



Official Report (Hansard)

Tuesday 22 March 2022
Volume 151, No 4

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Northern Ireland Assembly

Tuesday 22 March 2022

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

Members observed two minutes' silence.

Executive Committee Business

Parental Bereavement (Leave and Pay) Bill: Royal Assent

Mr Speaker: I wish to inform Members that the Parental Bereavement (Leave and Pay) Bill has received Royal Assent. It became law on 21 March 2022 and will be known as the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022. It is chapter 5.

Speaker's Business

End of Mandate

Mr Speaker: Members, as this is the last normal sitting day of the mandate, I would like to take the opportunity to make some brief remarks to mark the end of the Assembly mandate. After I have made a contribution, I will give nominated representatives from each of the parties and other Members who wish to speak an opportunity to do so for up to three minutes. It is my intention to give priority to those Members who will not be seeking re-election. Members should indicate their wish to speak by rising in their places and continuing to do so. I do not intend for this item to last for more than one hour, but I will exercise some discretion on the time limit in order to try to include as many Members as possible. I remind Members that I will not take points of order on this or any other matter until the item of business has finished.

Although another plenary session is scheduled this week, today's sitting is the last standard sitting of this Assembly mandate. When the Executive were appointed on 11 January 2020, the core challenge was getting the Assembly re-established after the three-year absence. It is to the credit of Assembly staff, despite their being called back from other parts of the public sector at short notice, that the resumption of Assembly business appeared seamless. However, within two months, we were dealing with the challenges that were presented by the pandemic. It was vital that the Assembly remained able to function. We changed many of our procedures, often in an extremely short time. Creative solutions were developed, such as proxy voting and remote attendance. The creation of the Ad Hoc Committee on the COVID-19 Response was another measure that was adopted that allowed the Assembly to be much more flexible. I believe that many of changes that have been made have highlighted that the Assembly should not be afraid of modernisation and reform. I encourage that for the future. Let me today make one last appeal

to consider electronic voting, bearing in mind the time that has been spent on voting alone in the past number of months.

Given the pressures that the shortened mandate and the pandemic created, it is remarkable that we have managed to consider so much draft legislation since 2020.

In the five years of the 2011-2016 mandate, some 78 Bills were introduced. In the past two years, 56 have been introduced. That has only happened with much planning, coordination and discipline.

The provision of greater support for private Members' Bills was another new feature of the mandate. We have undoubtedly learned from that experience, but it is an important area to build on for the future. I have always said that the clue is in our title: 'Members of the Legislative Assembly'.

During this post-Brexit period, I have received and engaged with many diplomats and delegations from across the globe on your behalf, and I have been very struck by the level of goodwill towards and interest in this place. If I could be so bold as to give advice to the next Assembly, it is that we should increase our strategic engagement to build on opportunities from that goodwill.

One of my frustrations over the past two years has been that the closure of Parliament Buildings hindered a lot of the engagement activity that might otherwise have been possible. I am particularly pleased at the number of initiatives that we have undertaken that have sought to make the Assembly inclusive of the community that it represents. Those have included the long-awaited creation of the Youth Assembly, the pilot to have live signing of our proceedings and the agreement to review the items on display in Parliament Buildings, which will be launched tomorrow evening. We have also had the Women's Parliament and the Disabled People's Parliament.

It has been a privilege to be involved in all the issues that I have mentioned, but the Speaker cannot achieve those things on their own. I want to record my appreciation to the Deputy Speakers, the Business Committee, the party Whips and members of the Assembly Commission for the very open and cooperative relationships that we have had in the past two years. The level of positive support that they have given me personally and in my role has made dealing with many of the challenges much more possible.

I particularly want to highlight the efforts of Assembly Commission staff. I have been a Member here since 1998, but, over the past two years, it has been an honour to work with the officials who are, quite simply, the engine room of this place. If Members do not mind indulging me, I want to pay a special thanks to the staff in the Speaker's Office: Robin, Frances, Emma, Sophie and, previously, Paul and Lauren. On behalf of the whole Assembly, I thank all our staff and contractors, who have done so much to support us over the past two years. I cannot praise their professionalism and commitment enough.

Although I am not standing for re-election as a Member, I will be back in the Chamber to preside over the election of my successor. Personally, I hope that that occurs at an early point in May. A number of Members will make their last contributions in the Assembly this week. Political service comes with many privileges but also unique pressures and, often, a heavy burden of responsibility that is, understandably and rightly, accompanied by scrutiny and, sometimes, criticism. I acknowledge the service that those Members who are stepping down have given and the sacrifices that they and their families have made for the wider community. It has been an honour for me to have been in the Assembly since 1998 and to have worked with a range of political figures since then. I will take this opportunity to pay a special tribute to the Members and former Members who have passed away in the past two years: John Dallat, Gordon Dunne, Christopher Stalford, John Hume and Seamus Mallon.

The core challenge for the Assembly remains trying to find a way to manage our political differences while making progress on other issues of importance to the community. It is not easy but it is essential and very doable, as we have shown in recent times. I will end by wishing Members who are not seeking re-election all the very best for the next challenge in their personal lives, and by wishing those who are hitting the campaign trail good luck.

Mr O'Dowd: A Cheann Comhairle, as you said, back in January 2020, the political institutions were restored on the basis of the New Decade, New Approach (NDNA) agreement. It was ambitious to form a five-party coalition Executive, but it was achieved and got us back to genuine, inclusive power-sharing — and thankfully so, because while everyone knew that there would be challenges ahead, no one could have predicted that, in only a matter of weeks, we would be dealing with a global pandemic that would have such a devastating

impact on every part of society, community and people's lives and livelihoods.

It is to the credit of all Ministers from across the five parties that they responded and have worked with a unity of purpose and leadership for the past two years, and I thank them all. Over £2.8 billion was delivered to support the health service, businesses, workers, families and vulnerable people, but no money could have paid for the contribution of our health workers and other essential workers during that period.

They stood strong and delivered a service to the entire community, and that is to their huge credit.

On the politicians' role in that, the public expect us to work together. They expect cooperation and delivery. At odds with that have been the belligerent and short-sighted actions of the DUP to walk out of government, leaving Ministers powerless to set a Budget or spend the £300 million that families so desperately need at this time.

Against the political lows, however, there have been political highs, when MLAs came together regardless, on a cross-party basis, to introduce scores of laws that will make a real difference to people's lives: the Autism (Amendment) Bill, the Climate Change (No. 2) Bill, the Organ and Tissue Donation (Deemed Consent) Bill, the Integrated Education Bill and the scrapping of the cruel, Tory bedroom tax, to name but a few. That demonstrates that real change is possible.

In three weeks' time, we will mark the 24th anniversary of the Good Friday Agreement. Sinn Féin will be defending that agreement, not renegotiating it now or in the time ahead. To those who hanker for the past, hell-bent on disrupting the present and threatening our future, you need to realise that there is no going back, there is only going forward.

Ceann Comhairle, I wish to thank you for your leadership and civility in the Chamber, not only over the last couple of years but in your presence in the Chamber since 1998. You have been one of the steady voices in the Chamber to call for and ensure that the Good Friday Agreement and its institutions were delivered. As Speaker, you ensured, despite the best efforts of some, including me at times, that the Chamber was respectful, that we had courteous debate and that we delivered the change that was possible.

I want to end by thanking the officers and staff of the Assembly for their work over the last

couple of years. The work that they have done to ensure that this institution delivered has been remarkable and is a credit to them. So, go raibh míle maith agaibh.

Mr Speaker: Go raibh maith agat. I thank the Member for that. I call Paula Bradley.

Ms P Bradley: Thank you, Mr Speaker. I will try my very best to get through these three minutes without tears in my eyes, though I doubt that that is going to happen.

I will begin by thanking you, Mr Speaker. You were one my first Chairpersons in Committee, back in the old days of the Department for Social Development — those five years when we had Mr Allister, Sammy Wilson, Gregory Campbell, Fra McCann and Mickey Brady. It was a turbulent time. You were a really excellent Chair, and that most definitely prepared you for this role. So, thank you so much for your service.

I want to say a few thank-yous. First, I want to thank the people of North Belfast who, on three occasions, placed their trust in me to represent them in the Assembly. I thank them for their support, especially over the last week, with the phone calls, emails, cards and flowers, but, most of all, for allowing me to be part of their lives, sometimes at the most difficult times. Secondly, I want to thank my party, of which I have been a member for 20 years. I have had the privilege of representing it electorally for the last 17 years. I was given opportunities that I never would have thought possible and formed steadfast friendships that I will cherish forever.

To my office staff, especially Linda and Samantha, who are here today, thank you. You have always been there, advising me, supporting me and, generally, holding it all together over the years. I have formed many friendships across the Chamber and beyond, some from the unlikeliest of quarters. I am especially grateful to all the women who, especially in my first mandate here, were a constant support and encouragement to me as a new MLA. Nothing ever prepares you for this role, but many inside and outside this Building are the glue that holds it all together.

This has been the strangest of mandates because of the pandemic, and I pay tribute to all those who have held our country together.

Finally, I want to say a few words about the most important people in my life, my family. They are the people who really do make the sacrifices to allow us to do the job that we do. My children were in their early teens when I

was first elected, and they found it really difficult. I also thank my parents. One Sunday in church, the pastor was giving a message, and he said, "Behind every great man is his wife". He went on to say, "Behind every great woman", and my mum piped up from the congregation, "Is her mother". *[Laughter.]* Behind this woman, maybe not so great at times, has been her mother, and I thank her for that.

10.45 am

I also thank all my friends here — you are friends — for the support that you have given me. I wish you all the very best for the future.

Mr Durkan: I welcome the opportunity to speak on what has been a mandate like no other.

Where to begin? People have been delivered a mandate that I can describe only as a failure to launch, which was bookended by the collapse of a DUP/Sinn Féin-led Executive. We had a mandate that was supposed to last for five years, but we sat for less than half of that. To put it bluntly, the period has been a missed opportunity and one that disintegrated from chaotic into outright chaos.

Nevertheless, quite a bit has been crammed into the two years of a working Executive that we were afforded. In the past few months in particular, we have witnessed a flurry of activity that brought forward positive and progressive legislation. As welcome as that was, much of it, sadly, was too little, too late. Imagine what could have been achieved had Members been provided with the opportunity to put their nose to the grindstone in 2017.

Northern Ireland was not delivered a plan for NI under the DUP, nor was it given better by Sinn Féin. Instead, people got the same old stop-start, pantomime politics. Three years were lost. For three years, the two biggest parties sat in their corners and allowed the North and our public services to descend into despair.

Things are worse now than when the mandate began, and the COVID pandemic cannot be used as a scapegoat. Look at our waiting lists for health and housing. How can we pat ourselves on the back for a job well done when the situation has become significantly worse? Northern Ireland was set at a disadvantage long before March 2020, when we were told to batten down the hatches and manage as best we could in the face of a global pandemic. We now have a cost-of-living crisis. People were

left completely unequipped and sent into battle already wounded.

The mandate was marred not just by political failure but by personal loss. The SDLP lost giants of the peace process, with the deaths of John and Pat Hume, Séamus Mallon and our beloved colleague John Dallat. Other parties also suffered the loss of friends and colleagues, with the deaths of Martin McGuinness, Gordon Dunne and, tragically and most recently, Christopher Stalford.

Loss has been a constant bedfellow over the past two years, and a palpable sense of collective grief has emerged. No family here has been left untouched by the impact of COVID. People suffered the tragic passing of loved ones in harrowing circumstances and were unable to grieve for them properly. The public and our key workers put people first and showed what real leadership looked like. How have they been repaid?

As fuel and food costs soar and every household is battered by the rising cost of living, it is utterly shameful that we do not have an Executive to make vital interventions. The public deserve stable government. We have days left. We should use every minute of those remaining days to try to help people.

Mr Butler: It really is a privilege to speak at the very end of the mandate. I thank the people of Lagan Valley for putting their trust in me as their Ulster Unionist representative.

I go back to the absolute start of the mandate in 2017 — my first mandate started in 2016, while my second election was in 2017 — and I agree with Mr Durkan about the dysfunctionality of this place. Although it was good to get back here in 2020, the only reason that we did was because the people of Northern Ireland told all our politicians across the country, "Get back to work and represent us". We sat down, put our shoulder to the wheel and created NDNA. If anybody takes full credit for that, it again does a disservice to the people of Northern Ireland, who told us to get on with our work.

To the politicians in the Chamber, I say this: this is where the work needs to happen. After the election, I urge my colleagues not to take a leaf out of Sinn Féin's book — Sinn Féin kept us out of government for three years — but to get back in here.

If you want to boycott something, boycott Westminster. Have the MPs boycott Westminster until we see the change to the protocol that we need to see.

When we did come back, we could not have envisaged that COVID would come, and that is something that this generation and our children's generation will live with for many, many years. What did we learn? We learned about the resilience of the people of Northern Ireland. We learned about their ability to withstand the greatest pressures that the world can bring on them, and I pay tribute particularly to those in the health service, as Mr O'Dowd did. Indeed, I pay tribute to our teachers, who battled through, looked after our children and tried their best to educate them and give them as stable a place to be as they could, when they could. They utilised online technologies, as we have all learned to do. We have all got used to hearing, "You are muted, Robbie. You are muted".

We spent a bit of time paying tribute to Members who have passed. Sadly, at that time, we did not know that we were yet to lose some serving Members. I would just like to read their names into the record once more: Christopher Stalford, Gordon Dunne and John Dallat. We lost John Hume, Seamus Mallon and, from Lagan Valley, Ivan Davis, Billy Bell, Cecil Calvert and Seamus Close. They were incredible politicians, and there is something that we can learn from each of those people. We remember their families, who still grieve to this day.

I thank my party staff and the staff in the Speaker's Office, who have been fantastic. I have really enjoyed working with you, Mr Speaker. I never envisaged that, outside politics, I would sit in the same room as you and work with you, and it has been an absolute pleasure. We thank the Business Office and Committee staff for their work, and we thank all those who work to keep this place going. Being Chief Whip afforded me an opportunity to work with some people from across all the parties, and it has been an absolute pleasure. It has been really good to do what people do not see us doing.

In closing, we are going to lose some fantastic people, including you, Mr Speaker, Chris Lyttle, Paula Bradley and Sinéad Bradley. If I could have picked somebody from your parties to go, it would not have been you guys. Thank you, Mr Speaker.

Mr Speaker: I thank the Member.

Ms Armstrong: Thank you, Mr Speaker, for being back in the House today. You and I have both come out of COVID to be back here today, but it is a privilege to stand on behalf of Alliance at the end of the mandate. I first came to the

House in 2016, the same as Mr Butler, but little did any of us know that we would face an election less than a year later. Then we had a three-year collapse and, more recently, the walkout by the First Minister. I wonder whether future politics classes and history books will consider this mandate as a wasted opportunity. Only time will tell.

During this mandate, we have had the worldwide coronavirus pandemic, and we have lost 3,265 people to this cruel virus. I thank our health service and our wider community, which showed a spirit throughout the pandemic that we really need in this House. This was also a mandate that saw a significant change. The Assembly was reduced from 108 Members to 90 Members in March 2017.

Alliance has also had a number of changes during the mandate, with Dr Stephen Farry becoming an MP and moving to Westminster. For a short time, our Alliance leader, Naomi Long, was a Member of the European Parliament. Her shoes were filled during that time by the gracious and dedicated stateswoman Máire Hendron. I wish Trevor Lunn well as he ends his political career. Although Trevor has decided to move on from the Alliance Party, he is still part of our family, and we wish him and his family well in his retirement. We also had the retirement of former Justice Minister David Ford, who, I have to say, is having far, far too much joy and fun in his life with his wife Anne and his family. David achieved something that only a few people get to do: leaving politics on a high.

That leads me to another gentleman who is soon to leave this House: my dear colleague Chris Lyttle MLA. I am not going to cry. As we all know, Chris has served most recently as the Chair of the Education Committee during the mandate. His commitment to fairness in that role extends to his Bill that is about to pass Final Stage this week, which will extend fair employment to all schoolteachers. Chris has been a champion for children, and we will all be poorer for his absence in this House, although I look forward to not listening to him talk about football any more.

A lot of work has been undertaken, and many Members have mentioned the Bills. I pay tribute and say thanks to Naomi Long, our current Justice Minister, who made her priority the safety of women and girls and who stepped forward to make sure that the Troubles victims' pension would be paid. I also thank all the parties in the House for working with me and my colleagues in Alliance, particularly on my Integrated Education Bill. That was a lot of hard

work. I thank you, Mr Speaker, and those who sit beside you — including the Clerk/Chief Executive — and all the staff, from the Doorkeepers, the cleaners and the catering staff to the entire secretariat — the Bill Office, the Library, the Events Office and the Education Service. In particular, I thank Frances from your office, Mr Speaker, who, we know, will be leaving this place shortly. She is a lovely lady who we will all miss. When we go to your office and see Frances, we always know that we will see a smiling face.

The challenge for those of us who return to the Assembly will be to build the public services that our people want — ensuring that we get across all the public services in this place — and to really start to build a united community. For now, Mr Speaker, it has been a privilege: it has been a privilege to work with some who will be leaving us; and I hope that it will be a privilege when the Assembly comes back after the May election.

Mr Speaker: I thank the Member for that.

Ms Bailey: This has been my first experience of being an MLA — as it has been for my party colleague Rachel Woods — and of getting to know what a mandate looks like from the inside. In 2016, when I was first elected by the people of South Belfast as their first Green Party MLA, Alex Kane stood by his promise, donned a dress and danced for me, out the front, on the steps of the Building. [*Laughter.*] He stood by his pledge.

It has been the greatest privilege of my lifetime to have been given the honour of being an MLA. There have been many fun times, but the tough times cannot be ignored. It has been filled with challenges and events that no one could have predicted. Following the elections in 2016 — my mandate goes back to then, albeit we had elections in 2017 — June 2016 brought the Brexit referendum; January 2017 brought the collapse of the Executive, when Sinn Féin resigned from the deputy First Minister post; 2019 saw Westminster step in and legislate for marriage equality and the decriminalisation of abortion; and, in January 2020, an Executive was re-established under New Decade, New Approach, which pledged and promised many things. Some of those commitments have been delivered, but some, such as a sexual orientation strategy, an Irish language Act, sign language legislation and an independent environmental protection agency, are still outstanding and yet to be delivered. Then the pandemic hit. That exposed the inability of the five-party Executive system to deal with crises. Northern Ireland Statistics and Research

Agency (NISRA) statistics tell us that over 4,000 people have died in Northern Ireland due to COVID, but unlike GB, and the Scottish Government, in particular, we do not have a commitment to an independent inquiry into the Northern Ireland Executive's response to the pandemic. The promised Climate Change Bill only came about following the introduction of a cross-party private Member's Bill, which was laid by the Green Party. We have also brought the Abortion Services (Safe Access Zones) Bill, which I began working on in 2016, and which is due for its Final Stage today, and Rachel Woods's Domestic Abuse (Safe Leave) Bill is set to become law. Now, we have no functioning Executive, due to the resignation of the DUP First Minister.

Behind all that, I have seen, clearly, that all parties and this institution can work very well together and deliver for people when there is the political will to do so. As we face the next Assembly election on 5 May, I urge all parties to listen to people when they say that we cannot afford to face the years ahead without an Executive and a functioning Assembly. They are telling us that it is time to keep delivering.

We remember the towering political figures whom we have lost during this mandate and acknowledge their legacy. I say to everyone who is standing as a candidate, and those who have the privilege of being elected, on 5 May, to a new mandate, that it will be their responsibility to step up and fill the shoes of those people and to continue building on their legacy. That responsibility passes to each and every one of them, and there is much more to do.

11.00 am

Mr Allister: I join in the thanks and appreciation to the Assembly staff for their dedicated service throughout the mandate. I also wish every future happiness and success to those who are retiring. Now that Paula Bradley, Sinéad Bradley and Chris Lyttle are obtaining their early release, I trust that they will enjoy the rest of their lives.

In respect of the House, the mandate started with no Executive, and it finishes with no Executive. It started in deadlock, and it finishes in deadlock. Does that not tell us something? Surely it tells us that this system of government is unsustainable and unworkable and that mandatory coalition is a recipe for such failure because it is built on the sand of not having to be agreed about anything in order to be in government. Hence the manifestations throughout the mandate of deadlock, failure and squabble. It should be no surprise to anyone

that we look back on another mandate of failure and deadlock: the system guarantees that.

Now we go into an election in which the most fundamental of democratic rights — the right to change their Government and the right to vote a party out of government — is denied to the people of Northern Ireland. Because of the absurdity of mandatory coalition, where any party with a handful of MLAs is entitled as of right to be in government, the electorate can never vote a party out of government or change their Government. Under this system, there is simply more of the same deadlock, squabble and failure. That is what mandatory coalition offers.

Now, of course, we add to that toxic mix the poison of the protocol, which has made any prospect of these institutions working on any viable basis simply beyond reach because it undermines the very ethos of what is supposed to exist here: consent to the process by which we are governed. There are boasts of the number of Bills that have been passed in the House, but, during the mandate, the House and the people of Northern Ireland became subject, courtesy of the protocol, to 300 EU laws that we cannot change and would not make. During this very year, according to the House of Lords Committee, there is the prospect of 29 changes affecting Northern Ireland's legislation about which we will never be asked and that we cannot change but to which we will become slavish rule takers. It is not sustainable for the future of a legislative Assembly if the legislation that governs so much, touching on the manufacture of our goods and on trade, is not made in Belfast or in London but in a foreign jurisdiction over which we have no control. That is a further poison to this system, which guarantees that it is doomed, and so it should be.

Mr Harvey: To those of you who will not be standing for election again, I wish you well. I have enjoyed getting to know you all and have really enjoyed working with you. Some of you are in the House today, and others are at home. There are lots of reasons that you will not be standing, but I will miss you, and, as I say, I have enjoyed working with you. I also want to remember those who departed from us early. I wish you well too, Mr Speaker.

Ms S Bradley: I, too, begin by thanking the staff in the Building, who have facilitated not just me but my party colleagues and all Members of the House during the mandate. I will also take a step back and thank all those who elected me to the House on two occasions. It has been one of the greatest privileges ever.

I also want to take a moment to thank the people who assisted me in getting elected. I will take a moment, Mr Speaker, as you did, to thank people by name. I thank Roisin McCrink, Sean O'Hare, Seamus Doyle, Uncle Liam, Paddy McCoy and the whole team. They gave me unwavering support during all of my election campaigns.

During the mandate, I championed the fight against loneliness and was driven by trying to get the Narrow Water bridge back online. I thank my party leader, Colum Eastwood, for hearing my calls, understanding the importance of the Narrow Water bridge and making sure that it was included in the New Decade, New Approach agreement. I also thank Minister Mallon for stepping in and bringing the project back to where it should have been, because I was concerned that the previous Minister had entertained notions of a cycle bridge or walking bridge, which really would have failed to recognise what was trying to be achieved. Narrow Water bridge is very much back online, and the work with an Taoiseach's office and the Irish Government has got it to a point of no return, about which I feel very content.

I also want to take a moment to thank my constituency office staff, Frances, Brenda and Deirdre, who have been exceptional. They have delivered a professional service at all times of which I am very proud. My thanks to them could never be enough.

