised the Budget exchange. He asked whether the level of end-year underspend can be carried forward to 2022-23 and whether the absence of an Executive posed any risk to that happening: it does not. We have £95 million of unallocated resource DEL. It is my plan to carry forward £50 million of that and, as I have said today on a number of occasions, allocate £45 million. I intend to confirm those in-year allocations shortly.

The total resource DEL that can be carried forward under the Budget exchange scheme is £104.3 million, which leaves scope for any departmental end-year underspends to be carried forward. While we are sitting with £95 million and will allocate £45 million of that, undoubtedly between now and the end of March there will be some additions. We want to create sufficient room so that we do not exceed

the limit and are able to carry the money forward. Added to the sums of £150 million and £100 million that we received, that will give us a total of £300 million for next year, which undoubtedly would be a significant advantage to a number of Departments if we were able to get the money allocated to them.

The Member also raised the in-year position.

I have dealt with some of that. The position at the conclusion of January monitoring was £70.5 million resource DEL, £35.9 capital and £1.6 million financial transactions capital. A further £5.5 million was agreed by the Executive to extend the omicron hospitality payment to hotels and sports clubs, and that reduced the available resource DEL to £65 million. Since then, Treasury has notified us of substantial changes to Barnett consequentials, which changes our in-year position. We will receive £37.4 million less capital DEL and £10.1 million less financial transaction capital DEL than anticipated. It means that we end up, rather than having an underspend of capital, having a small overcommitment, which should resolve itself, and the advance repayment of future FTC loans will now be lower.

The Member also asked about the council tax Barnett position.

Dr Aiken: I thank the Minister for giving way. Minister, remember there was a paying down of FTC? Will that change affect that?

Mr C Murphy: Yes, it slightly lowers it because we have slightly less to play with. It slightly lowers it but not by a huge amount.

We will receive £99.3 million for the council tax rebate to carry forward to 2022-23. That is the figure that I have generally referred to as £100 million. That will be added to any further amounts that we secure through the Budget exchange scheme. There is a significant amount of carry-forward, and the capital position has rectified itself with a small overspend. Going by the average returns at this time of the year for previous years, we anticipate that it will even itself out. I have dealt with the capital issue.

Caoimhe Archibald raised an issue around the European social fund (ESF), and Stewart Dickson raised the same issue. I met with some of the groups involved, and we set out options for how we could collectively address the needs of voluntary groups that are affected by the loss of ESF moneys. Of course, Members will know that the ESF and the European regional

development fund (ERDF) is European funding that was due to be replaced for us in full. That has not happened. It is not something that was written on the side of the bus, but we have not got it, and it leaves the Department for the Economy down a significant amount of money annually. It was money that DFE would have tapped into previously. The replacement is the Shared Prosperity Fund, which creates no level of certainty for any of the groups going forward. We have no input or oversight in how that is delivered.

In trying to address the issue, particularly the match funding element for ESF groups, I proposed a solution to the Economy Minister and the Communities Minister. The Communities Minister took up the solution, but the Economy Minister declined. I heard him saying today in the Assembly that he intends to give guarantees to future funding for those groups, so I look forward to engaging with him and hope that that certainty is provided for those groups. As of this morning, when I met the groups again, they were still deeply worried about the position, and those groups provide an enormous degree of service to us.

Caoimhe Archibald also raised the issue of VAT on energy bills. I wrote to the Chief Secretary to the Treasury on 11 November, calling on him to waive the VAT on energy bills to support temporarily the many households and businesses struggling with the cost of living and spiralling energy prices. I have received no response as yet. On 12 January, I joined my counterparts from Wales and Scotland to call on the Treasury for urgent action to tackle the cost-of-living crisis to help households with rising bills. There is only so much that we can do in the devolved Administrations because powers to help households meet the cost of living lie mainly with the British Government, and they need to act now.

On 3 February, the Treasury announced an energy bills rebate that will provide a £200 discount on energy bills this autumn for domestic electricity customers in Britain. However, it is repayable over the next five years. We will receive £150 million in Barnett consequentials from that in 2022-23 that will also be repayable. Unfortunately, in the absence of an Executive, as I have said, that money cannot be allocated.

Matthew O'Toole raised issues around the Budget exchange scheme that I have answered. He expressed his frustration, as many have, with the prospect of no Budget in the time ahead. He made a point that I have made frequently in the Chamber about health

spending and the need to see that spending. We have costed proposals for bringing down waiting lists, funding cancer services, funding mental health and transformation, but we need to see how that is to be stepped out over the time ahead. A successful Budget outcome, had we had an Executive in place, would have involved the Department of Health giving us chapter and verse on the milestones associated with how that money would be spent.