There was never a bigger champion of the Narrow Water bridge than my father, P J Bradley, a previous Member of the House. My role was merely to usher the work that he had previously brought to the House. The day on which I was elected was the day on which I laid him to rest. Tomorrow, during my final week, I will lay to rest one of the nicest people whom I have ever known: my Auntie Nora, his sister. That seems quite poignant. They were two very, very good people. They made quite an impression, and I think that everybody could learn something from them. There is nothing like the loss of a loved one to make all of us reflect on our priorities. For me, that reflection has meant that I will not seek re-election on this occasion.

Of course, my family — my husband, John, and my son, Peadar — have paid a big price for me being here. Members will know exactly what I am referring to when I make that statement. I place my thanks to them on the record.

If I may, I will give one final word of thanks to my mother. It was her endless support, endless love, endless care and endless supply of

dinner when I was not at home that allowed me to be here. Frankly, I think that that speaks to the experience of a lot of women in politics. There is a woman behind them who enables them to be here, and there comes a time when those women are entitled to be looked after. I put on record my thanks to Leontia.

I wish everybody in the House well as they run or do not run for election. I trust that those coming forward will see the value of the work that was achieved at the end of this mandate and that they will bring vigour to, hopefully, a new Executive.

Mr Lyttle: The emotion and the commitment in the Assembly this morning clearly demonstrate just how much every MLA puts their heart and soul into the job. I thank every one of them for the opportunity to work with them.

I will respond to one Member's comments about what the record of this mandate shows with regard to the challenges that we faced: it tells us that peace and prosperity take hard work. It tells us that they take perseverance and compromise. I certainly hope that the upcoming election will return MLAs who are committed to bringing all of those to bear in the Chamber for the people of Northern Ireland.

For me, it is the end not only of the mandate but of over a decade of service as a Member of the Assembly. As a kid from Garnerville Gardens who spent his Saturday afternoons in Ashmount Park with his granny Betty, who worked in Ashfield Girls' High School, whose dad worked in Shorts from the age of 16 and whose mum worked with a company on the Newtownards Road, it has been the privilege of my life to serve as an Alliance Party MLA on behalf of the people of my home constituency of East Belfast and as Chairperson of the Assembly Education Committee for everyone in Northern Ireland.

I would like to say thank you to the people of East Belfast for giving me the immense privilege of serving as your MLA, to my family who inspire me every single day and to all the people who make that service possible. There are far too many for me to even start to try to thank them today. It would not be possible without such a team of people supporting of us in these roles.

These have been challenging times for many people. We have seen great loss. We remember everyone who has been bereaved during the brutal COVID pandemic. They have also been times of great sacrifice and great resilience. We thank all those health, education and key workers who have given so much for

our community. In return, we owe them fair pay and conditions at the very least.

I am encouraged by the Alliance values of fairness and equality, the aim of peace and prosperity and the leadership of Naomi Long, all of which are giving hope to many people across Northern Ireland in these challenging times. Those values, aims and leadership drove the Alliance Party work during the New Decade, New Approach talks process to restore the Assembly. They also guided our efforts to deliver better for the people of Northern Ireland during this short two-year mandate and, indeed, on our return, to prioritise education, which resulted in the independent review of education; advocating financing for schools; a new approach to special educational needs; access to affordable, quality childcare; and children learning together. I pay tribute to my colleague Kellie Armstrong for the delivery of the Integrated Education Bill. As has been mentioned, I hope that I will be able to, with the huge cooperation and support of everyone in the Assembly, pass the Fair Employment (School Teachers) Bill.

Those are also values that have guided the Alliance Justice Minister to deliver five pieces of legislation that will contribute to a more safe and shared Northern Ireland for all. Compromise and leadership are needed now more than ever in order to deliver better for the people of Northern Ireland. The restoration of the Executive and the Assembly must be a priority. We set the example in this place. We must show leadership. Indeed, we must make good on the words of C S Lewis that are displayed at the entrance of the Assembly, which promise:

"There are far, far better things ahead than any we leave behind."

The Alliance Party is committed to working with everyone to achieve that aim.

Assembly Business

Public Petition: Keep the Firs Residential Care Home Open

Mr Speaker: Colm Gildernew has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr Gildernew: Go raibh maith agat to the Business Office for allowing me to present the last petition of the mandate. It is a hugely important petition relating to the Firs residential home in Ballygawley. I have 750 hard copy signatures here, and there are 890 signatures on Facebook. That is reflective of the local community's huge support and respect for the Firs and its service.

The Firs' owner has, for many years, run an exemplary home. It is not just a home; it is home to a number of people with additional challenges in disability and learning disability. The home has received support. However, the owner of the home is retiring, and that is the only reason why it is in danger of closing.

I feel privileged to have been taken into what I feel is the community of the home in recent weeks through my work to try to support it. I know that other Members in the Chamber, including Deborah, Rosemary and Áine, have all been involved in the struggle. Principally, the Firs is home to six people — Jonathan, Martin, Andrew, Michelle, Clare and Suzanne — all of whom are, as I speak, watching today's Assembly proceedings about their home.

The home is an exemplar in connectedness. I know that Sinéad has worked hard on loneliness and connectedness. The home is a real example of how we can create settings for people to live in which they are genuinely connected to their families and communities. If anyone wants to see the outworking of that, they can take a look at the YouTube video of Jonathan Lambert, one of the residents, leading the Clogher Valley rugby team, on the occasion of its winning the Energia All-Ireland Junior Cup, down the street towards Fivemiletown. As he led his team, club and town down the street on his rollator, with the cup in the basket, he was cheered to the rafters. That is what we are trying to save. The Firs is a model that needs to be cherished and supported, and it cannot be allowed to close.

11.15 am

We also need to make sure that the day care and respite that have taken place in the home for many years continue. The Firs is the only facility in the Clogher valley that offers day care and respite. Families are being asked to look at day care provision in Lurgan. That is simply not acceptable. I, therefore, appeal to the Department and the trust to do everything in their power either to secure a new owner for the home as a going concern or, if necessary, to step in themselves to secure its ongoing running. We cannot simply move those six people out of their lives to a different town. That would not be in their interests, and it would not be fair. We need to do all that we can. I urge the Department and the trust to ensure that the Firs Residential Care Home is not allowed to close.

Mr Speaker: As the Member knows, I would normally invite him to bring his petition to the Table and present it. However, in light of the social-distancing requirements that are still in place, I ask the Member to remain in his place and to make arrangements to submit the petition to my office electronically. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister of Health and send a copy to the Committee.

21 March 2022

Mr Speaker: The next item in the Order Paper is the consideration of business not concluded yesterday. All business was disposed of, however, so we will move on. Members, please take your ease for a moment or two.

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

Comptroller and Auditor General for Northern Ireland

Mr Clarke: I beg to move

That this Assembly, in accordance with section 65(1) of the Northern Ireland Act 1998, nominates the individual outlined in the proposal laid in the Assembly Business Office by the Assembly Commission on 21 March 2022, as the Comptroller and Auditor General for Northern Ireland.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed to allocate one hour to the debate. The proposer will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other

Members who wish to speak will have five minutes.

Mr Clarke: Section 65(1) of the Northern Ireland Act 1998 provides for the Assembly to nominate a Comptroller and Auditor General, or C&AG, for Northern Ireland. The appointment of the C&AG is by Her Majesty on the nomination of the Assembly. As well as authorising the issue of money from the Consolidated Fund to allow public-sector entities to meet their expenditure requirements, the C&AG has responsibility for the audit of government bodies, including the Northern Ireland Departments, Executive agencies and a wide range of other public-sector bodies. That includes non-departmental public bodies (NDPBs) and the Health and Social Care (HSC) bodies.

The C&AG undertakes financial audits and value-for-money audits, and Members may well be aware that the results of the C&AG's work are reported to the Assembly. In particular, the C&AG works closely with the Public Accounts Committee in order to help the Committee to discharge its responsibilities to examine public spending and, in doing so, to highlight good and, perhaps, poor practice or poor value for money and, crucially, to recommend improvements to the overall stewardship of taxpayers' money. Therefore, the role of the C&AG is crucial in ensuring that public finances are disbursed in a lawful and effective manner and that appropriate review of expenditure is undertaken to ensure that it delivers its intended outcomes.

Members may know that the tenure of the current C&AG, Kieran Donnelly CB, is due to end shortly. I thank Mr Donnelly for his unwavering approach to ensuring that the highest governance standards were applied to public finances in Northern Ireland and for his firm commitment to ensuring that the resources that were allocated to public entities were used in an economically efficient and effective manner, which gave confidence to Members and people further afield. We wish him well in his retirement.

The recruitment panel for the appointment process to find a successor to Mr Donnelly comprised the Speaker; Mr Martin Pitt, the chairperson of the Audit Office advisory board; Mr Seamus McCarthy, the Comptroller and Auditor General of Ireland; and the Clerk/Chief Executive of the Assembly, Mrs Lesley Hogg. I place on record my thanks to all the panel members, but I especially thank Mr Pitt and Mr McCarthy for their help and insight, which was

of tremendous assistance to the recruitment panel.

Following a fair and open recruitment competition, the recruitment panel identified Dorinnia Carville for nomination as the C&AG. The Assembly Commission laid a proposal in the Business Office last Friday that listed Dorinnia as the individual who had been identified for nomination by the Assembly. The Speaker also wrote to all Members last Friday to inform them of that.

The role of the C&AG is important. It was vital that the recruitment process identified a person who had the necessary experience, skill and judgement to be successful in the role. In that regard, Dorinnia has an exemplary track record in her academic studies and career to date to fill the role of C&AG. Dorinnia is a graduate of Queen's University Belfast, with a degree in law with politics. Dorinnia trained and worked as a chartered accountant in the big four accountancy firms in London and Belfast. She then moved to public-sector audit, joining the Northern Ireland Audit Office and gaining experience in auditing a wide range of public bodies in Northern Ireland. During her 11 years with the Northern Ireland Audit Office, Dorinnia held a number of positions, including financial auditor director and director of corporate services. In that position, she was the technical director, providing technical audit advice to the C&AG and the local government auditor. She also represented the Northern Ireland Audit Office on the public audit forum with colleagues from the audit offices in England, Wales and Scotland.

Following the review of public administration, Dorinnia moved in to local government as director of corporate services at Newry, Mourne and Down District Council in 2016. She is the senior financial officer in the council, and is responsible for a wide range of corporate services, including audit, human resources, legal and compliance, communications, marketing and capital projects. Dorinnia holds the position of deputy chief executive, and, since February 2022, she has been the council's acting chief executive. In addition to her paid roles, Dorinnia has taken on a number of voluntary roles in Northern Ireland, in the public sector as well as the voluntary and community sector, including being on the board of trustees for Belfast and Lisburn Women's Aid.

It is the recruitment panel's view that Dorinnia is very well qualified to take on the challenges posed by the role of the C&AG. On that basis, I commend the nomination of Dorinnia Carville

as the Comptroller and Auditor General for Northern Ireland to the House.

Mr McCrossan: I, too, put firmly on record, my appreciation to the Comptroller and Audit General, Mr Kieran Donnelly, who as provided an outstanding service in keeping account and close scrutiny of public expenditure. He was involved in that during some very turbulent times. In the absence of these institutions, it was a very difficult role, in the lead up to the renewable heat incentive (RHI) inquiry, amongst other very important matters. I, along with colleagues across the Chamber, add my appreciation and wish him well in his retirement.

The recruitment process for the new Comptroller and Auditor General has not been the most straightforward, but, certainly, it is an important process to ensure that we have selected the best possible candidate, who will fill that role very well.

I will be speaking to another motion on the Comptroller and Auditor General later, so I will add further remarks at that point.

Mr Beggs: As we consider this motion to nominate a new Comptroller and Auditor General for Northern Ireland, it is important that we reflect on the importance that the role has in any democracy. The C&AG in Northern Ireland is the head of the Northern Ireland Audit Office. Together, the C&AG and the NIAO carry out the vital role of scrutinising how public money is spent, in order to ensure that those in authority, whether they be Ministers, senior civil servants or those involved in public bodies, spend that money appropriately, with the appropriate authorisation, and that it is being used effectively. We have to remember that, ultimately, this is the public's money. It is money that is being raised in taxes, and it is right that how it is being spent should be independently reviewed. When I look at the core functions of the Northern Ireland Audit Office, I see that one is to:

"perform a detailed audit on annual financial statements"

of public bodies in Northern Ireland. That is vital in order to reassure the public that money is being spent appropriately. That is to be done independently. It is vital that the Audit Office be independent of government so that it can state how things are — warts and all, if necessary — and so that it can independently advise what changes are needed in order to make better use of public funding.

The NIAO also has the useful role of providing advice and support to the Assembly. On some occasions, we perhaps do not spend money well, and the Audit Office produces many value-for-money reports for us. A further core function is to build better corporate governance and financial control arrangements. In particular, there is a need to counter the risk of fraud. An audit office therefore plays a vital role in any democracy.

I also want to reflect on the close working relationship that there has been between the Comptroller and Auditor General and the Northern Ireland Audit Office, which the C&AG oversees and manages, and the Assembly, particularly the Public Accounts Committee. I have served on a number of Public Accounts Committees, and I have had very close relationships with the Northern Ireland Audit Office and Kieran Donnelly in the period since 2009 in which he has served as C&AG. I was on the Public Accounts Committee from 2007 to 2011 and from 2014 to 2016, and I am on the current Public Accounts Committee. I have the highest regard for the work of our outgoing C&AG, and I hope that anyone who occupies the position in the future will take lessons from what has occurred during his tenure. There has been a very close working relationship and a close partnership. Where issues needed highlighted and where the Assembly, through its scrutiny mechanisms, needed to dig deeper to get better value and better accountability, that occurred.

It is vital that, going forward, anyone who occupies the post remain entirely independent of government, view the money being spent as the public's money and their own money and ensure that good value for money is achieved and that the money is authorised appropriately and spent well. I hope that anyone who takes up the post will continue to have that close working relationship with the Public Accounts Committee, for the benefit of the Assembly and to have credibility with the public through trying to improve how our money is being spent.

Mr Muir: I am glad that we are able to debate this motion in the Assembly today. We will hopefully be able to approve it before the end of the mandate, because it is absolutely crucial that we be able to make this appointment. I speak as someone who was previously a member of the Audit Committee and who, for the past two years, has been a member of the Public Accounts Committee. On the current postholder, Kieran Donnelly, who is due to retire, I will say that sometimes in life people come along who really do impress you, and Kieran is one of them. He has been entirely

professional in his conduct throughout the time that I have gotten to know him. He is entirely committed to his role and thorough in the work that he has undertaken. Kieran and his staff have delivered some very thorough and comprehensive audit reports and have enabled the Assembly to provide scrutiny of the public sector and the decisions being made. I am eternally grateful for the service that Kieran has provided to us. It has aided us in our work as Members of the Assembly and in the scrutiny of how Northern Ireland is run.

11.30 am

I welcome the appointment of Dorinnia Carville as the new C&AG. It will be good to get her in the post and hopefully, after the election, the Assembly can re-establish the Public Accounts Committee and work with her in the time ahead.

Ms S Bradley: Mr Deputy Speaker, thank you for providing me with the opportunity to put on record my thanks to the outgoing C&AG, Kieran Donnelly, and associate my name with the many positive words that have been spoken about him in the House today. As a resident of the Newry, Mourne and Down District Council area, I also speak for Marie Ward, the chief executive, and her team in that, whilst they wish Dorinnia Carville the very best, they recognise that they are losing someone very valuable to their team. She has, in her time there, offered a very reliable and professional service and has always been a pleasure to meet and work with in that capacity. I welcome the announcement today, and I assume that the appointment will proceed following this process. Therefore, I thank Dorinnia Carville for applying and stepping forward, and I wish her the very best. I have no doubt that she will bring her continued professionalism, rigour and scrutiny to the role, and I wish her the very best in doing so.

Mr Deputy Speaker (Mr McGlone): I call John Blair to wind up.

Mr Blair: I thank Members for their contributions. Whilst neither me or my Assembly Commission colleague Trevor Clarke were on the recruitment panel for the C&AG, as members of the Commission we are assured that a fair and open recruitment competition took place. I repeat Mr Clarke's thanks to Mr Pitt and Mr McCarthy for their assistance with the recruitment process. It is always welcome when those with relevant expertise participate in an important competition such as this.

The role of the C&AG is crucial to how the Assembly assures itself of the propriety and

regularity of the expenditure incurred across the public sector. In that regard, I again pay tribute to Kieran Donnelly for his work as C&AG and wish him well for his retirement. The C&AG fulfils an important element of the overall system of governance that is in place across most democracies. Having a credible, experienced and skilled person to undertake this role is reassuring to the Assembly.

I will cover some of the comments made by Members. I will start with Daniel McCrossan, who spoke on behalf of the Audit Committee and paid tribute to some individuals — I will come to that in a moment — and also raised the fact that matters have been tabled for later on behalf of that Committee. Roy Beggs spoke on the importance and relevance of the role, and my colleague Andrew Muir supported the motion. All of those Members paid tribute to Kieran Donnelly. Sinéad Bradley also paid tribute to Kieran and took the time to wish Dorinnia well. She did it with a particular South Down emphasis.

I trust that Members from across the House will support the motion, and I commend the nomination of Dorinnia Carville as the Comptroller and Auditor General to the House for appointment by Her Majesty.

Mr Deputy Speaker (Mr McGlone): Before we finish, as a former member of the PAC, I also want to be associated with the tributes to Kieran Donnelly. In my time, I found him nothing but efficient and effective, and he led a really good team at the PAC. It is also appropriate at this time to pay tribute to our late colleague John Dallat, who served lengthily and rigorously on the PAC. With his passing and with Kieran moving on, we are entering a new era, and I wish Dorinnia Carville all the very best with that.

Question accordingly agreed to.

Resolved:

That this Assembly, in accordance with section 65(1) of the Northern Ireland Act 1998, nominates the individual outlined in the proposal laid in the Assembly Business Office by the Assembly Commission on 21 March 2022, as the Comptroller and Auditor General for Northern Ireland.

Mr Deputy Speaker (Mr McGlone): Please take your ease while we move to the next item of business.

Executive Committee Business

Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022

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

That the draft Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 be approved.

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

Mrs Long: Members will be aware that provisions for the new domestic abuse offence and its associated aggravators in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 came into operation on 21 February 2022. The purpose of the statutory rule is to enable the new domestic abuse offence, convictions of the domestic abuse offence with a child aggravator and current convictions for all other offences for which there is a domestic abuse aggravator to be disclosed as part of the Access NI disclosure process.

As Members may be aware, Access NI discloses information held on a criminal record, particularly about individuals who seek to work with children and vulnerable adults, as part of enhanced checks. However, after certain periods elapse, Access NI will not disclose old and minor offences — non-specified offences — from that record. That is known as filtering. Access NI does not apply those periods to the more serious offences listed in section 113A(6D) of the Police Act 1997. Such offences are known as specified offences, and they are always disclosed on Access NI standard or enhanced certificates.

The order will add convictions of the domestic abuse offence, including where aggravated, to that list. All offences not listed in section 113A(6D) are deemed to be non-specified offences. The order will add convictions of any other offence aggravated by domestic abuse to the list of non-specified offences.

Section 113A of the Police Act 1997 requires a criminal record certificate to be issued for any individual who makes an application and is 16 years old or over at the time of the application,

except in prescribed circumstances. The criminal record certificate must give the prescribed details of every relevant matter relating to the applicant.

Section 113A(6D) lists offences that are to be considered as relevant matters. The draft order explicitly adds convictions of the domestic abuse offence and convictions of the domestic abuse offence aggravated by the child aggravators to the list of specified offences at section 113A(6D). Convictions of offences other than the domestic abuse offence and specified offences that are aggravated by domestic abuse would also be included in the list of relevant matters and would be disclosable as part of an Access NI application check.

In both instances, it is considered that reference to the child and domestic abuse aggravators would be covered by the term "conviction" and could be disclosed. That is on the basis that the aggravator is an integral part of a conviction and that the information could therefore be disclosed.

For the avoidance of any doubt, however, explicit inclusion is being made for that. Through those provisions, convictions for the domestic abuse offence and its associated aggravators will always be disclosed on a standard or enhanced Access NI certificate. Without that, the domestic abuse offence would not be disclosed on a standard or enhanced Access NI check after a period of 11 years from conviction. A period of six years typically applies for an adult non-court disposal, and shorter periods apply to those under 18. Given the potential seriousness of the domestic abuse offence, particularly where there is a child aggravator and the potential to be sentenced for up to 14 years, it is considered essential that convictions for the domestic abuse offence, whether aggravated or not, are always disclosed.

Those shorter time periods for disclosure of up to 11 years from conviction will apply to other offences where those are aggravated by domestic abuse, in line with current provisions. Provision is also made for the disclosure of non-court disposals for the domestic abuse offence on standard and enhanced applications. If the order is approved today, it is intended that it will be operational from tomorrow, 23 March. I commend the motion to the House.

Mr Storey (The Chairperson of the Committee for Justice): The Department of Justice wrote to the Committee on 14 February to advise that it proposed to make an order to

make provision for the new domestic abuse offence and related aggravators, which came into operation on 21 February 2022 as part of the Domestic Abuse and Civil Proceedings Act, to be disclosed by the Access NI disclosure process.

The Department's correspondence outlined that Access NI disclosure information held on a person's criminal record, particularly enhanced checks for individuals who are seeking to work with children and adults, elapse after certain periods. Access NI will not disclose old and minor offences from that period, although that does not apply to offences specified in section 113A(6D) of the Police Act 1997. Those more serious offences are always disclosed on the Access NI standard and enhanced certificates.

As the Minister detailed to the House this morning, the draft order will explicitly add the domestic abuse offence as well as convictions for the domestic abuse offence aggravated by the child aggravator to the list of specified offences. All other current convictions for offences that are aggravated by domestic abuse will be included in the list of relevant matters and be disclosable as part of the Access NI application check. Provision is made for the disclosure of non-court disposals for the domestic abuse offence on standard and enhanced applications. Adding the domestic abuse offence and the associated aggravators means that they will always be disclosed on a standard or enhanced Access NI certificate, and they will not be filtered out after 11 years following the conviction or after six years for an adult non-court disposal.

The Committee considered the information from the Department at its meeting on 17 February and agreed that it was content with the proposal for the statutory rule. The rule was subsequently considered on 10 March, when the Committee noted that the Examiner of Statutory Rules had no comment to make by way of technical scrutiny. The Committee agreed to recommend that the statutory rule be approved by the Assembly. On behalf of the Committee, I support the motion.

Ms Ennis: In January 2021, the Assembly passed the landmark Domestic Abuse and Civil Proceedings Act. As we know, the Act provides for a new domestic abuse offence covering coercive and controlling behaviour, along with a number of aggravators. The new offence, which came into force in February 2022, marked a milestone in how the criminal justice system treats domestic abuse and protects victims. The new offence also carries an increased maximum sentence of up to 14 years, which

reflects the seriousness of the offence. Access NI checks are a vital safeguard against potentially dangerous individuals working inappropriately with children and adults, with more serious offences listed as specified offences that will always be disclosed on Access NI checks.

Given the seriousness of the new domestic abuse offence and its associated aggravators, including, importantly, a child aggravator, it is right that the offence be added to the list of disclosed offences. Sinn Féin supports the motion.

11.45 am

Ms S Bradley: I am privileged to support the motion on behalf of the SDLP. Like other Members of the House, I have heard at first hand about the horrendous and heinous acts that led to the Domestic Abuse and Civil Proceedings Act. Today's motion is a safeguarding piece that, quite rightly, ensures that those behaviours do not somehow become filtered out or lost. The motion will act, no doubt, to safeguard potential victims from people who have chosen to commit such heinous acts. The standard and enhanced systems are different in nature, and, if we do not step in to ensure that all these actions are captured and, more importantly, relayed to the appropriate authorities when application is made, that filtering out could happen. Therefore, the SDLP, in the knowledge that we are safeguarding victims, is pleased to support the motion.

Mr Blair: I wish to express genuine regret to the victims of domestic violence for whom the passage of the Domestic Abuse and Civil Proceedings Act 2021 came too late. That is the shameful legacy of three lost years without a functioning Assembly. To those people, I can only apologise.

It is hard, therefore, to fathom why, yet again, we are without an Executive, after they were restored just two years ago. The long overdue and increasingly urgent strategy to tackle violence against women and girls has been delayed as a result of further stalemate and stand-off.

I will keep my remaining remarks on the motion brief. The purpose of the statutory rule is to enable the new domestic abuse offence convictions, as well as current convictions for all other offences for which there is a domestic abuse aggravator, to be released as part of the Access NI disclosure process.

The statutory rule is essential to ensure that children and vulnerable people are protected. It does so by providing potential employees with details of convictions of a domestic abuse offence and non-court disposals of a domestic abuse offence, enabling those to be shared with a potential employer, who will, of course, be making recruitment decisions.

I thank the Justice Minister for tabling the motion, which introduces further protections for the vulnerable in our communities. It comes in addition to the Minister having, in this short mandate, shown commitment and paid particular attention to the issue of domestic violence. She should be commended for her determination and congratulated for those achievements.

On behalf of Alliance, I support the motion.

Mr Deputy Speaker (Mr McGlone): As no other Members have notified us of their intention to speak, I call the Minister, Naomi Long, to make a winding-up speech on the debate.

Mrs Long: I thank all Members for considering the motion. I welcome the debate on the order, and I thank Members for the unanimous support expressed in their contributions.

The order will ensure that children and vulnerable people are protected by providing potential employees with details of convictions of domestic abuse offences, including aggravated and non-court disposals of the domestic abuse offence, in order to share them with a potential employer, who will make a decision when it comes to recruiting individuals.

I commend the order to the House.

Question put and agreed to.

Resolved:

That the draft Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 be approved.

Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022

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

That the draft Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 be approved.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on the debate. I therefore call the Minister to open the debate on the motion.

Mrs Long: As Members are aware, section 26 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 provides the power for my Department to bring forward regulations to enable information to be shared with an education provider about an incident of domestic abuse concerning a child who is a pupil or student of that provider. That information-sharing model is known as Operation Encompass and has been in place in England and Wales for the past 10 years. The model that is provided for by the regulations is broadly based on that model. Locally, Operation Encompass will be an early intervention partnership between schools, colleges, training facilities and others in order to enable support to be provided for children and young people who experience domestic abuse. Operation Encompass ensures that a simple telephone call or notification is made to a designated person in a school, college or training facility prior to the start of the next school day following an incident of domestic abuse, primarily in cases involving children who are related to either of the adult parties. That will allow for appropriate support mechanisms to be put in place for the child and will ensure that any feelings of fear or anguish are not escalated by the education provider's environment. For example, the school, college or training facility will be aware that the child might not have done their homework or have their proper uniform on and can take account of the incident in how they interact with the child on those matters. It is important to note that the model will not replace or detract from the protection mechanisms that are already in place for familial parent-on-child abuse.

Separately, Members will be aware that the Education Authority (EA), the PSNI and the South Eastern Health and Social Care Trust launched a pilot of the Operation Encompass model in September 2021 on the basis of

consent. The catchment zone was initially the Down sector of Newry, Mourne and Down District Council area, with the pilot expanding to the Newry and Mourne part of that district on 1 February 2022. A total of 135 schools are participating in the pilot, and, to date, a total of 95 notifications have been made to schools. It is intended that Operation Encompass will then be rolled out across Northern Ireland on a phased basis. That is likely to happen in the new school year, which starts in autumn 2022. It has been agreed that the Department of Education will be the lead Department responsible for the roll-out of Operation Encompass in schools once the regulations are in place and that the Education Authority and PSNI will be the operational leads. The Department for the Economy and the Department of Agriculture, Environment and Rural Affairs will lead on further education (FE) institutions and training providers, including the College of Agriculture, Food and Rural Enterprise (CAFRE).

The regulations were drafted by my Department in partnership with officials in the Department of Education, the Department for the Economy and the Department of Agriculture, Environment and Rural Affairs in order to place the Operation Encompass model on a statutory footing when sharing information between relevant bodies. A targeted three-week consultation was undertaken on the draft regulations, which ran until 8 December 2021. All of the 18 responses that were received were supportive of the regulations being brought forward. The regulations will apply where there has been a domestic abuse incident or an incident that can reasonably be believed to constitute an incident of domestic abuse concerning a child who is a pupil or student. They will apply to those who are registered for a funded preschool place through to those who are of compulsory school age, prior to their turning 18, when they are considered to be an adult. That upper threshold aligns with the approach that is taken to children and young people who are in the criminal justice system.

Regulation 3 enables information to be shared between a number of bodies. The police can advise that there has been such an incident to a designated person, who is typically the safeguarding lead for a school, further education college or Department for the Economy-funded private training provider delivering training programmes or apprenticeships. That is to ensure that the needs of a child and any impact can be effectively taken account of and that support can be provided. The precise information that will be shared will be determined by the

particular circumstances of the case and will be kept to the minimum that is necessary. That information can include the timing of the incident, its nature and severity, who it involved, its location or any such other information that is considered necessary to support and take into account the well-being needs of the child. That information will give the education provider a sense of the level of trauma that the child has been subjected to and will recognise that a child may be affected by domestic abuse, even in circumstances where they have not been physically present during the incident of abuse.

Regulation 4 provides that a domestic abuse incident concerning a child means any incident where there may have been abusive behaviour between two personally connected individuals, where the incident would be likely to cause harm, where it was intended to cause harm or the person was reckless about whether it would cause harm or where the incident concerned the child. The relationships that are covered are those where the individuals are or have been married, where they are or have been partners, where they are or have been in an intimate personal relationship or where they are close family members. That is intended to align with the general approach that applies to the domestic abuse offence, albeit recognising that, for the purposes of the scheme, a person may not have been charged with an offence at that point.

There is a need to ensure that the information-sharing provisions under the regulations do not cut across current procedures and protections, as well as the scope of the domestic abuse offence; rather that they supplement it. Abuse by a parent against their 16- or 17-year-old child would fall within that model. That is intended to ensure that there is an appropriate linkage to the parent domestic abuse legislation and what is deemed to be a domestic abuse offence or any other offence aggravated by domestic abuse. It also ensures that information sharing would apply where a child is affected by domestic abuse and, while, perhaps, not a direct victim, the child aggravator would be likely to apply under the 2021 Act. Where a child or young person is abused by a parent or a person who has parental responsibility for them and a child cruelty offence could apply, that would be captured by current information-sharing provisions.

In addition to the police sharing information with the safeguarding lead, there are other instances where information may be shared — again, where that is necessary — in order to ensure that the needs of the child, as well as any impact, can effectively be taken account of and

that support can be provided to them. The regulations enable designated persons, such as the safeguarding lead, designated child protection officer or designated safeguarding officer or their deputies to share information with the police where a child has disclosed an incident to them, as well as a two-way sharing of information between those designated persons and a class teacher. That would apply where a disclosure has been made by a child or where an incident has been reported, and that is necessary in order to ensure that the needs of the child can be effectively taken account of and support provided. For the purpose of the regulations, "class teacher" will include its everyday meaning, as well as course lecturer, instructor, relevant support staff and education provider.

The regulations provide that it is an offence for any of those who are enabled by the regulations to share information to disclose that information without lawful authority, including that provided by the regulations under an Operation Encompass notification. It is also an offence for any other person to use or disclose to someone else any information that, they know, has been disclosed in contravention of the regulations. The penalty associated with that is a fine that could be unlimited. As Members will, no doubt, appreciate, it would be inappropriate to take forward information-sharing provisions without an associated offence of unauthorised disclosure. That being said, we do not consider that there should be a need to have recourse to that, as the offence is drafted to capture incidents where someone has knowingly disclosed information without lawful purpose, rather than accidentally.

It is intended that the regulations will be operational from 1 April 2022 and that the introduction of Operation Encompass will be rolled out across Northern Ireland on a phased basis after that, likely in the new school year from autumn 2022. I have no doubt that Members will welcome the provisions and the future roll-out of the Operation Encompass model and support the regulations that I am taking forward. They will enable appropriate and proportionate sharing of information where that is needed to best support a child. I commend the motion to the House.

Mr Storey (The Chairperson of the Committee for Justice): As Chair of the Justice Committee, I am pleased to welcome the motion. It implements the provisions taken forward by the Committee in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 to establish an Operation Encompass model in Northern Ireland, which is,

as the Minister has outlined, a police and early intervention partnership enabling support for children and young people who are experiencing domestic abuse.

The Committee first heard about Operation Encompass from the Chief Constable, who told members that it was a programme operating in England and Wales that he would wish to see introduced in Northern Ireland. He advised that there were legislative impediments but hoped that those could be overcome with the support of the Committee and other partners.

During the Committee's subsequent consideration of what was then the Domestic Abuse and Family Proceedings Bill, a number of organisations highlighted their support for the introduction of an Operation Encompass-type approach in Northern Ireland. It was felt that the ability to advise when a domestic abuse incident to which the police had been called had occurred the previous night would ensure that the relevant school, college or training facility would be in a better position to quickly understand and support a child's needs and their possible behaviours. The provision of support in the educational environment would mean that a child would be better safeguarded against the short-, medium- and long-term effects of domestic abuse.

12.00 noon

The Committee was supportive of such an information-sharing scheme being available in Northern Ireland and believed that the legislative provision to enable the PSNI to share information with a school on well-being grounds to support children in the context of domestic abuse should be provided at the earliest opportunity. It therefore tabled the necessary amendment at Consideration Stage, and it received the support of the House.

The proposal for the regulations to implement the provisions, which are the subject of the motion today, was first considered by the Committee on 3 February 2022. The Committee was advised that the Department of Education would be the lead Department for the roll-out of Operation Encompass once the regulations were in place, with the Department for the Economy as the lead for further education colleges and training providers. The Education Authority will be the operational lead with support from PSNI colleagues.

The Committee noted that the draft regulations had been developed by the Department of Justice in partnership with the Department of Education, the Department for the Economy

and the Department of Agriculture, Environment and Rural Affairs and therefore agreed to seek the views of the respective Assembly Committees on the regulations.

The Committee also requested a more detailed report on the responses to the targeted consultation that had been undertaken on the regulations and clarification of the position in respect of older pupils in special schools. The Department's response, providing a detailed consultation analysis and explanation of why pupils aged 19 in special schools cannot be provided for under the scheme, was considered by the Committee on 17 February.

At that meeting, the Committee also noted that the Committee for the Economy had indicated that it had no objection to the proposal and the Committee for Agriculture, Environment and Rural Affairs and the Committee for Education had advised that they were supportive of the proposals. Having considered the responses and the additional information from the Department, the Committee agreed that it was content with the proposal for the statutory rule (SR). The statutory rule was subsequently considered on 10 February, when the Committee noted that the Examiner of Statutory Rules had no comment to make by way of technical scrutiny. The Committee agreed to recommend that the statutory rule be approved by the Assembly.

Notification from the police of an incident of domestic abuse will enable the relevant school, college or training facility to offer immediate support to children experiencing domestic abuse. A pilot scheme has been operating with the Education Authority, the PSNI and the South Eastern Health and Social Care Trust across 60 schools in the south Down area since September 2021 and was extended to a further 77 schools in the Newry and south Armagh areas at the start of February 2022. The pilot scheme has received positive feedback, and a total of 51 referrals have been received by schools from the PSNI.

I am proud of the work that the Committee has done to make the scheme a reality across Northern Ireland. Therefore, on behalf the Committee, I am pleased to welcome the motion and support it in the House today.

I will conclude with a few comments as a Member of the House and on behalf of my party. Today is the last time that I will stand before the House as Chair of the Justice Committee. We had our final meeting of that Committee this morning, and I want to place on the public record our appreciation and thanks to

our Committee staff of for all the work that they have done. They have been tireless and conscientious in everything that they have done, not only since I have had the opportunity to be the Chair but during the life of the Committee and for previous Chairs.

I also note that there are members of the Committee who are not seeking re-election. I refer to Emma Rogan, Robin Newton and Sinéad Bradley. I want to comment particularly on Sinéad Bradley, who is in the House today. I pay personal thanks to her for the work that she has done on the Justice Committee, along with other members. I thank her for the service that she has given. I have no doubt that the diligence that she has shown is reflected in the many changes made to the legislation that has been brought before the House. I also wish my colleague Mr Robin Newton well, whatever the future brings in the weeks and months ahead.

Minister, I thank you and your officials for the work that you have done. We have not always agreed and will not always agree. There will be issues on which we will still have disagreements. I trust, however, that we endeavoured to do our work in the best way possible to ensure the best possible outcome.

I ask for your indulgence, Mr Deputy Speaker, to raise just two issues with the Minister. Reference was made earlier to the domestic abuse legislation. Issues of serious concern have been raised about the Protection from Stalking Bill, including with how stalking protection orders will be enacted. Moreover, a concern was raised, and you saw the correspondence, Minister, from the police, about challenges remaining with the training of officers. I ask that you address those concerns with the Chief Constable in a way that reflects their seriousness.

Finally, it is with some concern that I raise with the Minister the issue of the pay settlement that has been imposed on our prison staff. I understand that it has been imposed without reference to the pay review body. That is a serious departure from the working relationship between the Prison Service and its staff and the Department. I have written to the Minister today on that issue.

Thank you for your indulgence, Mr Deputy Speaker. We wish all on the Justice Committee success, whatever outcome 5 May brings.

Ms Dillon: I welcome the regulations. The inception of Operation Encompass was the result of a police officer and a teacher sitting at a kitchen table wondering what they could do to

make life better for young people who had suffered as a result of being exposed to an incident of domestic abuse, whether they were directly involved or witnessed the incident. That is where it began.

I was at a Safeguarding Board presentation at which its representatives talked about Operation Encompass and the challenges that they had in bringing it in in the North. I asked them afterwards what the issue was, and they said that there just seemed to be a resistance to it but that they were not sure why. I was on the Policing Board at the time, so I asked about it at every opportunity, putting it to the Chief Constable on a number of occasions. When I got on to the Justice Committee, I did the same, and I saw the opportunity to include the issue in the Domestic Abuse and Civil Proceedings Bill. I thank the Minister and her officials for working with me on it, and the Speaker's Office, because we were concerned that it would not be found to be within the Bill's scope. Thankfully, it was. I thank the members of the Justice Committee, because every one of them without fail supported it. They saw that it would work to the benefit of our children and young people.

I acknowledge that Peter Weir, the previous Education Minister, brought forward a pilot, and that was helpful. It also highlighted the challenges, because the requirement for consent is a challenge. That was raised with me as recently as last week by somebody who works for Youth Service, who said that the consent issue is a challenge, particularly in some communities with certain traditions, as parents would not give consent for that information to be shared with a school. In some cases, the control to give consent to the information being given to a school was being given back to the person who was the very perpetrator. The importance of what we are doing today cannot be overstated.

Everything that we do in the House that protects, supports or looks after the well-being of a child will come back to us as a society and as a community, and we will all benefit from it. Everything that we do should be about nurturing our children and young people, because, in doing so, we will make a real difference not only to the life of the child but to the lives of the children around that child and to the attitudes of the people around them, who will see how to do the right thing.

The Minister outlined what seem like really small things. We often talk about the bigger stuff around counselling, support and the services that can often be very difficult to

access, but sometimes it is actually just about asking, "Are you OK?", "Are you all right?" or "Do you need breakfast?", or saying, "You have not done your homework. Do you need half an hour before you go into class?". That child knowing that somebody cares, because the people at home may not care for whatever reason due to what is going on at home, can make a massive difference in their life. All of us who were lucky enough to grow up in a very loving, caring and supportive home will never understand what those children go through.

We need a more nurturing nature across the board, not just for children. Schools and educational settings are notified about domestic abuse incidents, but what is the benefit of roaring at a child who comes into school with their uniform not right or their homework not done? What is the benefit of calling them out in front of all their classmates? Take them to the side and ask them, "What is going on?", "Why is it not right?" or "Why have you not got your homework done?". I say that to anybody in any educational setting. The teachers or lecturers will benefit from that, the children that they talk to will benefit, the children around them will see that caring nature and will benefit, and we, as a society, will benefit from all of that.

I thank the Minister for bringing the regulations to the House. I again put on record my thanks to all the current and previous members of the Committee and the new Committee Chair for all the work they have done. I certainly enjoyed my time on the Justice Committee. We did a lot of good work, supported by the Minister and her officials and by the Committee staff. Like the Committee Chair, I place on record my thanks, because the staff on our Committee were second to none, and the work that they put in was second to none. I also place on record my best wishes to Sinéad Bradley in her future endeavours. I was — I still am — on one Committee with her, but I was previously on two Committees with her, and we worked well together. All of us, as a Committee, worked well together, particularly on the domestic abuse legislation, and we worked with the Minister and her officials. I just place that on the record.

Ms S Bradley: I thank Members across the Chamber for their kind words.

I suppose that all of us like to consider ourselves to be fair. I include myself in that. I am the first to shout when somebody tries to take credit for something that was not their doing, but I also like to think that I can acknowledge when somebody is persistent and does not let go of an issue and wants to see it delivered. I really have to commend Linda

Dillon on this particular piece of work, because she would not let it go at Committee. Not only did she instigate its being brought to the table, but she worked collaboratively with everybody there to find ways of extending it.

We looked at finding victims in all settings and extending this to where those victims were. We took an Operation Encompass-plus approach. A video came through in the Committee pack. After we watched it and spoke to Linda, it was an absolute yes from us. Why would we not want to do that? It was such a critical piece in safeguarding any person who had been exposed to something or who was in an environment where something happened that should not have happened, and where a child would or would not present himself or herself to an educational establishment the next day.

I thank the Minister for her update on the pilot scheme and the 95 notifications in that one geographical area, which just happens to be an area neighbouring where I am from. I think of those 95 notifications and ask myself what they mean. I presume that it was 95 individuals — it could be a repeat of incidents — but, for 95 days, a child presented himself or herself in front of professional people in a school environment. For the first time, those people had an understanding that that child had come from an environment where something had happened. As professional people, they will have adjusted their behaviour to go beyond the role of educator. It allowed them to lean in further to the role of nurturing and protecting that child and offering all the safeguards that the home had failed to provide during the incident that led to the alert. That is something that teachers really want to do. They would not be pleased with themselves if they did not have that information and, perhaps, put pressure on a child about their uniform or homework or for not bringing their lunch money or money for a school trip. There is a whole host of things, and teachers who are under pressure just want to get on with the day's education and the day's work.

12.15 pm

This is a very kind safeguarding piece. I appreciate that it is limited in what is perhaps relayed, but that is not necessarily a bad thing. It allows room for a bit of dignity, but it allows professional people to make a judgement and really safeguard the person in front of them. I think that everybody in the House, had they a child in their charge, would want to know if that child had been exposed to some sort of environment where they were feeling vulnerable or were presenting themselves in a way that

maybe could not be explained. The preschool setting is particularly notable, because we can see all the little red flags such as no money, no uniform and no homework. Sometimes, it can present itself in a behavioural outburst, and professional teachers and those in their charge will be alert to that and will know that that needs to be managed and that a disciplinarian approach is not appropriate.

I would like to take a moment to thank the Minister for her support throughout the mandate on the overwhelming body of work that has come through the Committee. I hope that, when everybody's day comes to say their final words in the House, they do it with the same sense of reward that I got and a sense of satisfaction that we have achieved something that really does help victims.

I also thank the Chair of the Committee, Mervyn, for repeatedly chairing the Committee in a very fair and measured fashion during his time in that role. He has been an enjoyable Chair, and, at times, we have been able to enjoy each other's company, shall I say, and, when appropriate, have a laugh along the way. I also thank Paul Givan, the previous Chair, who was equally concise on the detail, all the members of the Committee and those who ceased to be members during that time.

It really was a case of putting the shoulder to the wheel and delivering for victims. That is not always evident to those outside the House, but the victims who, unfortunately, will present in the future will have safeguards that were not there prior to this mandate. I will always be thankful that I was able to be a part of delivering that, and I thank everybody who played a role.

Ms Bradshaw: I rise to make a few brief points in support of the regulations. This is, naturally, a highly sensitive issue, but Members will be aware that one of the most difficult aspects of lockdown was the inability of school staff to physically see their pupils, particularly those pupils who might be victims, in whatever way, of difficult situations in home settings. Counsellors and social workers often noted, sadly, that, for some children, school is their refuge or place of safety. That demonstrates the need for these regulations and for the information sharing of the type envisaged in them to take place across Northern Ireland.

The last couple of years highlighted a troubling gap in information sharing, which, for a decade or so, has been filled in much of the rest of the UK by Operation Encompass. That is an early-intervention partnership that provides an additional protection mechanism that is exactly

about working through problems as soon as possible to restrict the potential for them to broaden and to ensure that appropriate support is made available swiftly. That model has now been piloted, as we have heard today, in the Newry area, and all the evidence gathered from it and from the subsequent consultation supports widening the pilot to the whole of Northern Ireland. Fundamentally, that will enable schools to respond more appropriately to notifications of domestic abuse arising from the Domestic Abuse and Civil Proceedings Act, which passed last year. It is an example of how the Act is meant to operate — not just as a response to domestic violence but as a means of providing early intervention.

The regulations are supplementary to existing provisions, and it is worth emphasising that they make it an offence to disclose information enabled under the regulations or to use that information without lawful authority. It is unlikely that we will see that offence committed, but such regulations must have that protection inherent in them. I strongly recommend the regulations and the intended roll-out over the coming calendar year.

I recognise the hard work of the Justice Minister, her officials and the Justice Committee in getting the regulations before us this week before the end of the mandate. They will surely provide yet another important means of support and intervention for children.

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 regulations put forward by the Minister of Justice.

In January, the Committee was informed of the introduction of the regulations by the Department of Agriculture, Environment and Rural Affairs and of the overarching policy intent to improve support for children and young people experiencing domestic abuse. The Committee considered the proposal at its meeting on 27 January and sought further clarification of the implications for the College of Agriculture, Food and Rural Enterprise regarding additional training for staff and the development of protocols with the PSNI. On 17 February, the Department informed the Committee that safeguarding staff at CAFRE would be supported through additional online learning via the Operation Encompass website and that that would be supplemented by further guidance and training by officials as required. The Committee was provided with further

assurances that DAERA staff will engage with colleagues in the Justice, Education and Economy Departments to develop protocols to cover the provision of information between CAFRE and the PSNI in relevant circumstances.

The Committee supports the regulations being made today and considers it vital that agencies work closely together to provide holistic support and safeguarding for children and young people suffering from domestic abuse. Our education facilities play a crucial role in that regard, and the Committee welcomes the future introduction of the scheme at CAFRE and in schools and colleges throughout the North.