6.15 pm

Mr O'Toole: I thank the Minister for giving way. Is he minded to ask his officials to engage with officials at the Department of Health to work on such a plan so that it is ready for a new Executive coming in, so that there can be what we talk about: a plan for waiting list reduction with slightly more granular interim targets?

Mr C Murphy: Indeed, we have had conversations about how that could be achieved. The head of the Civil Service was going to undertake that work, and I offered the support of my officials, who engage regularly with the Department of Health, to make sure that an incoming Executive would have that level of detail to ensure that, if they stood by the commitment to provide a priority to Health, we would know exactly what we were getting. That was going to be a key part of the consultation and discussion exercise.

The Member referred to the collapse in 2017. I hope that he takes time between today and tomorrow to re-examine some of the positions his party took in relation to that. He might remember that we asked for the First Minister at the time to step aside temporarily to allow an inquiry to take place. The SDLP demanded her resignation, which was a much harder position than we had at the time. I hope that he takes the 24 hours to go back and examine his own position before he starts blaming other people for events that happened before his time — I recognise that — but I am sure he can access the documentation if he wants to do some research tonight or some light reading before bed, perhaps.

Chris Lyttle raised issues in relation to education, much of which can be answered by the Education Department. However, he raised the important subject of special educational needs. That is something that we have prioritised, and, in a previous Budget, we found some additional last-minute spending for that. The initial Budget allocation in 2021-22 included £42 million specifically for SEN-related purposes. A further £27.7 million of funding for

SEN-related pressures was allocated at June monitoring; £4.6 million at October monitoring; and £18.4 million, as, I think, he identified, at January monitoring. We have prioritised that each time we had the opportunity to do so.

Colm Gildernew raised issues in relation to health transformation. Of course we are committed to a transformation in the health service. That is why I recommended that Health would be prioritised in the draft Budget. The Budget provided funding over the three-year period to meet in full the Health Minister's bid for elective care, cancer and mental health rebuild strategies and to help to transform the health service and reduce waiting lists. In addition, £147 million of NDNA transformation funding was provided over this period. In total, the Department of Health would have been provided with a 10% real-terms increase by 2024-25. Obviously, in the absence of the Executive, that funding sits idle waiting to see how we can allocate it. Of course, the waiting lists grow longer, and access to services continues to suffer.

Mr Humphrey: Will the Minister give way?

Mr C Murphy: I am happy to give way.

Mr Humphrey: I thank the Minister for giving way. On the point of education, I listened to Mr Lyttle's contribution. In relation to the 'Report on "Closing the Gap"' that the Public Accounts Committee produced and that he will know, will the Minister agree and assure the House that, whilst it is the responsibility primarily of the Education Department, that report clearly sets out, as does the Northern Ireland Audit Office report, that the goals and targets of 'A Fair Start', produced by Dr Purdy and his team, can be met only if there is a joined-up approach across government in terms of finance and resource?

Mr C Murphy: Yes, I agree on the joined-up approach. Finance and resource, of course, are issues for the Executive as a whole to decide. I think Mike Nesbitt made the point that mental health, school attainment, health, living standards and the state of homes all contribute to the same outcome, which is to have healthier, happier and more productive children growing up in society and being able to meet their goals. Absolutely, that is a responsibility of every Department and the Executive collectively. That is why we set priorities and try to match resources to those priorities. The education system, in my view, prevents us from achieving a lot of that, and the Member's party is wedded to the idea of academic selection,

which is a negative contribution to that. That is something for him to examine, perhaps, in the time ahead.

Pam Cameron, of course, came in to bat for the party. In fairness to her, she did a valiant job. On the basis of the January monitoring discussions, I had the ability to further allocate some money to try to make sure that we did not underspend and end up losing money, and that is what I have taken to do.

However, the idea of bringing forward further allocations is lost to us because of the lack of an Executive.

The Member decried the fact that we were agreeing a Budget this close to an election, and I noticed that the DUP leader also mentioned that. Legislation demands when we do the Budget. The timing is out of our control. We get the spending review outcome late in the autumn, and we have a rushed consultation, put together a draft Budget and legislate for it, all within a time frame. The time frame for legislating for it is the end of March. I am not sure why that is news to people, because a lot of those who expressed that view have been around here for a long time. Legislation dictates the process of agreeing the Budget.