Mr Weir: I rise to speak briefly and to welcome the regulations before us. The cooperation that we have seen between Justice and Education, the justice agencies and, indeed, the school system on the successful pilot in the Newry area has enabled the regulations to be rolled out, and that is a good sign. For all of us, when faced with the consequences of lockdown, particularly focusing on our children, there were grave concerns about many of the implications, one of which was the impact on the mental health of families. The impact of isolation on young people and the elderly was another concern.

A lot of good work was done by the Youth Service, the PSNI and others in trying to reach out. When children were out of school and the doors were closed in a range of domestic settings, we did not know what was happening behind those closed doors. We did not have the same level of access to what domestic abuse might be happening. One of the gravest concerns for many of us was that, while there was an awareness previously of a range of situations and some monitoring could be carried out, it was simply assumed that everything was all right, but terrible things were happening in many situations. I very much welcome the progressive move to have another tool to tackle domestic abuse through the school system and that level of cooperation. This is a good example of cross-departmental and cross-sectoral working to bring something forward. Unfortunately, it will not be the cure for every problem out there and will not prevent or even detect every case of domestic abuse, but, if it helps to shine a greater light on the issue and helps in a range of situations, that is helpful. I commend the regulations to the House.

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

Mrs Long: I thank Members for their supportive comments on the introduction of the Operation Encompass model, as well as the purpose of the regulations. I welcome today's debate on the draft regulations and thank Members for their valuable and supportive contributions to them. I pay special thanks to the other Ministers, Departments and Committees that have been involved in bringing the regulations forward.

With your indulgence, Mr Deputy Speaker, given that this is the last piece of DOJ business in the mandate, I wish to pay a wider tribute to past and present members of the Justice Committee and to the Committee staff. I thank Emma Rogan, Sinéad Bradley, who is with us in the House today, and Robin Newton for their contribution, as well as Gordon Dunne, who passed away during the mandate. He served on the Committee very diligently.

Particularly in the context of Operation Encompass, I pay tribute to the former Deputy Chair, Linda Dillon, who championed this element of the Bill and was keen to see information sharing put on a statutory footing. It is to her credit that we have been able to work with the Department and the Committee to bring this forward today. I thank her for her commitment to that.

When you look at how long we have spent in the Chamber in comparison with the time that might have been available to us, you see that has been a relatively short mandate, but it has been an intense one. The Committee has had to work hard, as have officials, to keep pace with the amount of change that we have been trying to deliver. However, we had ground to make up, and it was important that we used the opportunity that we had.

I listened to some of the contributions in the Chamber earlier today. We heard from some Members what the Assembly and Executive have not been able to do. Of course, there will always be things that we cannot achieve or deliver in any mandate. However, I have to say that, by working with the Committee, across parties and collaboratively on issues that really matter to the people whom we represent, we have proved that we can achieve a lot. With all of the Assembly's flaws and with all of the structural and political challenges that we face, we have proved that it is entirely possible for us to deliver real change for the people whom we represent. That is what should drive us forward through the next mandate.

I will turn to some of the questions raised, although they are not directly related to

Operation Encompass, by the Chair of the Committee. Given that I will not have another opportunity to update Committee members, it is important that I do so briefly.

We are working with the PSNI on training on the domestic offence and the stalking offence. I meet the Chief Constable regularly, and we have listened carefully on those issues. We want to ensure that the training is rolled out to all officers, specifically those on the front line, so that, when the offences come into effect, they are prepared for them. The Department's intention is that stalking protection notices and orders will be available in the autumn, and we are committed to that timeline.

We entered into lengthy negotiations on prison officers' pay via the director general and the Prison Officers' Association (POA). We addressed issues such as a reduction in the number of points on people's pay scales, so that the money that we would have available would be best directed at those on the lowest wages. That was the right way for us to proceed. We made an offer to the POA, and we accepted its counter-offer to the Department. However, when the POA balloted its members, they rejected it. Whilst it was not our intention, we were unable to progress some of those items and have had to impose a pay settlement for 2021-22. Whilst it may be difficult, if not impossible, to recover the ground lost this year, we will invite the Prison Service Pay Review Body (PSPRB) to look at the 2022-23 pay remit. Obviously, affordability will be a significant consideration in all of that. Having accepted the POA's counter-offer, we were disappointed that it was not accepted by its membership, and there are questions that they need to answer in that regard.

In terms of Operation Encompass, the regulations will make a real and tangible difference to the lives of children who are suffering the impact of domestic abuse and will ensure that they are appropriately supported in an education environment. As many Members have reflected, education is one of the few places where young people are free of influence from the home and are able to speak in confidence to other people about their experiences, whether those are good or bad, and seek help and assistance where necessary.

It is therefore appropriate that such information sharing should be permitted so that every child can find themselves attaining their education in a supportive environment that has compassion at its heart. I believe that that will help us to go

a long way towards that, so I commend the draft regulations to the House.

12.30 pm

Question put and agreed to.

Resolved:

That the draft Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 be approved.

Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022

The following motion stood in the Order Paper:

That the draft Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022 be approved. — [Mrs Long (The Minister of Justice).]

Motion not moved.

Mr Deputy Speaker (Mr McGlone): I invite Members to take their ease as we prepare for the next item of business.

Support for Mortgage Interest etc (Security for Loans) Bill: Final Stage

Ms Hargey (The Minister for Communities): I beg to move

That the Support for Mortgage Interest etc (Security for Loans) Bill [NIA 42/17-22] do now pass.

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

Ms Hargey: We are at the Final Stage of the Bill today. The Bill gives the Department powers to make regulations to enable a statutory charge to be registrable against support for mortgage interest loans, thereby ensuring that the Department can meet its original policy intention to consider the recovery of loans that are provided. Support for mortgage interest loans protect owner-occupiers who receive an income-related benefit from the threat of repossession. The loan is recoverable from any equity only on the sale or transfer of ownership of the property or when the claimant dies.

Introducing a statutory charge to be registered for support for mortgage interest loans will provide a method of security that allows the Department to consider recovery of loans, provided that there are available funds from the sale or transfer of the property. If there is insufficient equity to repay the total of the loan, the Department will write off any amount that cannot be repaid.

A support for mortgage interest loan is not registered on a person's credit history and does not affect their credit history. I highlight that recipients of support for mortgage interest loans will not experience any change because of the Bill.

A statutory charge will not be imposed to an existing loan agreement so long as it continues to be secured by an existing legal charge. Following the change, I will be able to offer more flexibility and support for mortgage interest loans by enabling a process for a person to transfer a loan from one property to another as their circumstances change.

To finish, I acknowledge the work of the Chair, the Deputy Chair and, indeed, the whole Communities Committee in progressing the Bill, as well as that of the Assembly, the departmental and Committee staff and the OLC, which was also involved in getting the Bill to this stage. I commend the Bill to the Assembly.

Ms P Bradley (The Chairperson of the Committee for Communities): I welcome the Final Stage of the Bill. It is probably the shortest Bill that the Committee considered, but it is no less important, as it aims to protect owner-occupiers in receipt of an income-related benefit from the threat of repossession.

Whilst it is a small Bill, the Committee made sure to carry out its usual in-depth scrutiny. It requested evidence from interested organisations and received two written submissions. The Committee also took briefings from the Minister, departmental officials and the Law Society and considered additional letters and papers as necessary throughout the process. We then considered and deliberated on the Bill's provisions at three meetings. After much discussion with officials concerning the objectives of the Bill, the detail of an SMI loan, the process of registering and removing the statutory charge and how and when an SMI loan is repaid, the Committee was content with the Bill as drafted.

I welcome the Final Stage of the Bill. I put on record our thanks to officials and the Minister

for their assistance in scrutinising it. As this is my very last speech in the Chamber, I pay tribute to the wonderful Committee team: Janice, Sean, Antoinette, Rachel, Jonathan, Kevin, and Oliver. I also want to say a big thank you to Claire in the Bill Office and those in the Assembly Research and Information Service. I cannot thank you enough for your tremendous support. I know that I have caused a few headaches over the past two years, but you have always delivered week in, week out and put the needs of the Committee first and foremost. You have made my role as Committee Chair so much easier. For all that you have done, I am truly thankful.

To my Deputy Chair, Kellie Armstrong, and all Committee members, past and present, you have shown a willingness to work together and a commitment to try to make life better for the people we represent. I know that we had a few heated moments, but there really were only a few of those. I most sincerely wish you all well as you embark on the next chapter of your political life.

Ms Ferguson: I will speak on the Final Stage of the Support for Mortgage Interest etc (Security for Loans) Bill. First, I convey my thanks to both the Minister and our Committee Chair for outlining the purpose and progress of this short Bill. On a personal note, Áine, Aisling and I, as Sinn Féin members, would like to wish the Chair and her family all the best for the future. We really appreciated the support that you provided to us as new members of the Committee. It made our job easier as we learnt the ropes. Likewise when I worked with you as vice chair of the all-party group on homelessness: thank you very much for providing me with confidence and for being able to co-chair many of the APG meetings in such a short time. Your smile was always there, which gave me the confidence to proceed. I wish you all the best for the future, Paula. I also put on record my thanks to the departmental officials, who attended the Committee meetings to provide further detail and to answer any questions that we had.

This is a technical amendment rather than one that deals with the policy aspects of support for mortgage interest. Its focus is on the need to change the current method for securing the loan from a legal charge to a statutory charge to ensure that all loans are treated the same. Once again, it is important to reiterate that we, as Committee members, appreciated the reassurance that those availing themselves of the loan will not experience any change as a result of the Bill, and that it remains the case that the Department will only seek to recover

the loan where equity is available at the time of sale or transfer. I accept that there is a requirement for legal certainty in that area and, therefore, support the Bill at Final Stage.

Mr Durkan: I thank the Minister for introducing the Bill, and I echo the thanks to departmental officials and Committee staff, as always. As the Chair said, the Bill was, perhaps, quite straightforward when compared with some of the other legislation that we dealt with. It was not controversial or particularly complex. Nonetheless, it was an important piece of work. I put on record our party's view that mortgage interest support should never have been changed from a benefit to a loan, as it was in 2017 or 2018 in the absence of an Executive. Clearly, that was not the Minister's fault.

I ask the Minister, when she winds up, to touch on a matter related to the Bill. As we are all too aware, we are engulfed by a cost-of-living crisis. Pain is being experienced by so many households and so many homeowners. I have raised a mortgage rescue scheme with the Minister on a few occasions over the past couple of years, and she has commissioned research on that. I hope that she will be able to provide an update on it, because it will need to be pushed in the next mandate to protect people from poverty and homelessness and the trauma that they bring.

Ms Armstrong: The Support for Mortgage Interest etc (Security for Loans) Bill allows regulations to impose a charge on a property in respect of which a support for mortgage interest loan is made, and it provides for charges securing support for mortgage interest loans to be registerable in the Statutory Charges Register. Thanks to the answers provided in Committee to questions on the detail of an SMI loan, on the process of registering and removing the statutory charge and on how the SMI loan is repaid, I am content to support the Bill.

Before I sit down, I will thank the Minister and her Department. A lot of complicated and complex Bills have come through. This was not one of them, and, as we come to the end of the mandate, I am grateful for that. Huge thanks go to the Minister and her team. As the Chair said, huge thanks also go to the Committee Clerk, Janice, to Sean, Antoinette, Rachel and Oliver, who served with us earlier in the mandate, and to Claire McCanny, who kept us all sane, explained things that we, as a Committee, were not 100% certain about, and made our lives a lot easier.

I will take a short time to thank our Chair. Paula chaired the Committee with respect and allowed all of us — even me — to ask the 101 questions that tortured everybody and probably made our Committee meetings far too long. She had the patience, however, to enable scrutiny. She allowed us not only to scrutinise the Minister, her Department and Bills such as this but to support the Minister, which is an important role for Committees that people often forget about.

The Minister will be back on Thursday to talk about period products — thank you for taking that on, Minister — but this Bill is the final piece of legislation coming through the Communities Committee. It has been an absolute pleasure to work with you all on it. The Bill shows that the Department for Communities has the ability to provide support for people in crisis. This Bill is particularly for people who own their home; their interest will be paid. It has been an experience and a half, however, so thank you very much. I am happy to support the Final Stage.

Finally, I wish our Chair the very best in what she is taking on. Paula, I recognise completely the hard work that is coming towards you, but what is meant for you does not go past you. I will miss you.

Mr Deputy Speaker (Mr McGlone): Glaoim ar an Aire Pobal le críoch a chur leis an díospóireacht ar an Chéim Dheiridh. I call the Minister for Communities to wind up the debate on the Final Stage.

Ms Hargey: We have been in the Chamber so often over the past month or two that I nearly forgot that the Bill is the last one to come formally through the Committee. What a baptism of fire the last two years and four months have been for me, having come to the Assembly only a week before it got up and running.

I thank everybody for their contribution to the debate, but I will veer off slightly, with your permission, Mr Deputy Speaker, to thank the Committee for its work in holding me to account and scrutinising the legislation that I introduced, which made for better legislation at the other end. I thank the Committee for working with me. Although there have been arguments, we have had more agreements, which is not always what the wider public see. I have enjoyed working with everybody, individually and collectively as a Committee, during my time here. None of us knows what is ahead come 5 May. It is now over to the people to make that decision.

12.45 pm

Paula, however, is more certain than the rest of us about what lies ahead. It has been lovely working with you. Everyone can see your passion for community, which comes from where you have come from. You will get to spend more time with family and loved ones, but I do not think that this is the end of your role in public life, whether that be in elected politics or another form of activism. I wish you, your family, and your mummy and daddy in particular, well in the time ahead now that you have made the decision. If it were my mummy, I would do the same in a heartbeat. I wish you well, Paula. You will be a loss not just to your party but to the Assembly, and to the Communities Committee in particular. I am biased: the Communities Department and the Communities Committee are the best, but I suppose that I can say that now. I, and everybody else, wish you well as we enter into elections in the next few weeks.

The legislation ensures that the Department can meet its original policy intention of support for mortgage interest. I thank Members for their contributions and for their support to get the Bill to this stage. I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Support for Mortgage Interest etc (Security for Loans) Bill [NIA 42/17-22] do now pass.

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

Committee Business

RHI Action Plan

Dr Aiken (The Chairperson of the Committee for Finance): I beg to move

That this Assembly takes note of the Executive's renewable heat incentive (RHI) action plan and the outcome of the RHI disciplinary process; indicates its disappointment in respect of the lack of accountability and the failure of the Northern Ireland Civil Service to demonstrate that it has learned lessons from RHI and the consequent damage to public confidence; and calls on the Minister of Finance to thoroughly review the RHI action plan and the relevant disciplinary procedures for senior civil servants in order to improve transparency and accountability and thus prevent recurrence.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed to allocate one and a half hours for the debate. The proposer of the motion will have 10 minutes in which to propose and a further 10 minutes in which to make a winding-up speech. The Minister of Finance will have up to 15 minutes to respond, and all other Members who are called to speak will have five minutes.

Dr Aiken: On behalf of the Committee for Finance, I thank the Business Committee for scheduling this debate and the Minister for agreeing to respond.

The previous mandate ended prematurely because of RHI. During the interregnum, the spectre of an RHI inquiry haunted this House and political discourse for more than three years. The inquiry report was published about the same time as the Executive came back, slowly, to life, and here we are again with no Executive and again talking about RHI.

Some pundits asserted knowledgeably that the RHI inquiry report was destined for the back of the radiator and would never, ever be heard of again. They were wrong. Even though a global pandemic has got in the way of a lot of things and has, quite rightly, dominated our thinking, the Committee still managed to consider the questions raised by the inquiry, the Executive action plan and the disciplinary process.

This debate is about exploring the progress made by the Executive in respect of RHI and the lessons that should have been learned but which self-evidently have not. The debate will,

hopefully, bookend this part of the RHI debacle and set out those issues that a successor Finance Committee, whenever that may be, might take forward in the next mandate.

Let us begin with the RHI disciplinary process. For a variety of reasons, I will not be naming names today. This is partly to respect confidential disclosures. However, in truth, it is largely because the Department, in its evidence to the Committee, generally declined to identify almost any of the civil servants involved, even though they were all named in the RHI inquiry report. This consequently made the job of working out exactly what had happened during the RHI disciplinary process nearly impossible.

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

The Minister provided a written statement in December 2021 in respect of the adapted RHI disciplinary procedures and the outcomes. As it is clear that this was beset with a number of legal challenges, perhaps in response the Minister might indicate whether all of the legal costs of the civil servants involved in RHI were met by the Executive and how much that was in the end. Perhaps he will also clarify whether he was advised about the nature of the adapted disciplinary process while it was ongoing. Additionally, clarity is sought about why neither he nor the Executive were asked to sign off on this adapted process before it concluded so very unsatisfactorily.

In the adapted process itself, gross misconduct was apparently defined as where people had sought to mislead either Ministers, other civil servants or the public, where there was an intention to do something, and then, depending on their seniority, whether their actions brought the Northern Ireland Civil Service into disrepute. In the end, despite a tortuous process, with, apparently, a lot of legal challenges, no one was found guilty of gross misconduct. There was only a single finding of misconduct, and a single written warning was the sanction. That was despite the inquiry finding significant failures in respect of unsatisfactory briefing of a Minister and an Assembly Committee, poor handover, a lack of risk management, an absence of business case challenge, very limited record-keeping and crucial internal governance failings, which were clearly the responsibility of the most senior levels of staff over a number of years. The Committee understands that the new head of the Civil Service has instituted a review of the adapted process. However, it is also understood that, in the absence of a First Minister, she remains unable to answer the Committee's queries in that regard. That is not satisfactory.

We have legal barriers, followed by political and governance barriers, all of which have inadvertently prevented a proper exposition of the issues. I accept the legal constraints that will prevent a full and frank disclosure today. I also believe that the situation is in danger of becoming a ludicrous, "nobody's fault" precedent that could be exploited by any future senior incompetent officers in the Civil Service. Therefore, I suggest that perhaps it is time for a different disciplinary process for the most senior civil servants. That would allow for fair disclosure, proper public accountability and, crucially, the restoration of public confidence.

Let us move on to the lessons learned or, I am afraid, not learned from RHI. The Committee has circulated a link to the relevant Executive responses to all Members. That information has largely been in the public domain since before Christmas. The action plan appears to include a substantial package of promises and a complex set of appendices, some of which, like the diversity strategy update, are of questionable relevance to RHI. That is then topped off with a memorandum of understanding (MOU) between the Executive Office, the head of the Civil Service and the Minister of Finance.

The MOU, in its complexity, gives a flavour of the governance challenges facing the Northern Ireland Civil Service and perhaps points the way to the need for governance reform. I get the feeling that the appendices and much of the other material were put together by the Civil Service in 2018 and then refreshed a bit in 2021. I say that because, when you compare the 2018 lessons learned paper, which we have also circulated, with the 2021 action plan, there is not a huge amount of difference.

The key points of the action plan include a review of whistle-blower policies, changes in the rules relating to spads and a new business case development model. There is also to be commercial training for staff and a long-awaited strategic review of the electronic document and records management system. The latter, I presume, is to replace the TRIM system, which featured heavily in the RHI inquiry and, indeed, the media on a number of occasions. The retrieval capacity of TRIM is, I understand, often likened to that of the closing shot of 'Raiders of the Lost Ark'. If Members are struggling with that reference, they might need to google it.

Additionally, there are changes to the code of ethics for civil servants. I understand that, for the first time, those require accurate official records to be properly kept. That presumably includes the recording of crucial rationale

underpinning key decisions like RHI. Perhaps the Minister will verify whether that assertion is, in fact, true and that the Northern Ireland Civil Service code of ethics previously did not require records of decisions to be properly kept. That sounds unbelievable, but I am not so sure that it is.

There is a lot more to unpack in the RHI action plan, and the recent Northern Ireland Audit Office report is very helpful in that regard. The Committee has struggled in this shortened mandate to do more on the lessons that should have been learned from RHI. The action plan, although lengthy and replete with good intentions, has not addressed the public confidence issues that arose in respect of the Civil Service during the inquiry. Perhaps the cultural questions, which the new head of the Civil Service addressed in her evidence to the Committee, are at the heart of it all. The way forward may be for the Minister or, indeed, his successor to look again at the action plan and to bring in the learning from the Audit Office report on capacity and capability. Perhaps there is also a piece around new governance arrangements for the Civil Service and maybe a bigger role for the head of the Civil Service in driving change and transformation across all departments.

I will conclude my comments on behalf of the Committee. I ask that the Minister, in his response, addresses the comments made and the questions asked. I commend the motion to the House.

1.00 pm

Dr Archibald: I welcome the opportunity to contribute to the debate. RHI was the scandal that led to the collapse of the institutions just over five years ago. The DUP's refusal to recognise the scale of the crisis of confidence that it created was compounded by DUP arrogance and refusal to implement commitments and agreements that it had signed up to. It took three years for our institutions to be re-established.

When 'New Decade, New Approach' was published in January 2020, the RHI inquiry report had not been published, but the parties that formed the Executive agreed to take account of the outcome of the inquiry and on measures to improve transparency and accountability. Changes to codes, guidance and practice have been implemented.

However, another commitment was made by the parties that formed the Executive: to close the RHI scheme completely. Sinn Féin

responded to the consultation in 2018 on the future of RHI by calling for it to be closed. We responded to the tariff review in 2020 by reiterating that position. We believe that genuine participants should be compensated and that the funding from Treasury for RHI should be used to support renewable technology schemes that effectively cut carbon emissions.

Three DUP Economy Ministers have failed to bring forward proposals to close the scheme, however, meaning that the funding currently earmarked for RHI that is not used in a financial year is returned to Treasury rather than being used to deliver on the ambitious decarbonisation targets that the Assembly has just set. In December, the DUP Economy Minister published his energy strategy, followed in January by his action plan. Neither contained details of schemes to support the expansion of renewable technology or to incentivise its uptake, so there are no alternative plans for how we would use the £33 million a year of funding that is currently set aside for RHI.

That is another scandalous failure to deliver by DUP Ministers. It is a dereliction of duty that the RHI scheme continues to be active, with no evidence that it is delivering on emission reductions, while money that could be used to reduce emissions and to help people end their reliance on fossil fuels remains unused and is returned to Treasury unspent. We all see the consequences of that reliance on fossil fuels in our energy and fuel bills.

Something could be done about that, and there is money available to do it, but the DUP has sat on its hands, and that situation will persist until RHI is closed completely. The DUP walkout from the Executive means that the RHI scheme will not be closed before the end of the mandate — another commitment not delivered by the DUP.

I urge the DUP, in the short number of days remaining, to renominate a First Minister to deal with the issue and, importantly, to allow us to allocate the £300 million of funding to help people who are struggling with rising costs and to agree a three-year Budget to prioritise our health services. Not to do so would be another failure by the DUP.

Mr Frew: I welcome the opportunity to speak in the debate on behalf of the Democratic Unionist Party and to share some of the sentiments expressed in the Committee's motion, including its frustration. Having briefly sat on the Finance Committee and enjoyed my time there, I was frustrated, as were all members, at the lack of

haste when it came to the disciplinary approach, if you could call it that.

I have no doubt that the public will find it hard to understand why, after the significant and scathing commentary in the RHI inquiry report and elsewhere — in Committee, in the House or from outside bodies such as the Audit Office — only one person from the Civil Service has been disciplined in any way. I think that that is still the case; it is a fact.

Just as the political level of the establishment had a duty to deal with failings on its part during that period, the leadership of the Civil Service cannot simply abdicate its responsibility for addressing its failings.

As a party, the DUP is clear that the public inquiry made a strong case for a full appraisal of the functions of the Northern Ireland Civil Service. There are many criticisms, but that should not be a surprise to any politician who has worked alongside Departments. I have been on many Committees and dealt with many Departments, and I have seen failures that scared me. I have seen incompetence that shames me — it should shame us all — yet the wherewithal and the awareness in the Civil Service are just not there; instead, there is this establishment groupthink where it is everybody's responsibility, so it is nobody's responsibility. We cannot allow that to continue.

President Reagan, I think, once stated:

"The nine most terrifying words in the English language are: I'm from the Government, and I'm here to help."

The inquiry produced a three-booklet summary of its report and recommendations: so far, it has sat on shelves. If you go out to the constituencies, you will see real pain and fallout from the scheme and the actions since. There is no recovery for those people.

Sinn Féin spent its whole time here attacking a political party, the DUP, when it was clear that its Ministers promoted the scheme as much as anyone else when it was being rolled out. They toured up and down the country, going to farmers' halls and emphasising the need for farmers and others to transform their technology and take up the scheme. Yet, that party wants to wash its hands of any culpability. I get that, because its understanding of the subject is probably nil, and that is why the party opposite wants to close the scheme and to turn its face away from the scheme. It wants to run away from the scheme instead of trying to fix it so that people can see out their days on it with

a relevant and appropriate return for their investment. Sinn Féin wants to run away from the problem. It just wants to close it up. We all know that Sinn Féin's three years out of government were not really about RHI. When you look through —

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

Mr Frew: — the key findings — sorry?

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

Mr Frew: Yes, I will. When you look through the key findings of the RHI inquiry, you realise that there is so much more to do. The recommendations have not even been touched, and the Civil Service needs to get moving now.

Mr O'Toole: I do not have long to speak. We have only five minutes each, but this is an extremely important debate. I am glad that it is happening at the end of the mandate. As the Chair of the Finance Committee said, it is a very appropriate bookend to the mandate. The only reason why the institutions fell for three years and the reason why there was an election in March 2017 was, initially at least, the RHI scandal.

The RHI scandal was about poor governance. It was about poor decision making at political and Civil Service levels. It was about a poorly executed and implemented scheme that, at times, bordered on corruption. However, more often than not, it was actually about poor governance and poor project management.

If a constituent were to ask me whether I thought, in my role on the Finance Committee or as an MLA generally, that the issues raised in the RHI scandal had been dealt with effectively, could I honestly tell them that that was the case? The answer is, "No, I could not". Therefore, today's motion is important, but it is equally important that, in the new mandate, we are focused on the issues that were raised by the RHI inquiry.

It would be impossible to go through those issues in detail. I have only two of the volumes here, almost as a prop to remind people how big and substantive they are. Sir Patrick Coghlin delivered that report upstairs in the Long Gallery just as the COVID pandemic was biting and days before we introduced a general lockdown in Northern Ireland. It is perhaps understandable that there has not been the

political focus on dealing with RHI that there might otherwise have been.

What has happened? There have been multiple statements from the Finance Minister. There was a commitment in 'New Decade, New Approach' (NDNA) to broadly implement what Sir Patrick Coghlin came back with. A working group was set up in the Civil Service, and some of the 44 recommendations were delivered — in reality, less than half. As the Northern Ireland Audit Office said yesterday, only 18 of the 44 recommendations have been implemented in full, so that is significantly less than half of them. Where the disciplinary process is concerned, as has been said, just one member of staff was formally disciplined over a scheme that put at risk half a billion pounds of public money and was a generationally enormous scandal — just one person. I do not want to dwell on the disciplinary side of things for a number of reasons, but it is worth acknowledging that, in a situation where you are disciplining or giving a written warning to only one person, that puts the emphasis on the broader reform piece, so that the Civil Service and government here more broadly can illustrate to the public the significant actions being taken to radically improve the way that business is done. I am afraid that we simply have not achieved that.

I want to talk in brief about one of the things that I have been harping on about over the past two years: Civil Service reform. There was a line in 'New Decade, New Approach' that called for a programme of Civil Service reform. We barely know what that means. When I have repeatedly asked the Department of Finance — both civil servants and at ministerial level — what that means, I have got a diffuse set of answers. At the Finance Committee not so long ago, we had the then acting permanent secretary of the Department of Finance. I asked who was the senior responsible owner for the programme of Civil Service reform, and what I got back was, frankly, a sort of verbal organigram that may have made sense organisationally but made no sense there. Therefore, it is impossible to reassure the public that the service is being improved.

Our Civil Service has done a remarkable job in many ways over the last couple of years in dealing with the pandemic, but there are fundamental structural issues about how it works. We cannot turn our face from those issues. We cannot pretend that they do not exist. Too often, the service is hermetically sealed. As well as yesterday's report on the update on RHI implementation, the report on capacity and capability, which came out from

the Northern Ireland Audit Office, was, frankly, damning, not only on capacity and capability but on age profile. More than 80% of our senior civil servants are over the age of 50, so we face a succession crisis. That is why party has published a plan — the Make Change Programme — to deal with that.

Even after the RHI programme, we had the scandal of being unable to appoint a head of the Civil Service, and then we appointed one in a slightly strange way through the Strategic Investment Board. Now we finally have a new head of the Civil Service.

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

Mr O'Toole: I will draw my remarks to a close. Five minutes is nowhere near long enough to reflect on the depth of the crisis of confidence that we face in our Civil Service. Those in the new mandate will have to come up with a broad-based plan to deal with that. It goes much broader than simply the findings of the RHI inquiry; it goes right to the heart of how we deliver public services and provide government for people here.

Mr Muir: I recall the launch of the RHI inquiry report as COVID-19 was sweeping across the world, as well as the debate on it on the Monday. It is apt that we return to it on the penultimate day of our Assembly mandate.

As we are all more than aware, the renewable heat incentive scandal was a massive failing for Northern Ireland, costing us millions and shattering confidence in government. What was, literally, a scheme to burn to earn was allowed to run for years before any sort of cost-control mechanism was introduced, and a three-month delay in introducing those controls meant that there was a surge in applications to the scheme. That time, people got in before any tiering mechanism was introduced.

The RHI inquiry drew attention to a number of failings in our system of government. The final report made 44 recommendations for change, including policies and practices that required reform. The report also outlined that there was a need for cultural change in government, particularly in the key areas of risk management and governance.

1.15 pm

In April 2020, an external panel that was established to consider potential breaches of the standards of conduct for civil servants

recommended that charges of misconduct should be considered for 10 individuals involved in the RHI scandal. Between April and June 2020, the Civil Service internal panel that was established following the inquiry and the British Government Cabinet Office considered the external panel's recommendations. The two panels concluded that charges of gross misconduct should be considered for six individuals and that charges of misconduct should be considered for four individuals. We now know that only one of those 10 identified individuals received a written warning.

A number of initiatives have been taken forward by the Department for the Economy following the RHI inquiry. Disappointingly, however, the Northern Ireland Audit Office has noted that it continues to observe a culture in the Department for the Economy in which, on occasions, issues are not shared with the Audit Office. Some issues with that culture include:

- *Non-disclosure of issues relating to the payment of Covid grants to wind turbines;*
- *Failure to get required approvals from DoF in an area of expenditure; and*
- *Retention of information which would have been relevant"*

to an Audit Office public report. That proves that there is still a substantial distance to go in seeking fundamental change in our government and tackling a culture in which cover-ups and a lack of openness and transparency are allowed to continue.

On the RHI disciplinary process, the Audit Office detailed:

"In our view, the gravity of the issues that were discussed on an almost daily basis during the RHI Inquiry would have led most people to believe that significant disciplinary consequences would have arisen from it and in that context the outcome seems surprising in that only one individual has received a written warning for misconduct. However, we are satisfied that the disciplinary process appears to have been followed properly. It is important that this experience is closely considered to identify any lessons that can be learned and built into the full and ongoing review of NICS disciplinary process initiated by the Minister for Finance."

In light of that Audit Office finding, I would be grateful if the Minister could update us on the progress of that review.

The Executive's RHI action plan considers the findings of the inquiry in light of the work that has already been completed and proposes further reforms to those in New Decade, New Approach to improve openness and transparency in government and rebuild public confidence. We have a very long way to go before we reach that place, and the actions to pull down this place certainly do not help public confidence.

The RHI inquiry report — unfortunately, it is not easily accessible given that the website has been shut down and the actual report is only available on an obscure archive website — also recommended that we consider what steps are needed to strengthen the scrutiny role of the Assembly and particularly that of its Committees. I note that that recommendation has been taken forward by the Chairperson's Liaison Group, and I support its actions on that. We must take every action that we can to improve how we, as MLAs, scrutinise and examine legislation.

It has recently emerged that less than half of the recommendations from the RHI inquiry have been fully implemented, that only half of the recommendations relating specifically to Ministers and spads have been fully addressed, and that limited progress has been made in relation to professional skills. Any sort of action plan must be followed through and, as the title suggests, actioned. The Alliance Party has always advocated, and will always advocate, for stronger openness and transparency in our government. We must do everything that we can to ensure that the RHI failings never occur again.

Mr Allister: Members of the public watched and listened to jaw-dropping evidence in respect of this matter day after day after day, hearing such astounding admissions as a permanent secretary saying that he facilitated the non-taking of notes in order to spare major parties the blushes that might have resulted from potential FOI requests. As they listened to that evidence about repeat deficiencies that were evidenced in public administration, I am sure that people would have been outraged had someone said to them, "The end result of all this, you know, will be that not a single politician and not a single special adviser will pay any price — they, too, will escape — but one civil servant will get the lowest possible punishment, if you can even call it a punishment, namely a written warning". I think that people would have been outraged, having heard what they heard, to know that that would be the eventual outcome. What a commentary it is on the deficiency of the disciplinary process that that is

exactly what the outcome was. Permanent secretaries were cocooned, looked after by the system, allowed to retire with full pensions and available to be appointed as consultants to future Departments, untouched by their failings.

One sector did suffer and continues to suffer. There were genuine applicants to the RHI scheme, people who took at face value what government offered them — the promise of grandfathering and letters to banks from the Minister at the time — and invested heavily, and who then found that the House, in its recoil from RHI, decided to punitively reduce the tariffs that were payable to a level below that which was sustainable — below that which exists in the Republic of Ireland and Great Britain — and leave those farmers in desperation. I am not talking about those who ripped off the scheme but the genuine farmers, some of whom we all have as constituents. They are still in desperation. That has left the Department still paying back, year-on-year. Millions upon millions of pounds that were sent over to fund the scheme are returned annually because the House and Departments are so embarrassed by what happened that they will not even play fair by those who were in the scheme genuinely.

Ms Archibald says "Let's close it". Has she no constituents who applied for the scheme genuinely, who are getting a below-par tariff and see their competitors across these islands getting a proper tariff? The message from her and Sinn Féin to them is this: shut it down. Let us compound the disaster that was RHI and compound the disgraceful failure to deal with the inappropriate behaviour during RHI by punishing the people who have the most to lose, who did not do anything wrong, who applied genuinely and accepted and believed what government were telling them. Let us punish them and leave them without any tariffs. Is that really where Sinn Féin wants to take that issue? If it is, shame on them.

Mr Deputy Speaker (Mr Beggs): I call the Finance Minister, Conor Murphy. You will have 15 minutes to respond to the debate.

Mr C Murphy (The Minister of Finance): Let me begin by acknowledging that there are significant deficiencies at senior levels of the Civil Service. Clearly, capacity issues remain in the Department for the Economy, which was responsible for the RHI scheme. That was apparent from the Department's slow response to the economic impact of COVID. As a result of the Department's lacklustre support for businesses, LPS had to be transformed from a rates collection agency into a business grants

agency. Despite having no remit for economic assistance, LPS delivered 80% of COVID support to businesses in the first year of the pandemic. LPS showed that there are sectors of the Civil Service that are innovative, capable of change and focused on delivery. That is not recognised in the wording of the motion.

In focusing on the Civil Service, the motion also ignores the central role played by the DUP in creating the RHI scandal. The economic appraisal that was commissioned by the Department for the Economy compared RHI to an alternative scheme called the challenge fund. It found that RHI would deliver less renewable energy at higher risk and was more expensive. The Minister and special adviser should have read that economic appraisal, as anyone who was diligent and across the detail of their brief would do, and decided not to proceed with the RHI scheme. However, they went ahead with it. Mrs Foster actually signed the declaration that stated:

"I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs",

even though the assessment did not set out the scheme's costs. It was the ministerial equivalent of signing a blank cheque.

On 8 July 2015, as the costs spiralled out of control, a submission went to the new DUP Economy Minister, Jonathan Bell, recommending cost controls. The submission sat on the DUP's desk until 18 November, by which time the number of boilers accredited to the scheme had doubled. According to his special adviser, Minister Bell rarely read his ministerial papers or briefing notes.

Has the DUP therefore got its act together following the RHI inquiry? As part of New Decade, New Approach, it was agreed that the fundamentally flawed RHI scheme would be shut down and replaced by a scheme that effectively cuts carbon emissions. Two years on from the restoration of the Executive, the DUP has failed to deliver on that commitment. It has not brought to the Executive a recommendation on how to close the scheme. In fact, instead, the Economy Minister recommended that the tariffs be increased. Having been responsible for the scheme's design and implementation, the DUP is now making a mess of its closure. If it loses a judicial review of the scheme, having failed to close RHI in a legally sound and orderly manner, payments could be restored to their original levels and backdated at a cost to the Executive of £600 million.

The Economy Minister has also failed to develop an alternative use for the annually managed expenditure (AME) money available for schemes that promote renewable heat. For example, in the 2020-21 financial year, the Department for the Economy used £7.2 million out of a potential budget of over £33 million. That is £26 million of funding that was lost because there was no alternative scheme in place.

I also want to highlight a comment made in the recent Audit Office report on the progress of implementing the public inquiry recommendations. Andrew Muir also referred to this in his contribution. The report highlights a culture in the Department for the Economy of failing to get the required approvals from my Department for expenditure. That corresponds with my Department's experience with the Department for the Economy. There have been too many cases over the past number of years in which expenditure has been incurred by the Department for the Economy and its arm's-length bodies without seeking the appropriate approvals or in which the request for approval has been submitted at the very last minute.

Mr O'Toole: I am grateful to the Minister for giving way. I agree with a lot of what he says. There are clearly big issues in the Department for the Economy, and I see those issues because I sit on the Economy Committee.

Will the Minister agree that there is, as yet, a lack of clarity around broad Civil Service reform? I do not want to call it a dispute, but there seems to be a complication between Finance and the head of the Civil Service over who is responsible for delivering the big programme of Civil Service reform. Does he agree that that might be an issue? Does he have any views on how it might be resolved?

Mr C Murphy: The reality is that the Department of Finance has responsibility for the Civil Service, and the head of the Civil Service also has a role. When it comes to accountability, however, I am sure that the Member will understand that, if the Department of Finance were to abdicate all that responsibility to the head of the Civil Service, there would be no one to stand in the Chamber and be held to account for those matters. There therefore has to be an agreement between the head of the Civil Service and the Department of Finance as to how that reform is managed. That is why agreement on a memorandum of understanding was reached. There are clear roles for both, and, where there is overlap, that can undoubtedly cause some confusion, but someone has to stand in the Chamber and be

held to account by the MLAs in it, and that cannot be the head of the Civil Service, because of her role. There therefore has to be crossover and a clear understanding of the particular related functions.

The approach from the Department for the Economy has meant that we have not been able to fulfil our proper scrutiny role as the Department with responsibility for public finances. Although retrospective approval has been sought on numerous occasions, there have been cases when my Department has not been content to provide retrospective approval, owing to concerns about control weaknesses and poor governance in the Department for the Economy. As such, the expenditure remained irregular, and the Audit Office was advised.

The lessons from RHI have clearly not been learned, as the Economy Department has continued to submit business cases to my Department with a request for urgent approval without adequate time being provided for proper scrutiny and appraisal of the use of public funds prior to granting approvals. That brings with it the risk of vital information being missed and public funds being spent on programmes and schemes that do not deliver value for money, as has been the case with RHI.

I will turn to some of the issues that have been raised in the debate. There has been a particular focus on the Civil Service. Only a number of Members have drawn attention to the political origins of the report and the issues that led to it, but the Audit Office capacity and capability report will be a feature of reform of the Civil Service, because it is a very important report, and, though its analysis, it did a significant service.

1.30 pm

Mr Frew spoke on behalf of the DUP. I notice a sparse population on the Benches opposite for the matter, perhaps understandably. His focus was on discipline for the Civil Service. Undoubtedly, that raised issues, and I have undertaken to conduct a review of that. However, the reality is this: where were the consequences for the DUP Ministers who had the "Fill your boots" strategy — the people who were neither accountable nor responsible? Where were the consequences in terms of disciplinary issues for them? While the Member may well get outraged by the issue in terms of the civil servants, he appears to be giving a blank card to his party colleagues, who undoubtedly were at the source and whose decision-making and lack of attention to detail in these matters created the problem that was

RHI. They then compounded that by failing to take the decision to close it down when the problems were identified and informed no other Executive colleagues until such times as the thing had blown up in all our faces.

Mr Frew tried to hide his blushes on that by suggesting that other Ministers were out promoting the scheme: that was on the basis of advice that it was a sound scheme. That is the way in which departmental issues work. If there are schemes that a Department has stood over and its officials and Minister have signed off on the basis of due diligence, other Ministers do not go into that detail themselves; they take it on good advice that the scheme has had its bona fides tested and validated. That was done by his colleagues in the Department for the Economy. Unfortunately, when they were advising people that it was a good scheme to promote, they were not advising people of the "Fill your boots" mentality that pertained in the Department for the Economy.

Undoubtedly, there were flaws in relation to that, and undoubtedly there is much work to be continued. I understand the Committee's reaction to the fact that only one civil servant was disciplined for RHI. That process was put in place before the return, and it was not appropriate for me to become involved in that disciplinary process. Following that outcome, however, I commissioned a review of the disciplinary process, which Mr Muir asked about, and that is ongoing and, undoubtedly, will report in the next mandate on what that review has found.

I accept that there is a need for fundamental reform of the Civil Service. RHI drew attention to a lot of inherent flaws there, but let us not lose sight of the central role of the DUP at every stage of the scandal right up to today, when it failed to close the scheme in line with 'New Decade, New Approach', creating a potential £600 million threat to the block grant.

Mr Deputy Speaker (Mr Beggs): I call Steve Aiken, Chairperson of the Finance Committee, to conclude and wind up. He has up to 10 minutes.

Dr Aiken: Thank you, Mr Deputy Speaker. On behalf of the Finance Committee — indeed, on behalf of all who are interested in good governance in Northern Ireland — I thank all the contributors, in particular the Minister for his response. I also record my and my Committee's thanks for the work of the Comptroller and Auditor General, Kieran Donnelly CB, and wish him well in his retirement and thank him for the diligent work that he has conducted on the RHI

debacle. I also thank the whistle-blowers and, indeed, the informed media, including Mr Sam McBride, for the diligent way that they attempted to shed light on what has been a murky period of our recent past.

Members have spoken fairly eloquently and made their points, so I will not reiterate them. We have all talked about an unsatisfactory disciplinary process with an unexpected and disappointing outcome that, I am afraid, has done nothing to restore public confidence. We have also discussed a complex action plan with multiple moving parts that will be well nigh impossible to monitor and assess. The action plan, like the disciplinary process, has done little to repair the reputation of the Civil Service. Something more significant will be needed, and, to support that process, we will certainly need a functioning Executive who are committed to Civil Service reform.

I trust that Members will have had the opportunity to read the Comptroller and Auditor General's latest report. It is noteworthy that he first qualified the Department for the Economy's 2015-16 accounts in 2016. In 2017, an independent public inquiry was announced. In 2018, senior members of the Northern Ireland Civil Service wrote to the inquiry, outlining the action plans that they were then undertaking to enact. Now, in 2022, we have a report that says that, of 44 recommendations, only 18 have been fully implemented — fewer than half — 14 are reported to be likely to be implemented and 10 planned actions are not likely to address the inquiry's recommendations. A total of 24 not being implemented after four years is not an edifying endorsement; in fact, it is a description of failure.

Also noteworthy and perhaps instructive of the cultural problems that we have in the Northern Ireland Senior Civil Service is the disciplinary process. The impact of the RHI debacle was severe. It directly led to the collapse of devolved government here for three years, during which time vital reform of our health service and education provision was stalled and what little faith the Northern Ireland public had in our democratic institutions was further undermined. The cost to our people, our economy and all of our reputations was considerable. In fiscal terms alone, the cost easily outstrips the hundreds of millions that the inept or worse RHI scheme cost. Politicians and special advisers rightly lost their jobs. An entire scheme was shown to be inept and rife with dubious practices such as insider information being given and in which a complete perversion was made of the normal checks and balances controls that would have been expected in any

normal democracy. Clearly, the normal rules do not apply in Northern Ireland. That is not to say that there were no rules to follow: there were. They were just wilfully ignored.

What of the senior leadership levels of the Northern Ireland Civil Service? It is worth reiterating what the Comptroller and Auditor General stated in the report:

"In our view, the gravity of the issues that were discussed on an almost daily basis during the RHI Inquiry would have led most people to believe that significant disciplinary consequences would have arisen from it and in that context the outcome seems surprising in that only one individual has received a written warning for misconduct."

Bear it in mind that the original recommendation was 14. That was reduced to 11, then to six, then to four and then to one, who received a written warning for misconduct.

Mr O'Toole: I thank the Chair for giving way. If we accept that the Comptroller and Auditor General looked at the disciplinary processes and said that they were followed properly, given what the Chair has just said correctly about the public expectations and the statements that have been made about the seriousness of the issues, does the Member agree that the lack of disciplinary proceedings puts an even greater emphasis on proving to the public that a broader reform programme is being delivered?

Dr Aiken: I thank the Member for that. I will address those remarks later in my winding-up speech.

Looking at the results of the disciplinary process and seeing how few of the recommendations on reform have been implemented raises real concerns for me and, hopefully, for all other MLAs about whether there has been the necessary change in the culture at the top of the Civil Service.

Our Committee took lots of evidence on RHI and Civil Service transformation. It is safe to say that it received two varieties of response: one from those who had been brought in to reform the Civil Service and one from those who were long-term members at senior grades. I was struck by the evidence given by two excellent and dynamic leaders, who, in effect, bookended our investigation. They were Sue Gray, then permanent secretary of the Department of Finance, and the new head of the Northern Ireland Civil Service, Jayne Brady. Both brought experience of leading and

change. Both are from outside the Northern Ireland Civil Service; both showed a willingness to adopt transformational approaches; both had a willingness to engage and challenge; and both accepted that the Northern Ireland Civil Service machine was broken and needed to be fixed. We had a strong sense that both were doers, rather than just spouters of the endless management spherical-object speak that seemed to emanate from most of the rest of the civil servants.

We know that Sue Gray, despite being seen as the most powerful civil servant in our nation, was deemed, bizarrely, unqualified to lead our Civil Service. In her own words, she was seen as being a "disrupter" and far too likely to upset the apple cart. It is no secret that she was not universally liked by existing senior civil servants here. I wonder why. Jayne Brady struck the Committee as being in a similar vein to Sue, with undoubted skills and attributes and the qualities that the most senior civil servant should have. We should give her every support to make the critical changes that are needed. However, will she? Will she be given the support by us — the politicians — and by those in the Northern Ireland Civil Service to effect the changes in culture? Substantial change will be needed. Can she deliver on the RHI recommendations?