The Member also made the point about waiting lists, and, of course, they have not just arisen in the last three weeks. The underfunding of the health service is a decade-long issue, if not a decades-long one, primarily coming from Westminster. Some time back, the party opposite had the opportunity to support an austerity Government in the shape of Theresa May's Government or one that promised to invest in public services, and it chose to support an austerity Government. Although I do not take the DUP back to the very start of the problem, it had a significant opportunity, midstream, to transform the public spending approach of the British Government. However, it chose to go with the Tories instead. Look at where that has left us today.

Mervyn Storey, the Chair of the Justice Committee, raised issues about police numbers. He is quite right: the ink was not dry on 'NDNA' before the British Government withdrew all the financial commitments that they had made; practically all of them. They clearly had no intention of honouring any of them, and then they kind of lectured us on our responsibilities on those agreements. They did, however, set out priorities for the Executive, including having police numbers of 7,500. The funding package that accompanied the 'NDNA' document was never enough to deliver all the

NDNA priorities. The Member may well have been at the table, as I was at that time. We were encouraged to bring forward spending priorities for the Executive and were told — albeit not in these words — that the sky was the limit and that we should be ambitious with our spending priorities, but then, within two days, the British Government had resiled from their offered position. By the way, it was not just us, as politicians. The Member or others who were about the table may remember that senior civil servants were brought in and asked to bring forward ambitious spending plans. When the document was signed, they were then told, "Sorry, we did not really mean that; we do not have the money for it".

The strategic outline case for increasing the number of PSNI officers has been approved by the Department of Justice to proceed to an outline business case, and the draft 2022-25 Budget includes £14.8 million per annum for police staffing over the period of 2022-25. As a precaution, the Chief Constable decided to defer the March 2022 PSNI recruitment intake — I think that that also relates to the points that were made by Stewart Dickson about Invest NI. Therefore, they will not meet the target of 7,100 officers in post by the end of this financial year, which had been the Executive's objective when they set that target.

With the uncertainty about the Budget and the debate about where it will go, some arm's-length bodies have decided not to spend, and Invest NI has decided not to commit to certain companies that it was encouraging to come here. That uncertainty has now been doubled down on as a consequence of the Executive shutting down.

I will deal with some other points that were raised by Members. Roy Beggs made points about the Department for Infrastructure and the funding of the DVA, public transport and Northern Ireland Water. Of course, now that the Department is on a 45% allocation and is treading water, all those bodies that the Member listed as needing significant investment basically cannot plan for any of that until such time as an Executive are in place. They will get enough to keep the lights on and the doors open.

Mr Beggs also raised an issue about the Vote on Account. It does not set a Budget. The Member will be aware that, in the absence of the Executive, we are unable to set a Budget for the next year to enable Ministers to make allocations to bodies such as the DVA and others. The Member will have to raise the

change in depreciation in the Department for Infrastructure with the Infrastructure Minister.

Mr Muir raised the issue of HMS Caroline and spending that comes under the sole authority of the Budget Act. The Department for the Economy has engaged with the National Museum of the Royal Navy and the National Lottery Heritage Fund, with a view to agreeing an approach that would permit HMS Caroline to reopen to the public as a visitor attraction. Those negotiations are at an advanced stage, and it is expected that an agreement will be reached before the end of this financial year.

My Department has given approval for any expenditure in this financial year to be taken forward under the sole authority of the Budget Act, but the Department has been advised that this will be the final year for expenditure to be taken forward under that mechanism. From here on in, the deal will have to be done, and that will take it forward in a more acceptable way in terms of the accountability that this institution brings. We have worked with the Finance Committee on the sole authority Budget Act, but it is fair to say that it remains an unsatisfactory way to allocate money, even though it is sometimes necessary.

Mr Allister raised a number of points about the Utility Regulator, the SIB and Tourism Ireland, all of which he will have to take up with the relevant Departments. A fund was set aside to assist businesses from Britain and to ensure that they understood the protocol arrangements. That protocol flowed from Brexit, which Mr Allister supported, so I am not sure why he thinks that we need to set up a similar fund here. Part of it was a reluctance among some firms to engage with any additional headache in doing trade across the Irish Sea. Nonetheless, we can trace all this back to the ill-advised decision on Brexit, which is one that, clearly, the majority of people here did not support.

I hope that I have answered as many of the questions as possible in the time available to me, and, of course, we will go through a lot of the issues again tomorrow. I thank Members for their patience.