Only one further outsider has been brought in to refresh the senior management team of the Northern Ireland Civil Service: just one. In recent weeks, rather than wholesale changes, there has been a rotation in the most senior roles, with moves from Infrastructure to Agriculture, from Justice to Health and from Health to Justice. That does not strike the informed observer as an example of an organisation that is seeking to embrace change. Furthermore, we must remember that the RHI disciplinary process resulted in only one written warning for misconduct. Those who led the organisation are retired and are outwith the disciplinary action. Indeed, as an example of the merry-go-round that has become the norm in our society, the paid rewards for membership of quangos and non-executive positions on boards for senior ex-civil servants continue unabated. It really appears to be another real-life example of 'Yes Minister'.

The key points are the failure of the Senior Civil Service to speak truth to power; to insist on the implementation of normal — I repeat: normal — standards and procedures; and, above all, to uphold the practices of good governance. Too often, we have seen officials who believe in protecting their Minister or, much more likely, the Department, rather than allowing MLAs to

do their job effectively, and that trait has not gone away. It shows that the changes that desperately need to be embedded in our government machinery have not been enacted, and, without resolute and effective leadership, those changes are not likely to ever be delivered. That is the sad legacy that our Committee has seen, and that fills me with a gathering sense of foreboding for the future. Lack of scrutiny during another indeterminate time of governance by the Senior Civil Service while we slip into a period of prolonged political deadlock will ensure that reform will be parked while we await political direction. The chances of dealing with the remaining 24 recommendations are, I regret to say, slim.

Ordinary civil servants deserve better. We have seen throughout the COVID crisis how the Civil Service has been able to step up to the mark. Our Ministers deserve better. The Assembly deserves better. Above all — this must be the case — the people of Northern Ireland deserve much, much better.

In conclusion, I again thank Members for their contributions. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly takes note of the Executive's renewable heat incentive (RHI) action plan and the outcome of the RHI disciplinary process; indicates its disappointment in respect of the lack of accountability and the failure of the Northern Ireland Civil Service to demonstrate that it has learned lessons from RHI and the consequent damage to public confidence; and calls on the Minister of Finance to thoroughly review the RHI action plan and the relevant disciplinary procedures for senior civil servants in order to improve transparency and accountability and thus prevent recurrence.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease until the next item of business.

Comptroller and Auditor General: Salary

Mr McCrossan (The Chairperson of the Audit Committee): I beg to move

That, in accordance with article 4(1) of the Audit (Northern Ireland) Order 1987, this Assembly determines that the salary payable to the holder of the office of Comptroller and Auditor General shall be as follows: in each year from 1 April 2017 until 31 March 2021, £150,041 (excluding employer costs); and from 1 April 2021, until such time as the Assembly makes a further determination, £154,527 (excluding employer costs).

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to allocate 30 minutes for the debate. The proposer of the motion will have five minutes to propose and a further five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr McCrossan: I rise as Chairperson of the Audit Committee to ask the House to support the motion. Article 4 of the Audit (Northern Ireland) Order 1987 provides that the salary of the Comptroller and Auditor General (C&AG) shall be determined by a resolution of the Assembly.

1.45 pm

As the House is aware, Standing Order 58(2) provides that the Audit Committee will table any motion in relation to the C&AG's salary. I will deal, first, with the Committee's position on benchmarking the C&AG's salary. It was agreed by a previous Audit Committee that the C&AG's salary should be linked to the salary of a judge in judicial salary group 5. The then Committee felt that that approach was fair and transparent and that it reduced the potential for the Assembly to be seen to be determining the salary in response to political or other factors. The current Audit Committee shared that view and recognised that that approach reinforces the independence of the C&AG from government. The Committee therefore agreed, at its meeting on 15 December 2021, that the salary to be paid to the C&AG should be the same as that approved by the UK Government for a judge in salary group 5. It later agreed that the increase in salary should take effect from 1 April 2021.

The Committee revisited the matter at its meeting on 2 March, having received

correspondence from the C&AG specifically asking the Committee to reconsider its decision that the increase should take effect from 1 April 2021. In considering the C&AG's correspondence and the issues that he raised, the Committee noted that previous Audit Committees had not taken the opportunity to table a motion to increase the salary since 2014. Therefore, from 2014, the C&AG's salary remained static while judicial group 5 salaries increased at varying rates over the years. Members acknowledged that the salary might have been considered in 2017 by this Audit Committee, but, because the Assembly was not meeting, such consideration was not possible. Therefore, the Committee agreed that, in the interests of fairness, the salary for the C&AG should be increased with effect from 1 April 2017 — the beginning of this mandate — and again from 1 April 2021.

Currently, the C&AG's salary sits at £141,332, and the salary of a judge in salary group 5 sits at £154,527, hence the Committee proposing that, from April 2021 until such time as the Assembly makes a further determination, the C&AG's salary should be made as that of a judge in salary group 5. To address retrospective increases, the Committee proposes that for each year from 1 April 2017 until 31 March 2021, the C&AG's salary should be £150,041. That brings the salary into line with that paid to a judge in salary group 5 for that period.

I should point out that, under the relevant legislation, the C&AG's salary must not exceed the maximum salary, for the time, payable to any person employed in the Civil Service. I can confirm that the increase in salary and the retrospective increases proposed in the motion remain under that threshold. Also, the salary for the C&AG is charged on and issued out of the Consolidated Fund. Under section 63 of the Northern Ireland Act 1998, the Assembly cannot pass a resolution that imposes or increases a charge on the Consolidated Fund unless a recommendation is made by the Minister of Finance. In this case, the Committee can confirm that the Minister is content to make the recommendation.

I take this opportunity to thank Kieran Donnelly, the current C&AG, who was due to retire at the end of this month. However, to ensure a smooth handover to his successor, he will now retire at the end of August. I wish his successor the very best in her new role. On behalf of the Committee, I thank Kieran for his work and commitment, and for the significant role that he has played throughout his time in post in reviewing the economy and the effectiveness

and efficiency of government. The Committee wishes him well in the next chapter of his life and thanks him for his service. I ask the House to support the motion.

Mr Allister: As a member of the Audit Committee, I was surprised to discover that the Comptroller and Auditor General's salary had not been visited since 2014, despite the fact that it was notionally linked to a judicial line of salary that had increased in the meantime. Therefore, I support what the Chair has outlined. It is appropriate that the Audit Committee and, therefore, the Assembly take the matter back to the beginning of this mandate, which is the one over which we have responsibility, and that the consequences flow as outlined in the motion. That is fair and reasonable, and I therefore support that. I join others in offering my best wishes to Mr Donnelly. He has been in charge for a long time, and he performed his functions with great professionalism and diligence. He certainly will be a hard act to follow. We all wish him well.

Some Members: Hear, hear.

Mr Deputy Speaker (Mr Beggs): I call the Chairperson of the Audit Committee, Daniel McCrossan, to conclude and make his winding-up speech on the debate.

Mr McCrossan: I thank Mr Allister for his contribution, and I acknowledge the tributes to Mr Donnelly from across the House earlier, which were widely agreed on.

There is no underestimating the value of the work that is carried out by the C&AG and the great responsibility that the postholder has in supervising the quality of public accounting and financial reporting. It is, therefore, important that the salary of the C&AG equates fairly to that level of responsibility. During its consideration of the C&AG's salary, the Audit Committee noted that the link to judicial salaries in other jurisdictions has long since been broken, so there is a question about whether judicial group 5 is the most appropriate peer group against which the C&AG's salary should be benchmarked.

On a wider point, the Committee believes that the overall arrangements for determining the C&AG's salary, which would include benchmarking, should be reviewed in order to ensure that they reflect best practice elsewhere. Given where we are in the mandate, there is no time for the Audit Committee to carry out that particular review, but it is hoped that our successor Committee will take it forward in the

next mandate. Mr Allister was right to say that the Committee gave significant consideration to that matter and discussed it widely. We appreciated the C&AG's remarks, and, on reviewing the issue, we recognised that backdating to the beginning of the mandate was the most appropriate course of action.

I would like to make a few brief remarks to thank Mr Donnelly most sincerely and to wish him well in his retirement. I wish his successor the very best with, hopefully, the full political support of all parties and Members from across the House.

To conclude, this is my last contribution in the House in my capacity as Chairperson of the Audit Committee. Therefore, I would like to thank the Committee staff, the Committee Clerk, Marie Austin, and Committee members for the work that has been carried out over the two years since the Assembly returned. The role and remit of the Audit Committee has vastly increased over that period. There were a number of reviews, which we were delighted to progress, and, hopefully, the new Committee will continue that work.

I would also like to put on record my sincere appreciation to the Assembly Commission for its work with the Committee. I thank the Public Services Ombudsman, Margaret Kelly, for her support, work and engagement, the Clerk/Chief Executive and staff of the Assembly for the outstanding contribution, work and support that they provide and the Speaker of the Assembly. I commend the motion to the House.

Question put and agreed to.

Resolved:

That, in accordance with article 4(1) of the Audit (Northern Ireland) Order 1987, this Assembly determines that the salary payable to the holder of the office of Comptroller and Auditor General shall be as follows: in each year from 1 April 2017 until 31 March 2021, £150,041 (excluding employer costs); and from 1 April 2021, until such time as the Assembly makes a further determination, £154,527 (excluding employer costs).

Private Members' Business

Standing Order 42(1) - Defamation Bill: Suspension

Mr Nesbitt: I beg to move

That Standing Order 42(1) be suspended in respect of the Final Stage of the Defamation Bill [NIA 25/17-22].

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there will be no time limit on the debate. I call Mike Nesbitt to open the debate on the motion.

Mr Nesbitt: For eight and a half years now, on and off, I have been working on the same private Member's Bill, which is a Bill to reform Northern Ireland's defamation laws. I am asking for a suspension of Standing Order 42(1) in order to allow the Final Stage of the Defamation Bill to be heard and whether Members are content for the Bill to be dispatched for Royal Assent.

Mr Deputy Speaker (Mr Beggs): No other Members have indicated that they wish to address the House. Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Order 42(1) be suspended in respect of the Final Stage of the Defamation Bill [NIA 25/17-22].

Mr Deputy Speaker (Mr Beggs): Members, Question Time is due to commence at 2.00 pm. I ask Members to take their ease until then.

2.00 pm

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

Oral Answers to Questions

Justice

Mr Deputy Speaker (Mr McGlone): Question 3 has been withdrawn.

People Trafficking

1. **Ms Hunter** asked the Minister of Justice for her assessment of whether there is an increased risk of people trafficking as a consequence of the Ukraine crisis. (AQO 3317/17-22)

Mrs Long (The Minister of Justice): First, I want to take this opportunity to condemn Russia's military invasion of Ukraine and the untold horrors being faced by the people of Ukraine. I am aware of statements from the United Nations High Commissioner for Refugees advising that over two million refugees have now fled Ukraine. It is, indeed, a humanitarian crisis.

To date, there is no evidence of human trafficking or exploitation in Northern Ireland as a result of the Ukraine crisis. The PSNI is liaising with Home Office immigration enforcement officials and an Garda Síochána. While there will be refugees who may enter Northern Ireland, none have sought to enter the national referral mechanism to date.

Criminals seek to exploit any issue where they see a benefit to themselves. They do not care about people or their rights and seek only to line their pockets. Given that we know that, there is a real risk that criminals and organised crime gangs will seek to take advantage of the vulnerability of those fleeing the conflict. We will do all that we can to assess and monitor the risk and will work collectively with our partners on the organised crime task force (OCTF) and the modern slavery and human trafficking subgroup to ensure that we are alert to the risks and to seek to prevent any further exploitation and pursue offenders.

Ms Hunter: I thank the Minister for such a detailed answer on a heartbreaking subject. She will be aware that the conflict in Ukraine has touched the hearts and minds of people right across the North. I find the British Government's lack of support for those

vulnerable people at this time exceptionally cruel and callous, given the truly unimaginable devastation that they have experienced. Minister, on the back of that, will you please detail any further collaboration that you have had with your counterparts in the Republic of Ireland?

Mrs Long: We have engaged through, as I say, the PSNI and an Garda Síochána to ensure that people who decide to come to Northern Ireland through the Republic of Ireland can do so safely.

Immigration, as the Member will be aware, is a reserved matter. The current policy on immigration has a significant impact on individuals' and families' feelings of self-worth and dignity because of their inability to provide for their family while they are seeking refuge here. The efforts made by the Government fall well short of what we all want to see.

Whilst I welcome the ability to be able to register our homes online if we are willing to receive refugees for a period, the inability for us, as an Executive, to be a super sponsor in this case, which would allow us to match refugees with homes, is a barrier to our being able to provide the kind of care that the people of Northern Ireland wish to provide. It is telling that 6,000 people have registered their homes. Yet there is no official reception scheme in Northern Ireland that allows us to make use of that.

Ms Ennis: Last week, the former director of Anti-Slavery International warned that the scheme to house Ukrainian refugees increases the risk of human trafficking and that the light-touch safeguarding checks cannot offer the comprehensive security needed by vulnerable refugees, the majority of whom, let us remind ourselves, are women and children. What role will the Department of Justice have in ensuring that sponsors are thoroughly vetted? How will the Minister ensure that sufficient protections against trafficking are in place?

Mrs Long: That question covers a number of issues that we will take up and that I will try to answer.

First and foremost, on safeguarding concerns, the vulnerability of those seeking refuge is fully recognised, as is the need to ensure that all necessary safeguarding arrangements are in place. It is also important to ensure that sponsors under the Homes for Ukraine scheme are safe and protected.

Officials in Access NI are assisting the multi-agency strategic planning group to ensure that the necessary checks are in place. As part of the operational planning, consideration is being given to what Access NI checks may be required and to the options for checking the suitability of accommodation. It is important that sponsors be willing to cooperate with any checks that are required, as they are in the interests of everyone's safety.

Ongoing support will also be needed for sponsors and those being sponsored in order to ensure that the arrangements are working and that they continue to work throughout the sponsorship period, particularly where people's circumstances may change. I understand that the multi-agency strategic planning group is considering the type of support and how best it can be provided.

It goes without saying that there are particular vulnerabilities where, for example, unaccompanied children and minors are arriving. That problem seems to have been mostly resolved in the countries immediately adjacent to Ukraine, however. Romanian and other authorities have been dealing with large numbers of unaccompanied minors. The majority of people arriving in the UK, including via routes from the South, have to date been arriving in family groups. The numbers are small, because, as the Member is aware, the visa requirements are still quite stringent and provide a significant barrier to people's ability to come forward.

Mr Beattie: This is a really important issue, which we have discussed already. I will go back to the issue of people trafficking. Although we can understand why everybody is focused on Ukrainian families who are coming in from that terrible situation, there are already many asylum seekers in Northern Ireland. What work has been done to ensure that those who cannot work or supplement their income and who are in hotels and other temporary locations around Northern Ireland are not themselves being trafficked?

Mrs Long: I thank the Member for his question. That has concerned me for some time. Indeed, I raised the matter during the Anti-Slavery Commissioner's last visit. I have also raised it with the UK Government. I took the lead, and we agreed that a letter from the five party leaders would go to the Home Office Minister to make clear our desire that all refugees be treated fairly and the same.

We recognise that there is an emerging humanitarian crisis specific to Ukraine, but

there are many other refugees in need of accommodation. We need to ensure that they too are treated fairly. We also recognise the danger of not allowing people to work while they wait for refugee status. We know that the process can sometimes take five to six years after application before people finally receive their status. That is a long time for people to have to live on a subsistence allowance that does not allow them to care for their children and family properly or to build a life and have some dignity in caring for themselves and their family at a time when they have been stripped of dignity through having to leave their home in tragic circumstances. My Department has also raised that issue with the Home Office.

Ultimately, the hostile environment policies, including the ban on working for those seeking asylum, risk further marginalising vulnerable people and leave them at risk of exploitation through modern slavery or trafficking, whether that is to, through or within Northern Ireland.

Ms Bradshaw: Minister, I record my thanks to you and my recognition of over two years of your responding to questions at Question Time. I am sure that you will be relieved that Question Time today is your last one, because they have been quite gruelling.

I will pick up the point about the joint letter from the five political parties and the lack of an Executive. If we are without an Executive after the next election, how easy will it be to facilitate Ukrainian families who come to reside and make their home here?

Mrs Long: We can still proceed with some issues. Executive Office officials continue to liaise directly with their counterparts in Westminster to ensure that Northern Ireland gets the right level of financial and technical support to help refugees who come to Northern Ireland. The major gap arising from our not having an Executive is that we are unable to influence directly the number of refugees who come here.

In the case of Afghanistan, a set number of refugees were taken in by the UK and distributed across it. That is not the scheme that we have in place; each person has to get here under their own steam, meet their own visa requirements and then find and partner with a family. Wales and Scotland have opted to become super-sponsors. That means that they can sponsor a significant number of individuals to come and can undertake the matching process with families to ensure that those who do not already have connections to the Ukrainian community are still able to offer

assistance where possible. That option is not available to us because we do not have an Executive to take that kind of decision, but the five party leaders have made it clear that we would welcome efforts to try to assist people in finding accommodation in Northern Ireland and that we want to play our full role.

The other challenge will be around funding. We will need to know how many people have arrived, and we will need to be able to track that, because the funding that is being offered through Westminster is to local government, which provides most of the services in the UK. Additional funding is being provided, but most of those services are provided here by central government agencies. Therefore, it is important that we know how many people are here, because the additional funding will be a per capita amount rather than a Barnett consequential. There are a number of challenges, and not having an Executive in place exacerbates them.

Domestic Abuse Protection Notices and Orders

2. **Ms Á Murphy** asked the Minister of Justice for an update on the roll-out of domestic abuse protection notices and orders. (AQO 3318/17-22)

Mrs Long: Section 27 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 was commenced last month, enabling regulations to be brought forward to provide for domestic abuse protection notices and orders. With the introduction of the new offence completed, the establishment of those notices and orders is now a priority work area for my officials. Preparatory work has begun on considering the framework for the draft regulations, as well as a guidance document for practitioners, which will map out the process for the notices and orders and explain how they work in practice.

My officials have recently joined a working group that is led by the Home Office and the Ministry of Justice to learn from their experiences and to help to inform policy development and operational preparations for Northern Ireland. In taking forward work in that area, two pilots will be established to robustly test the model ahead of roll-out across Northern Ireland. Discussions are ongoing with criminal justice system partners to consider geographical locations for the two pilots. It is envisaged that the proposed locations will shortly be brought to a multi-agency task and finish group for agreement.

Ms Á Murphy: Thank you, Minister, for your answer. Do you agree that Fermanagh may be a suitable rural area for the launch of the domestic abuse protection notices and orders pilot, given the many difficulties that are faced by women in rural areas in accessing support services for domestic abuse?

Mrs Long: I do not want to prejudge the outcome of the consultations about this or the decisions of the task and finish group, but it is important that we choose pilot areas that reflect urban and rural realities and that we look at areas that have particular issues around domestic abuse and access to support services. All of that ought to be considered by the task and finish group when it comes to deciding where the pilots will be. We need to provide a system that is as robust as possible in every part of Northern Ireland so that people are protected when they are subjected to domestic abuse, and so that the orders and notices can be used effectively, irrespective of location.

Mrs Barton: Minister, you spoke about the two pilots that you hope to introduce. Can you give us a bit more detail about what they will entail?

Mrs Long: It will be two geographical areas where we will trial the roll-out of domestic abuse protection notices and domestic abuse protection orders to test, first of all, how they can be used by local police. There will be specific training for the police in those circumstances. We will also work with those who work in the domestic abuse field to ensure that they are fully aware of them. Once we have trialled those, we will be able to see where any difficulties have arisen, whether that be in access to courts or police resources or in referral pathways. When we have concluded those trials, we will be able to make any fine-tuning that is required before rolling out the project right across Northern Ireland.

2.15 pm

Misogyny: Stand-alone Legislation

4. **Ms Ennis** asked the Minister of Justice whether she will introduce stand-alone legislation to address misogyny. (AQO 3320/17-22)

Mrs Long: As you will be aware, I have been very clear in calling out and recognising the need to tackle misogyny, including in public life. That, as well as addressing violence against women and girls more widely, is an important

issue that we all have an interest in. The new laws that I am bringing forward will protect those at most risk of violence, which all too often is women and girls. Those include a Protection from Stalking Bill and a Justice (Sexual Offences and Trafficking Victims) Bill. Taken together with the new domestic abuse offence, those three pieces of legislation represent a step change in support for vulnerable women and girls in Northern Ireland, though not exclusively for vulnerable women and girls.

A number of consultations are under way. Those are seeking views on the issue of violence against women and girls in all its forms; domestic and sexual abuse; and misogyny as a hate crime. I will want to take account of the views expressed in those consultations before reaching any final decisions on how best to deal with the matter. It is also important to remember that legislative change alone will not tackle the underlying issues of entitlement, misogyny and violence. The issue is broader than justice and requires societal and cultural change from the roots up; tackling the root causes of aggressive behaviours at an early stage through preventative initiatives, education and relationship awareness. We need to tackle underlying issues of entitlement to focus on dealing with unacceptable behaviour.

Ms Ennis: I thank the Minister for that answer. Minister, you will be aware of the recent Scottish Government report that proposes new misogyny-specific legislation, with offences to tackle misogynistic harassment, incitement of hatred against women and threatening to rape or assault women. Will those be some of the new offences that you will look at for inclusion in any proposed hate crime Bill?

Mrs Long: As the Member will be aware, we are at the first consultation stage of a hate crime Bill for Northern Ireland, which we hope will be able to be introduced in the next mandate. That is based on Judge Marrinan's report, and there were two options, essentially, available to us. One was to include gender as a specific characteristic within the hate crime legislation, and that would be added to the characteristics to which hate crime would apply. The second was to specifically add misogyny as one of the issues, and I think that we need to have further consultation. We are doing the call for views on that now. There are pros and cons to both approaches. Whilst adding misogyny has the benefit of putting a name to the particular issue and highlights its prevalence, there are wider issues with respect to gender that might also lead to hate crime. We need to

consider which is the more appropriate way forward. Before the second consultation, which would be on a draft Bill, that will have been decided by me or a future Minister in the shaping of the legislation, and the Assembly and, indeed, the public will be consulted before any changes are made in that regard. We will, of course, take, as we always do, any progress that has been made in other jurisdictions into account as we draft any new Bill.

Mr Blair: I thank the Minister for the updates and the insights from a Justice point of view on the issue of misogyny. Further to that, I will link that to the issue, which is obviously related, of violence against women and girls. Given the work that has been commenced by the Department of Justice and by the PSNI, which I am aware of as a Policing Board member, does the Minister share my concern that access to legislative process could be seriously hindered by the absence of a working Executive and that that could cause a serious hindrance, therefore, to progress on the issue of tackling violence against women and girls?

Mrs Long: First, we can, of course, continue to make progress on non-legislative measures to tackle culture and attitudes. It is important, I think, that all of us show leadership on those issues. When it comes to providing legislation and legislative protection and, in particular, to updating our very out-of-date hate crime laws in Northern Ireland, we will require there to be a functioning Executive and a functioning Assembly. We have passed five Bills from the Department of Justice in this mandate, and the Assembly has worked very hard with me and with the Department in that regard to ensure that we were able to make significant changes. Those represent a step change in the protection that is available to particularly vulnerable victims and witnesses. However, we will not be able to do so without an Executive and an Assembly, so, given the amount of work that I can see in the future for the Justice Department and, indeed, any future Justice Committee, it is imperative that there is no lag in re-forming an Executive and moving forward with these kinds of very important proposals.

Mr McNulty: Does the Minister agree that the Member who brought this topic to the House should put on record an apology for her vile, misogynistic and misandrist tweets and recognise her role in promoting toxic discourse?

Mrs Long: Wow. That is not a question for me. That is a private exchange that the Member should, perhaps, take up with the Member who asked the question rather than politicking and

expecting me to be involved in it during Question Time.

Child and Adolescent Mental Health Services

5. **Mr Delargy** asked the Minister of Justice whether she will fund the Youth Justice Agency to roll out child and adolescent mental health services (CAMHS) to all areas. (AQO 3321/17-22)

Mrs Long: The Youth Justice Agency funds specific child and adolescent mental health services in the Woodlands Juvenile Justice Centre and in the community on a pilot basis through co-funded arrangements with the Southern Health and Social Care Trust and the Western Health and Social Care Trust. While there is a statutory obligation on the Youth Justice Agency to provide healthcare services, including mental healthcare, in the Juvenile Justice Centre, the provision of mental health services in the community is the statutory responsibility of the Department of Health. To meet an unmet need identified for young people known to the Youth Justice Agency in the community, it has developed a pilot CAMHS service in conjunction with the Southern and Western Trusts.

Due to the identified need and the success of the CAMHS pilot, it was our wish to extend those services to the other three Youth Justice Agency areas: Belfast, eastern and northern. Although the budget has not been agreed, given the proposed reductions in the draft Budget for the next three years, coupled with the additional pressures of managing significant inflationary pressures, the Youth Justice Agency will not be in a position to roll out the CAMHS pilot as originally hoped while maintaining the services that it has a statutory duty to provide.

I will, of course, review that position once the Budget is agreed.

Mr Delargy: I thank the Minister for her answer. Children in the justice system face unique difficulties in accessing mental health support, despite mental health problems being higher in that group. However, where the Youth Justice Agency has funded those services, it has produced better outcomes. Will the Minister give a costed feasibility for a full roll-out of those services?

Mrs Long: We recognise that gaps exist, and, rather than sitting back and waiting for others to fill them, the Department of Justice, as is often

the case, stepped in to fill that gap. The Member is correct that the pilots have proven to be very effective in engaging hard-to-reach children, both for those within the justice system and for those on the fringes of it, and improving their mental health. The number of young people engaging fully with those services has increased significantly from 14% in mainstream CAMHS provided solely by trusts to 88% through the pilots. There has been a hugely significant change in the engagement with young people who have serious mental health issues. My officials have been working to find ways to maintain those pilots and, if at all possible, to develop similar services for other parts of Northern Ireland. Under the current draft three-year Budget, that will be difficult to achieve from the DOJ budget, but I am open to working with the Minister of Health, the Minister of Education and others to find ways in which we can co-fund projects of this nature and ensure that we can deliver to a much wider group of young people the kind of benefits that the project has delivered.

Magilligan Prison: CJINI Report

6. **Mr Boylan** asked the Minister of Justice for her assessment of the Criminal Justice Inspection Northern Ireland (CJINI) 'Report on an Unannounced Inspection of Magilligan Prison'. (AQO 3322/17-22)

Mrs Long: It was vital that the independent scrutiny of the criminal justice system continued during the pandemic, despite the challenges that that presented to inspection teams. I welcome the recent report from the Chief Inspector of Criminal Justice following an unannounced inspection of Magilligan prison during May and June 2021. The report recognised and commended the efforts of the leadership team and staff in response to COVID-19, acknowledging that, while other jurisdictions locked their prisoners up, we continued to deliver healthy out-of-cell regimes for people in our care.

The report correctly recognised that the pandemic constrained some of the valuable work that is normally delivered at Magilligan, particularly around purposeful activity. The Prison Service is clear in its determination to recover and refocus on supporting and challenging prisoners to rehabilitate and resettle in the community. Balancing recovery against the risk that COVID will continue to be present is at the forefront of the daily work being led by the director general.

The Magilligan report identified significant areas of innovative good practice and, like every report, contains learning and recommendations that will help to drive improvement. The governor and his team are working to address the findings.

Mr Boylan: Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer. The recent Criminal Justice Inspection report identified the use of illegal drugs and diverted prescription medication in prison as a key area of concern. When will body scanners be introduced in prisons in the North to prevent the smuggling of drugs? Can she introduce any other measures to prevent that?

Mrs Long: During the inspection, 150 prisoner surveys were completed. Some 46 individuals indicated that they had developed a drug problem since their arrival in custody, which is, of course, of concern. The same survey highlights the fact that half of the respondents said that they had a drug problem before arriving at the establishment. Drug testing during that period showed that the majority of failures — 98% — were for illicit use of prescription medication rather than for drugs that had been trafficked into the prison.

Magilligan is committed to disrupting supply, reducing demand and promoting the principles of recovery for people in custody. That work will include action to address recommendations made by CJINI in its inspection report. We also have to work closely with the South Eastern Health and Social Care Trust and other key partners on limiting access to other medication and the diversion of prescription medication to people who ought not to have access to it. That will require us to work closely together.

A huge amount of work goes on in prisons to prevent illicit drugs coming in, but body scanners would add to the options available to us for that. We hope that body scanners will be made available, and a business case is in process. Everything is budget-dependent, however, and, unfortunately, the Department of Justice draft budget would not allow us to do that as quickly as I would like.

Mr Storey: The report identified areas of innovative work, to which the Minister referred, that resulted in particularly good practice, including:

"care driven by the Prison Safety and Support Team"

and the work of:

"Family Support Officers ... in partnership ... to sustain and promote family contact".

Will the Minister take the opportunity of her final Question Time to thank our prison and associated staff, who do an extremely difficult and challenging job despite what has happened to them over the pay offer, for the work that they do and to wish them well in trying to stop the drugs that, sadly, come in to our prisons?

Mrs Long: It is my pleasure to do so. I have found people who work in our prisons to be some of the most innovative and creative people whom I have come across in the justice system. Their job is not easy. It is a challenging and often dangerous environment, and it can be incredibly volatile, yet they go to work every day, and they look after prisoners in their care. They do so with dignity and respect, and they ensure that those prisoners have access to contact, safely, with their families and to those who can help them with their rehabilitation and their medical and spiritual needs.

Being a prison officer is not an easy job, but it is a worthwhile one, and it adds to the safety of our communities. I pay tribute to all those who work in the Prison Service for the work that they do. During my time as Justice Minister, I have seen people who left prison rehabilitated, re-entered the community and have not reoffended. That is a tribute to those who diligently and tirelessly work with them throughout their time in prison to help them to rebuild their lives.

It is such important work, because, by rehabilitating people properly and ensuring rehabilitation, we ensure that there are fewer victims and that those who were previously involved in crime can build a better future for themselves and their families. For me, it is one of the most worthwhile things that anybody could do as a career.

Ms Hunter: Does the Minister agree that we need to do all that we can to improve opportunities for prisoners to experience more face-to-face learning, which is vital for their future prospects as they re-enter society?

Mrs Long: Absolutely. We work in the Prison Service to ensure that people leave prison with recognised formal qualifications so that they are able to enter the job market on a par with other people and compete for jobs in a much fairer way.

That has been enhanced hugely by our cooperation with the further education colleges

that deliver lectures. It has undoubtedly been disrupted by COVID, but I am glad to see that the prisons are now more open and that people can go into the prisons to provide education and support. Hopefully, we will see that extend, but we also have the benefit of having virtual systems in place. Some things that were previously off limits to prisoners and that they could not study will now be available to them in a virtual setting. The combination of the two will enhance greatly the education offer that we have available.

Gillen Review: RSE Recommendations

7. **Ms Sheerin** asked the Minister of Justice to outline her last engagement with the Minister of Education on improving the standard of relationships and sexuality education (RSE), as recommended in the Gillen review 'Report into the law and procedures in serious sexual offences in Northern Ireland'. (AQO 3323/17-22)

Mrs Long: I am pleased to confirm that I met the Education Minister this morning, when we discussed plans to improve the standard of relationships and sexuality education in our schools. I am encouraged to hear how her Department plans to take forward a number of steps to improve RSE provision, including improving the resources available to teachers and supporting them in the delivery of RSE; working with and funding the Council for the Curriculum, Examinations and Assessment (CCEA) to develop the RSE progression framework to provide structured guidance for schools to use in the teaching of RSE; issuing a departmental circular encouraging schools to incorporate subjects such as violence against women and girls and consent into lesson plans; and identifying underperformance in RSE delivery using the Education and Training Inspectorate (ETI) inspections, followed by support and resource interventions to help schools improve.

I remain disappointed that the Education Minister has concluded that a review of the minimum content order on RSE is not needed. I believe that that is the best way to ensure that there is consistency in RSE across the piece. However, I welcome the steps for improvement that she has set out. My Department will continue to work with the Department of Education and other partners to implement the Gillen review and to ensure that the provision of RSE fully meets the requirements of all our children and young people.

Mr Deputy Speaker (Mr McGlone): That ends the period for listed questions. We move on to topical questions.

Ukrainian Refugees

T1. **Mr O'Toole** asked the Minister of Justice to confirm that, as of now, there is no agreed Executive position on how Ukrainian refugees would be managed once they arrive here and to state whether she agrees that that is a completely unacceptable position for the generous people of Northern Ireland to be placed in by the Executive, particularly because, as of last Thursday, more than 6,000 people in Northern Ireland had registered an interest in hosting a Ukrainian refugee, which, based on a UK-wide figure of 140,000, represents more than three times our population share and is a remarkable testament to the generosity of people here. (AQT 2181/17-22)

Mrs Long: There is a five-party agreement that we want to offer safe refuge to people from Ukraine. As I said in answer to an earlier question, I took the lead and wrote to the Home Office to make that clear on behalf of all five parties in the Executive. I hope that that has not fallen on deaf ears. However, it is true to say that, without an Executive, it is difficult for us to take action such as has been taken by Scotland and Wales. They were able to become super-sponsors and do the work of matching families with refugees. Many of the families who have registered their homes, mine included, may well find that they do not have the resource to connect with a family who might want that accommodation. It is a challenging situation. Of course, having an Executive would make things simpler. In the interim, however, I continue to work with officials in the Executive Office and with the head of the Civil Service to do as much as we can to deliver the generosity that the people of Northern Ireland have offered.

Mr O'Toole: Thank you, Minister, for that update. In the last hour, we have learned from Irish Government Ministers that more than 10,000 Ukrainian refugees are already on the island of Ireland. Given some of the lurid comments on the soft border on the island of Ireland, which we all treasure or which most of us do, is the Minister alive to the risk from Priti Patel's Home Office that there could be a move towards trying to impose some kind of hard border for Ukrainian refugees? Given the challenges that, we know, people of colour face on both sides of the border, frankly, with immigration rules and officials, is the Minister alive to that risk? Will she engage with the

Home Office to ensure that that does not happen?

Mrs Long: I assure the Member that I already have. We already have people in Northern Ireland who arrived through the Republic of Ireland and travelled north. It is important that those who do that are able to access the same resource and support as anyone who arrives through any other means. Through the refugee and asylum seeker strategic planning group, which is led by the Executive Office, discussions have been ongoing between the UK Government and the devolved Administrations to ensure that support is provided. I welcome the recent announcement of the schemes that will apply in the UK, but I have expressed my concern that the Government could go further in supporting families to find connections with those who have offered them accommodation.

We recognise and have raised with the Home Office the fact that not everyone who enters Northern Ireland will arrive through an official UK route. I understand that the PSNI is also liaising with the Home Office, which leads on immigration, to assess options to accommodate where that might occur. I would be extremely concerned were anyone to apply, if you like, the hostile environment policy in a negative way to people who have fled Ukraine, if they have found themselves on this island, travelled north, perhaps to be closer to family, and essentially moved on because of our immigration policy falling short.

Primary Legislation: New Mandate

T2. **Ms Dolan** asked the Minister of Justice to outline the primary legislation that her officials are drafting for introduction in the next mandate. (AQT 2182/17-22)

Mrs Long: There are a number of Bills being drafted. First, there will be a miscellaneous provisions Bill, which, Members will recall, had to be carved out of the Justice (Sexual Offences and Human Trafficking) Bill in order for that Bill to make its passage through the Executive. The remaining requirements of that Bill will be taken forward in the next mandate. We are working on a hate crime Bill and are undertaking public consultation in that regard. We are working through the potential for a children's Bill, which would also be welcome.

Other options are under consideration. Some of those could be picked up as part of the miscellaneous provisions Bill early in the mandate; others may require more time to be

developed. Last but by no means least, as you are aware, the consultation on Charlotte's law, which was undertaken earlier in the mandate, has been completed. Obviously, it is our intention to legislate in that regard as well.

Ms Dolan: Minister, a lot of essential legislation was passed in the mandate. I commend you and the Assembly for delivering those progressive and far-reaching changes. I am sure that you agree that much work remains to be done to ensure that our justice system has the confidence of the public, particularly on sentencing. How advanced is the sentencing review work, and how soon could it be introduced?

Mrs Long: The Member has done well to remind me of yet another piece of work that is under way in the Department. She is, of course, correct that, having undertaken a sentencing review and consultation, we have been working on a sentencing Bill over the past six to nine months. It is our intention to take that forward in the first 18 months of the next mandate.

Mental Health Court: Resources

T3. **Mr Gildernew** asked the Minister of Justice to set out the resources that will be required, in staffing and funding, to complete a scoping review on a pilot mental health court. (AQT 2183/17-22)

Mrs Long: I do not have the figures to hand on either of those issues, but I am happy to write to the Member before the Assembly rises to provide them to him.

It is hugely important. As you know, we are involved in pilots on problem-solving justice of which mental health and drug addiction are two key components. They are not cheap interventions; they are expensive. In Scotland, the health department often provides the therapeutic element to those courts and the justice department provides the justice element. Here, the Department of Justice has generally filled the gap by engaging third-sector partners to provide the therapeutic element. However, it would be better if the two Departments were to work more closely together. That might provide the resources required for us to deal adequately with those issues.

Mr Gildernew: I welcome the Minister's acknowledgement of the importance of establishing such a court. Can you give us any indication of when we might see progress on this important issue?

Mrs Long: Given the uncertainty in the Budget and, indeed, about the next mandate, it would be difficult to give a timeline. Needless to say, the Department is keen to continue to make progress where possible. Financial constraints are likely to impact heavily, particularly on problem-solving justice, because it is resource-intensive. However, I would argue that, in the overall picture and in the long line of cost, it is probably one of the best interventions that we could make.

PSNI: Custody Accommodation Suites

T4. **Mrs Barton** asked the Minister of Justice to confirm that the number of custody accommodation suites in Northern Ireland police stations has reduced significantly in the past 10 years. (AQT 2184/17-22)

Mrs Long: The issue of custody accommodation suites in police stations is not a matter over which I have any purview. It is a matter for the Chief Constable, his officers and the Policing Board. I suggest that the Member redirects her question to the Policing Board and the Chief Constable in the first instance.

Mrs Barton: Minister, it has been brought to my attention that Omagh custody suite — it is a modern police station and suite — is to be refurbished. Can you comment on that?

Mrs Long: No.

Victims of Crime Commissioner Designate

T5. **Mr Muir** asked the Minister of Justice, after welcoming Geraldine Hanna's appointment as the Victims of Crime Commissioner designate, to state when Ms Hanna will take up her role and establish her office. (AQT 2185/17-22)

Mrs Long: I thank the Member for raising the issue. I am, of course, delighted that someone who is so committed to and knowledgeable about victims issues is willing to take up the post of Victims of Crime Commissioner designate. Geraldine Hanna will be a real asset to that office. We have already put in place the mechanisms for her office to be established, so that, when she comes to us, which will, hopefully, be in the next month or so, we will be in a position to start and hit the ground running. Part of her job as commissioner designate will be to describe the extent of the office, the priorities that the office should have and how it should run, as well as to engage directly with

victims. Given her experience with Victim Support NI, there is no person better placed to do so.

Mr Muir: I thank the Minister for her response and for her work on that, as well as all of her work as Justice Minister throughout the last two years. Can she give us a flavour of the implications of not establishing an Executive following the forthcoming election? What impact will that have on her Ministry and on the actions that she wants to take forward?

Mrs Long: With regard to the victims' commissioner designate specifically, it would not be possible to put that office on a statutory footing, as was intended. It was always the intention that we would do that, but it was likely that it would take a long time.

As with everything else, all of the legislation that I mentioned in response to a previous question would be held up because it has to go to the Executive for policy approval before it reaches the Floor of the House. It is fair to say that there is much that we could do by way of care and maintenance but not much that we could make by way of progress.

Mr Deputy Speaker (Mr McGlone): Question 6 has been withdrawn.

Prison Service: Pay Offer

T7. **Mr Beattie** asked the Minister of Justice to state whether the independent prison service pay review body recommendations were considered when making the recent pay offer to the Northern Ireland Prison Service. (AQT 2187/17-22)

Mrs Long: The — *[Interruption.]*

Mr Deputy Speaker (Mr McGlone): Sorry, Minister, somebody's mobile phone is in close proximity to the mic and is interfering with the recording system.

Mrs Long: I noticed that, Mr Deputy Speaker.

As I set out this morning, the pay award for prison grade staff has been negotiated with the Prison Service and the Prison Officers' Association (POA) over recent weeks and months. The intent was that we would be able to deal not only with pay but with the number of points on the pay scale. There are a lot of points on the pay scale, and we would like to contract it to a more reasonable and rational

length. That would advantage those on the lowest salaries in the Prison Service.

The pay award that we offered, following negotiations with the Prison Governors Association (PGA) and POA, was followed by a counterproposal from the POA. In discussions and with my approval, prison management agreed to that counterproposal, which was put to the membership through a ballot. On Friday, the POA area chairman advised the director general that the membership had rejected the pay proposals. I am disappointed at that outcome, because I believe that it was a missed opportunity. In practice, that means that the director general has had to impose a pay settlement for 2021-22. Yesterday, they wrote to staff to outline what that would mean for different categories of officer.

The alternative was to do nothing but the absolute minimum and lose over £1 million secured for pay rises. That would be unthinkable, particularly when many of our officers are struggling financially. That said, there are things that cannot be done because of the settlement being imposed, including the proposal put forward by the POA. Regrettably, the funding set aside to do those things will now have to be surrendered.

Work continues to progress. The grading review is ongoing and nearing completion. We will also pass the pay remit for 2022-23 on to the PRRB for next year's pay round.

As I said, in my view, there was a missed opportunity, and it is fair to say that it will be difficult to recover the time that we have lost over this year.

2.45 pm

Mr Beattie: Thank you for that comprehensive answer, Minister, but I am not sure that it got to the nub of my question, which was about whether the pay review body's recommendations were considered when reaching the pay settlement. My understanding is that the activation letter for the pay review body was not sent, and therefore there was no recommendation. Is it not part of the contract that members do not go on strike because the pay review body helps deal with pay disputes?

Mrs Long: I can certainly confirm in writing to the Member whether the pay review body was invited to begin work on that. I am aware, however, that it is normally tasked with doing that work. Indeed, it has been invited to begin work on the next pay round. We have been

asked specifically by the pay review body to consider issues around the grading review. That is what we have been focused on. Indeed, we engaged directly with the Prison Officers' Association. It was its recommendations, which we accepted, that were rejected.

Mr Deputy Speaker (Mr McGlone): Time is now up. Members should take their ease while we move to the next item of business.

Economy

Mr Deputy Speaker (Mr McGlone): Questions 2 and 4 have been withdrawn.

Invest NI: Fermanagh and South Tyrone

1. **Mrs Barton** asked the Minister for the Economy for an update on Invest NI's investment in Fermanagh and South Tyrone over the last three years. (AQO 3233/17-22)

Mr Lyons (The Minister for the Economy): Invest NI works closely with businesses throughout Fermanagh and South Tyrone to support their growth ambitions whilst also promoting the area as a potential location for inward investors. Invest NI also works closely with Tourism NI and local tourist accommodation providers to realise the economic potential of the area's outstanding natural beauty. Tourism NI has allocated funding of over £811,000 to tourism projects in the Fermanagh and South Tyrone constituency through a number of investment programmes since 2018-19.

Over the last three years for which full performance information is available — 2018-19 to 2020-21 — Invest NI made over 560 offers of support to businesses in the Member's area. Those offers, consisting of over £12.4 million of assistance, will help secure over £61.4 million of total investment and support the creation of nearly 600 jobs.

The financial support that Invest NI has provided in the Fermanagh and South Tyrone area includes not only direct financial support for companies through grants but support for companies that are developing overseas capacity through programmes such as Going Dutch and Grow Beyond, as well as COVID response schemes such as the digital selling capability grant (DSCG) and the process and organisational improvement grant (POIG). My Department was able to provide additional funding through its economic recovery action

plan in 2021 to ensure that more businesses in the area were able to benefit from support. That has included support that was offered through the economic recovery innovation grant (ERIG) and the productive investment capital grant (PICG) to invest in innovation, new technologies and processes to improve efficiency and resilience.

Notable recent investments include an 88-job project with local manufacturer Crust and Crumb bakery and support for a 210-job project with Mallaghan Engineering.

Mrs Barton: Thank you, Minister, for that comprehensive answer. Those investments are all very fine and are very welcome in Fermanagh and South Tyrone. We still have a communication problem owing to the mobile network coverage, however. Can you think of any way in which to put further investment into Fermanagh to try to alleviate that problem?

Mr Lyons: The Member is absolutely right to raise the issue of connectivity, because, time and time again, we are told of, and the research demonstrates to us, the importance of good connectivity and how it helps increase business efficiency and helps create more jobs, and more sustainable jobs. I am absolutely committed to ensuring that my Department does all that it can to improve that connectivity.

Project Stratum has been exceptionally helpful. The Member's constituency benefited more than any other, with 13,000 properties benefiting, and I hope that those businesses are taking advantage of that. However, I understand that mobile connectivity is also important, so any way that I can stand ready to help, she can be assured that I will do that.

Ms Dolan: In the Enniskillen area alone, Invest NI has around 12.5 acres of land available for investment. However, since 2017, it has hosted only four investor visits. Clearly, that is not good enough. Will the independent review of Invest NI address the patterns of failure of Invest NI to tackle regional imbalances and attract jobs to Fermanagh?

Mr Lyons: First of all, I completely disagree with the Member about the so-called failure of Invest NI. You only need to look at the track record of Invest NI right across Northern Ireland and the jobs that it has created through direct assistance and through the many other schemes that have been put in place to help. I have been on trade missions and met companies locally that have all benefited right across Northern Ireland through not just the

direct financial assistance and jobs promoted category but others as well. What the Member has said is not right. However, it is an independent review, and I have said to Sir Michael Lyons that I want him to investigate everything that Invest NI does to see how that can be improved on, and I am very open to any recommendations that he brings back.

As the Member said, there is an issue with the land in Enniskillen. I want to make sure that we make use of all the sites that we have, and, where there are potential investment opportunities, we will exploit those. Invest NI is more than willing to bring interested investors to those sites where they are appropriate and where they line up to our ambitions. I encourage the Member to respond to Sir Michael Lyons and his call for evidence, and she can make sure that her particular viewpoint is heard.