Assembly approval of the Supply motions and the associated departmental expenditure plans laid out in the 2021-22 spring Supplementary Estimates and the 2022-23 Vote on Account is a crucial stage of the existing public expenditure cycle, and failure to pass the Supply resolutions at this juncture will put at risk the smooth continuation of public services and the vital support that our citizens, hospitals,

schools and businesses require for the remainder of this financial year and into the next one. I therefore commend the spring Supplementary Estimates for 2021-22 and the Vote on Account for 2022-23 to the Assembly, and I ask Members to support the motions.

Mr Deputy Speaker (Mr McGlone): Before we proceed to the Question, I remind Members that it is established practice that the vote on this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £21,827,567,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2022 and that resources, not exceeding £24,645,707,000, be authorised for use by the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2022 as summarised for each Department or other public body in columns 2 (c) and 3 (c) of table 1 in the volume of the Northern Ireland spring Supplementary Estimates 2021-22 that was laid before the Assembly on 9 February 2022.

The debate stood suspended.

Assembly Business

Mr Allister: On a point of order, Mr Deputy Speaker. I raised points about accountability earlier, but I would like to raise one a little closer to home. We still seem to have junior Ministers in the Executive Office, and, yesterday, one Mr Kearney purported to represent the Executive Office at the Joint Committee with the EU. On whose authority did he do that, and to whom is he accountable? As an MLA, if I want to table a question about that, I cannot do so because there are no Executive Ministers in place in that Department. I am sure that the answer will not come today, but could the House be advised as to the position regarding accountability of those who still proclaim themselves to be junior Ministers?

Mr Deputy Speaker (Mr McGlone): There is some guidance around that. Standing Order 45 provides for the First Minister and deputy First Minister to make determinations under section 19 of the Northern Ireland Act 1998 to specify procedures to appoint junior Ministers, and such a determination was made in December 1999 and approved on the Floor of the Assembly. Subsequent appointments of those junior Ministers in the Assembly mandates that followed, and up until the present day, have all complied with the requirements of that determination. I understand that some Members might want clarification, as you do, on whether junior Ministers can remain in office when there is no First Minister or deputy First Minister. That 1999 determination apparently sets out the circumstances in which junior Ministers cease to hold office, and those circumstances do not include the current situation. Beyond that, questions about the responsibilities that Ministers continue to conduct at the present time are essentially for the Ministers themselves. That is the guidance that I have been provided with, Mr Allister.

Mr Allister: Further to that point of order, I am aware of the 1999 situation, but my question is a different one. If there are persons who are regarded as junior Ministers, to whom are they accountable and how are they made accountable to the House? That is the question that I would like an answer to.

Mr Deputy Speaker (Mr McGlone): OK. We will raise that specific point with the Speaker's Office, and, if it is appropriate to do so, we will get clarification for you.

6.30 pm

Executive Committee Business

Supply Resolution for the Northern Ireland Spring Supplementary Estimates 2021-22 and Supply Resolution for the Northern Ireland Estimates: Vote On Account 2022-23

Debate resumed on motion:

That this Assembly approves that a sum, not exceeding £9,822,408,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 and that resources, not exceeding £11,090,573,000, be authorised for use by the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Northern Ireland Estimates Vote on Account 2022-23 that was laid before the Assembly on 9 February 2022. — [Mr C Murphy (The Minister of Finance).]

Mr Deputy Speaker (Mr McGlone): We now move on to the motion on the Supply resolution for the Northern Ireland Estimates: Vote on Account 2022-23, which has already been debated. Again, before we proceed to the Question, I remind Members that it is established practice that the vote on this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £9,822,408,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the

Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 and that resources, not exceeding £11,090,573,000, be authorised for use by the Northern Ireland Departments, the Food Standards Agency, the Northern Ireland Assembly Commission, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation, the Northern Ireland Public Services Ombudsman, and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2023 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Northern Ireland Estimates Vote on Account 2022-23 that was laid before the Assembly on 9 February 2022. — [Mr C Murphy (The Minister of Finance).]

Budget Bill: First Stage

Mr C Murphy (The Minister of Finance): I beg to introduce the Budget Bill [NIA 55/17-12], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31 March 2022 and 2023; to appropriate those sums for specified purposes; to authorise the use for the public service of certain resources for those years; to revise the limits on the use of certain accruing resources in the year ending 31 March 2022; and to authorise the Department of Finance to borrow on the credit of the sum appropriated for the year ending 31 March 2023.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker (Mr McGlone): I inform Members that the Speaker has received a letter from the Committee for Finance advising that the Committee is satisfied that the consultation with it on the public expenditure proposals in the Bill has been appropriate as required under Standing Order 42(2).

Thank you, Members. Slán abhaile. Safe home.

Adjourned at 6.32 pm.

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