Mrs Erskine: I will take this opportunity to thank the Minister for the support that he has given to local businesses in my constituency of Fermanagh and South Tyrone. The Minister talked about trade missions. Most recently, he visited New York, Maryland and Washington DC to meet US investors. The US is clearly our most important FDI market. Will the Minister share what issues were raised with him? What are the key factors for those who are thinking of investing in Northern Ireland?

Mr Lyons: Many new markets are opening up to us, and Northern Ireland companies are investing in them and exporting to them right across the world, but the United States remains an incredibly important market, with billions of pounds' worth of trade and many companies from the United States coming into Northern Ireland. I had the opportunity to meet a number of investors. As a result of our trip, we have provided reassurance to those who are going to invest, and I believe that we will see job announcements coming out of that. Importantly, those are not just, as some would like to say, in the Belfast area. They are right across Northern Ireland, because around 70% of jobs that are created through the work of Invest NI are outside of Belfast, and it is important to keep that in mind.

The Member asked in particular about the areas of interest. We had conversations with investors and government officials in the US about the 10X Economy — those technologies and clusters that we have done really well in, are global leaders in or have the potential to be global leaders in. Those areas of interest are fintech, life and health sciences, and advanced manufacturing. That is why I was so pleased to

be able to go out and explain what we have to offer.

Ms McLaughlin: Based on the answers that you have given to Members from Fermanagh and South Tyrone and the fact that, in 2020 alone, ten times more jobs were created in Belfast than in my constituency, will the upcoming review of Invest NI deal once and for all with the decades of imbalance west of the Bann? It needs to be tackled for the whole of Northern Ireland because, if parts of our Province are not —

Mr Deputy Speaker (Mr McGlone): Does the Member have a question?

Ms McLaughlin: — supported, the rest of us will all fail.

Mr Lyons: We have had this conversation, a number of times, about the review of Invest NI. The Member knows full well that Invest NI will look at all that: investment west of the Bann, outside Belfast and right across Northern Ireland.

I want to give the Member some good news. Over the last number of weeks, I have had the opportunity, in Northern Ireland, to speak to some foreign direct investors. Invest NI had taken those investors to the north-west and shown them what it has to offer. They are talking very positively about the north-west. Invest NI is doing that work and bringing those investors to the area. I think that we will see good news announcements coming out of that.

I gently encourage the Member to talk up her constituency and city. I do not want someone to be googling the conversations that we have here and getting a negative view about Londonderry and the north-west. There is much that is good happening there and much good work that Invest NI has done and will continue to do.

Mr Muir: As the Minister is aware, a number of the key staff in the London and North America offices of Invest NI have recently resigned. Will the Minister please provide an update on what he anticipates the impact of that will be, particularly on the ability to attract foreign direct investment to Northern Ireland?

Mr Lyons: There has been staff turnover, but I have been assured that we have in place the people whom we need to promote Northern Ireland, to continue Invest NI's good record of work and to bring people for visits to Northern

Ireland that will develop into investment opportunities.

I take the opportunity to thank the staff, as we come to the end of the mandate, for the work that they have done, often under difficult circumstances. I put on record my thanks to Mel, the interim chief executive, for the work that he does. Invest NI continually meets its targets, and, across the world, it shines the light on Northern Ireland. I had the opportunity to meet some of our fantastic staff based in North America, the Middle East, London and here. They all deserve our thanks for the work that they are doing.

Higher Education Tuition Fees

3. **Ms Brogan** asked the Minister for the Economy for his assessment of the British Government's reforms to higher education tuition fees. (AQO 3235/17-22)

Mr Lyons: The most significant reform announced by the UK Government is in relation to the repayment terms associated with student loan borrowing for English domiciles. That is intended to significantly reduce the likelihood of English students not repaying their student loan. It is of significance, as funding for Northern Ireland loan products is provided by Treasury and is directly linked to the write-offs incurred in the English system. The English changes may, therefore, force the need for the repayment terms of student loans for Northern Ireland domiciles to be amended to bring the level of Northern Ireland loan write-offs down to the future forecast level in England from 2023-24. That is highly likely, unless a decision is taken to further subsidise Northern Ireland student loan products by supplementing them with grant support, something that the Executive would need to decide and that could not be achieved within my Department's draft budget.

Indeed, the Finance Minister's proposed budget settlement for my Department may leave me with little choice but to consider further options, including reducing teaching grant funding to our local universities, which could lead to a reduction in places available for Northern Ireland students wishing to study in Northern Ireland, alongside any changes that might have to be applied to Northern Ireland student loan products as a result of the changes announced in England that will apply there from 2023-24.

Ms Brogan: Gabhaim buíochas leis an Aire fosta. I thank the Minister for his answer.

The reforms tabled in England mean that students have to start repaying their student fees when they are on a lower wage and could be forced to make payments for up to 40 years, which could potentially be into their retirement. Can the Minister give a commitment that his Department will not follow those regressive changes and drive more graduates into poverty?

Mr Lyons: Unfortunately, I am not in a position to do that, because I do not know what the final Budget settlement will be.

I would like to do an awful lot more on skills and further and higher education, but I am limited by the Budget settlement that I receive. Unfortunately, under the Finance Minister's draft Budget — the Member is shaking her head — I would have to cut back on some of the things that I am already doing, never mind doing some of the other things that we believe need to be in place in order for us to have the type of education system that we want in Northern Ireland. To go even further than that and to compensate for those changes will require additional funding. Of course, it would change everything if that funding were made available.

3.00 pm

Mr Weir: Those of us who attended the excellent presentation today by representatives of the Open University will know the great significance of the higher education sector in Northern Ireland and, indeed, the wider United Kingdom. Will the Minister outline the implications for the higher education sector if the draft Budget that has been proposed by Minister Murphy were to go through unchanged?

Mr Lyons: It would be a very difficult situation for universities and students if the proposed draft Budget settlement for my Department were to become the final settlement. It would not be good for the universities in what they could provide, and it would not be good for students in the support that would be made available to them. The draft Budget settlement has consequences. I am well aware of those.

When the Finance Minister presented the draft Budget to the Executive, it was the first time since 2007 that we did not put the economy and skills at the forefront of what we are doing in Northern Ireland. I have a vision of Northern Ireland being among the elite small economies of the world. If we are to have that, we need to make sure that the funding is in place to

address our skills. That is one of the single greatest challenges in Northern Ireland. If we do not invest in skills, we will not achieve everything that we set out in our 10X Economy vision. That is why we need the funding in place to support it.

Ms Bradshaw: The Minister will be aware that there is huge pressure for places in our two universities. That will just get worse with the growing demography of young people in that age group. What is the Minister's Department doing on the maximum student number (MaSN) cap? Is a review under way? Are there any plans to raise the numbers for the university intake?

Mr Lyons: Of course, the maximum student number has risen in recent years, and it increased from 22,844 in 2018-19 to 25,255 last year. However, the number has not kept up with demographic changes, and I understand the difficulties that we will face if we do not see a change. In many cases, we will just export more of our young people. I do not want that to happen at all; I want those who want to stay here to be able to do so. We have to recognise that many are determined leavers, and they will go to Great Britain. However, I want to see more of our young people studying here. Indeed, I want more students to come here from outside Northern Ireland and from Great Britain in particular. The MaSN cap would not affect them.

I continue to have discussions with the universities about that, but, as I said in answer to other questions, a lot of it comes down to funding, whether we are prepared to look at how we fund those places and what role the Executive are prepared to play in that.

Tourism Promotion

5. **Mrs Erskine** asked the Minister for the Economy to outline the work undertaken by his Department to promote Northern Ireland as a tourist destination. (AQO 3237/17-22)

Mr Lyons: By the end of this financial year, my Department will have invested over £12 million through Tourism NI to consistently and heavily promote Northern Ireland as a leading tourism destination across multiple campaigns and initiatives. I was pleased to secure an additional £8 million in the January monitoring round to support tourism marketing campaigns in Northern Ireland, the Republic of Ireland, Great Britain and Europe, including a comprehensive cooperative marketing campaign with airlines to

highlight the ease of access to Northern Ireland via direct flights.

I have been pleased to engage in working with Tourism Ireland to showcase Northern Ireland on the world stage. In November, I attended the World Travel Market in London, which is the largest business-to-business event in the global tourism calendar, and we supported around 25 companies from Northern Ireland that were participating. Last month, I attended Expo 2022 in Dubai and engaged with industry partners who were participating in Tourism Ireland's 2022 Middle East sales mission. Last week, I was in the US to engage with around 20 top US travel industry and media guests at a Tourism Ireland breakfast round table. I will continue to do all that I can to promote tourism in Northern Ireland.

Mrs Erskine: As this is the Minister's last Question Time, I wish him well in the election, and, hopefully, after the election, we will welcome him back to Fermanagh and South Tyrone.

In my constituency, we have welcomed a lot of stay-at-home tourism as a result of the COVID restrictions. While we want to promote Northern Ireland as a place to visit from other countries, how can we also capitalise on that stay-at-home tourism and support the sector to do that, particularly in my beautiful constituency?

Mr Lyons: Absolutely. I, of course, encourage more home-grown tourism, and I encourage people in Northern Ireland, once they have visited East Antrim, to visit Fermanagh and South Tyrone [*Laughter.*]

Mr Storey: [*Inaudible.*]

Mr Lyons: Mr Storey has something to say about North Antrim as well.

First of all, we can continue to develop the product that we have right across Northern Ireland, and we have not stood still. We continue to invest in attractions, experiences and accommodation. You only have to look at the 'Game of Thrones' exhibit, which is a huge asset to Northern Ireland that will pull in many more visitors, to see that. As I said in my opening answer, we spent £8 million this year on promoting Northern Ireland. Part of that was for the domestic market, and I am keen that we continue to look at the tourists who are on our doorstep to make sure that they are experiencing everything that Northern Ireland has to offer.

We have also taken other steps, and we see how Project Stratum has benefited tourism, because more accommodation providers and more experiences and attractions will now have access to that high-speed fibre broadband, which is critical for being connected in the modern world and in ensuring that we can make the most of what we have to offer.

I am sure that Mrs Erskine will continue, as she has done with me continually, to promote everything that Fermanagh and South Tyrone has to offer. I want everywhere in Northern Ireland to take advantage of what we have to offer to tourists, whether they are from just down the road or from the other side of the world.

Mr O'Dowd: On the subject of tourism just down the road, the Minister will be aware that there has been a significant increase in the number of tourists visiting from the South — the Twenty-six Counties — with an estimated increase of 55% staying overnight, including in Mrs Erskine's constituency, I am sure, and in everyone else's constituency. Therefore, Minister, why do you underfund Tourism Ireland? Under the agreement that is in place, your Department should be providing one third of its funding, but you provide only 15%. You are undercutting local businesses by doing that. Will you commit to supporting Tourism Ireland fully?

Mr Lyons: Things were going so well yesterday, and Mr O'Dowd was so pleased with the work that I was doing.

Mr O'Dowd: I am just trying to be honest with you today.

Mr Lyons: Of course, the funding arrangement is complex. When the Government in the Republic of Ireland want to give more money and more funds to Tourism Ireland, we might not always be in a position to do so. We might be facing budgetary constraints, so our share will go down. Where possible, I have been able to give money to those campaigns through monitoring rounds or when extra money has become available, particularly to those campaigns that promote Northern Ireland abroad. I want to continue to do that. I see the benefit in making sure that everybody around the world knows about Northern Ireland and knows what we have to offer. I want to be able to give that funding and ensure that Northern Ireland can be promoted.

Mr O'Toole: Minister, most tourists who come to Northern Ireland from overseas do so via the

South of Ireland. Dublin Airport is the biggest point of entry into Northern Ireland. With that in mind, did your Department respond to the all-island strategic rail review in order to explore how rebuilding the rail network, which has, unfortunately, been devastated over the past century on this island — we have only one cross-border rail link — could contribute to growing tourism in Northern Ireland?

Mr Lyons: I want to see improved connections, whether they are by road, rail or whatever else. I have had discussions and was able to meet representatives from an airline last week in New York, and when I was in the Middle East, I was looking at possibilities of having a direct route out there. I am more than happy to ensure that we get more travellers and tourists into Northern Ireland. Direct air links are one of the ways in which we can improve the connectivity of Northern Ireland to ensure that that can happen and that those who are coming in can take advantage of what Northern Ireland has to offer. I want it to be as easy as possible for visitors to come here, whether that is by road, rail, air or ferry, or whatever it might be, and to experience everything that we have.

Mr Nesbitt: Further to Mr O'Dowd's question, if the Government of Ireland choose to put in additional moneys to Tourism Ireland, what are the implications for its work programme?

Mr Lyons: If additional money is given to Tourism Ireland, the implications are that Tourism Ireland can do more work.

Mr Allister: For a different perspective, I ask the Minister what success he has had, since he came into office, in liberating Tourism NI from its satellite subservience to Tourism Ireland? Does he agree that, until that liberation is secured, the promotion of Northern Ireland as a free-standing, delightful tourism attraction will be stultified?

Mr Lyons: The Member will be aware that there are certain things that are in my control and certain things that are outside my control. I am operating within the parameters of what has been put in place in the past. I am making sure that Tourism Northern Ireland is doing its job in promoting Northern Ireland. I am speaking constantly to the chief executive of Tourism Ireland about making sure that Northern Ireland gets its fair share, is promoted and is not secondary in any way. That is why, when I was in New York last week at the Tourism Ireland breakfast, I talked about what Northern Ireland has to offer and about everything that we can do to bring more visitors to Northern Ireland.

Economic Clusters

6. **Ms Kimmins** asked the Minister for the Economy to outline the economic clusters identified in the 10X Economy strategy. (AQO 3238/17-22)

Mr Lyons: My Department's vision for a 10X Economy sets out a bold and ambitious vision for our economy through a decade of innovation that has benefits for all the people of Northern Ireland. I very much welcome the support and endorsements that have been provided by the business community and from across the Chamber since its launch. That ambition will be realised by focusing on innovation in areas where we have real strengths and by ensuring that the gains from innovation mean something to all businesses, people and places in Northern Ireland.

I hope that the Member has picked up her copy of 'A 10X Economy'. Five priority clusters have been identified in the 10X vision through stakeholder engagement. Those are digital, ICT and creative industries; agri-tech; fintech and financial services; advanced manufacturing and engineering; and life and health sciences.

A 10X Economy cannot be achieved in isolation. I remain committed to adopting an inclusive approach to delivery. A good example of that is the cross-cutting work that my energy officials are doing with the Department for Infrastructure to start our hydrogen economy and to support Northern Ireland Water to deliver its power of water strategy, which aims to provide a diverse range of zero-carbon power and to produce hydrogen and oxygen at scale. Clearly, as I have already highlighted, it will be impossible to deliver 10X unless my Department is properly resourced in Budget 2022-25.

Ms Kimmins: I thank the Minister for his answer. My Newry and Armagh constituency has significant labour shortages in manufacturing, transport and health and social care, yet any of the city deal funding that we have seen has been directed towards the 10X Economy strategy and jobs in digital industries and financial services. In order to address the need that exists, will you ensure, Minister, that your Department also invests in upskilling people for jobs in the areas that I have outlined?

Mr Lyons: Absolutely, and 10X is our overarching vision for where we want the economy to be in 10 years, but it is not a vision that sits in isolation.

We have a number of strategies that underpin it. I have already mentioned the energy strategy. The skills strategy, which I hope to take forward soon, is another one that contributes to the overall goals that we seek to achieve.

3.15 pm

For example, in the skills strategy, we will be pushing very heavily the culture of lifelong learning that we need in order to bring people back into work. We will look at what we can do to bring in talent from elsewhere in the UK or further afield. In particular, we will look at creating the digital spine that we need. There are other labour issues and shortages that we want to address, but that is absolutely what I intend the skills strategy to do, which, in turn, will contribute to what we are doing through 10X.

Dual Market Access

7. **Mr O'Toole** asked the Minister for the Economy how many enquiries Invest NI has received from investors relating to Northern Ireland's dual market access. (AQO 3239/17-22)

Mr Lyons: Across its international network, Invest NI promotes Northern Ireland as a destination of choice for mobile foreign direct investment, based on a compelling value proposition that combines our key strengths of a talented and loyal workforce, advanced telecoms infrastructure, a pro-business environment, competitive operating costs and proximity to major markets. Potential investors assess the aforementioned value proposition as an overall package when determining the optimum location for their international operations, rather than any individual factor being considered in isolation when evaluating our attractiveness relative to other competing locations.

Invest NI engages with a wide range of businesses and locations regarding establishing a presence in Northern Ireland, based on the strength of our overall value proposition. The number of live enquiries changes continually as new leads are identified and others do not proceed. The Member will appreciate that investment discussions are commercially sensitive — indeed, attracting FDI is a highly competitive process — and as such that I am not in a position to disclose the status of any of those specific enquiries. In general, discussions with potential investors can take upwards of 12 months. Any decision to invest in Northern

Ireland will be announced in conjunction with the investor when appropriate.

I also want to put on record that I let Invest NI do its job to market and sell Northern Ireland. The Member has previously accused me, in the House and online, of stymieing that work. That is incorrect and has been confirmed by Invest NI. An apology would be appreciated.

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

Mr O'Toole: On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr McGlone): I am sorry; we cannot take points of order now. Just so the Member knows, points of order can be taken at the end of Question Time.

Topical question 9 has been withdrawn.

RHI Scheme Closure

T1. **Ms Ennis** asked the Minister for the Economy to state why, for two years, DUP Ministers have refused to bring forward proposals to deliver on the New Decade, New Approach commitment to close the poorly designed, flawed, failed and disastrous renewable heat incentive (RHI) scheme that was created and overseen by successive DUP Ministers. (AQT 2131/17-22)

Mr Lyons: The Member will be aware that a consultation took place. We had to allow that consultation to happen. We had to analyse the results of it and to look at a way forward. I tried to get the issue on to the Executive agenda on a number of occasions. There are a number of financial and legal implications. I have been very clear from the start that I want an outcome that is fair to scheme participants and, at the same time, fair to taxpayers in Northern Ireland. I would like to have had that discussion at the Executive but, unfortunately, I could not get it on to the agenda.

Ms Ennis: Over the course of this mandate, three different DUP Economy Ministers — you are the latest — have been consistent in their refusal to close the RHI scheme, despite a commitment and repeated calls to do so. Can you explain, because I have not heard a rational explanation yet, why no proposals have been taken forward by the DUP Economy Ministers to finally close the scheme?

Mr Lyons: Well, of course, that is simply not the case. I have tried on a number of occasions to take forward proposals to the Executive, as did my predecessors Paul Frew and Diane Dodds. It is wrong to say that we have not brought options to the Executive. The difficulty has been in allowing those options. I am more than happy to have a conversation with Executive colleagues about that but, unfortunately, I have not been in a position to do so.

Energy Schemes: Unspent Funding

T2. **Mr Muir** asked the Minister for the Economy, given that it emerged recently that, over the next 20 years, up to £660 million will remain unspent as a result of the failure to come up with an alternative proposal to spend cash on renewable heat incentives and schemes such as that, to explain why that is the case and to outline what he is doing to utilise the available funding. (AQT 2132/17-22)

Mr Lyons: Of course, it is not the case that money is unspent. As the Member said, it is over a 20-year period; it is not something that is unique to this financial year. The Member will be aware of my energy strategy and my action plan for 2022. We have an issue around RHI to deal with. There will be financial consequences of that. That will then give us an idea of the sums of money that we will have left to deal with any future scheme that will incentivise renewable energy. He will understand that a lot of work and due diligence need to be done before that can be brought forward.

Mr Muir: I thank the Minister for his response. I return to the issue of energy. The Northern Ireland Audit Office (NIAO) reported today that:

"Since the issues associated with RHI emerged, the NIAO has continued to observe a culture at DfE where on some occasions issues have not been shared with us ... This leads us to conclude that the culture within the Department has not yet changed sufficiently and we would urge continued improvement, especially in relation to openness."

What actions has the Minister taken to address that?

Mr Lyons: I note the recommendations from the RHI inquiry. If there is further work for us to carry out, we can do that, but it will be a continued conversation that will take place between officials and, no doubt, Committees in the days to come. I want to be as open and

transparent as I can. That is something that I am committed to.

Minister for the Economy: Achievements

T3. **Mr Storey** asked the Minister for the Economy to reflect on and explain to the House what he sees as his most valuable and significant achievement as Minister for the Economy, albeit that he has been blocked from bringing papers by the party opposite. (AQT 2133/17-22)

Mr Lyons: Mr Deputy Speaker, I have only two minutes; I do not know whether it is appropriate to ask for an extension so that I can explain. *[Laughter.]* There are a number of things that we are pleased that we have been able to achieve over the course of this mandate. I think of the many Assured Skills academies that we have put in place, which have helped to create jobs and have brought more investment into Northern Ireland. I think of the economic recovery action plan (ERAP) and, in particular, the high street scheme, which enabled 1.4 million cards to be produced, delivered and spent in 3.7 million transactions.

I think of the reviews that we have undertaken of the Careers Service and Invest NI and the independent strategic review of the agri-food sector. I also think of the new energy strategy that puts affordability and security of supply at the heart of what we are doing, with a focus on energy efficiency and cheaper bills for consumers.

I think of Project Stratum, which, through the DUP confidence-and-supply agreement, delivered almost £200 million worth of improvements. There are 88,000 premises that now, or will shortly, have access to broadband; 10,000 poles have been put in place; and 2,000 kilometres of cable have contributed to that.

I think of the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022, which is really important legislation to protect workers who go through horrendous situations. I think of the implementation of the 10X vision and the opportunities that that will create in Northern Ireland.

I think of the work that we have done in hosting the Northern Ireland showcase event to show the world what we have to offer. I think of the ERAP and grant schemes that were put in place that saved thousands of businesses and tens of thousands of jobs. I will leave it up to the

Member to decide whether we have achieved enough.

Mr Storey: I thank the Minister for his answer. All politics is local, so I will bring it back to my constituency, North Antrim. Will the Minister join me in congratulating Christies Direct, a local company in Ballymoney, which will celebrate 30 years in business next weekend? It is now part of the Californian Nexus Brands Group, one of the largest organisations in that industry in the world. As that business has that celebration, will the Minister outline the benefits to my North Antrim constituency that have come about as a result of his Department's activity?

Mr Lyons: Absolutely. I am more than happy to put on record my congratulations to that company in the Member's constituency and to highlight the work that we have been doing in North Antrim. That work is replicated right across every constituency in Northern Ireland. I think of the efforts that I have put in to ensuring that our hydrogen economy grows and develops in Northern Ireland. Ballymena has been central to that.

I think of the Assured Skills academy, which 48 of his constituents at Northern Regional College have been through, and the funding of £147,000. I think as well of Project Stratum in his constituency, where 7,296 properties will be connected. As of today, 3,000 of them have already been connected. Under the COVID support schemes, 1,876 businesses in his constituency were supported, with grants totalling £30,757,603. Under the high street scheme, £9,396,809 was spent in his constituency. That is a significant record of achievement in North Antrim.

Fuel Costs: DFE Mitigations

T4. **Miss Reilly** asked the Minister for the Economy to state what his Department is doing to mitigate soaring fuel costs, with oil prices through the roof, the recent announcement of another gas price hike and petrol and diesel at over £1.70 a litre in some places. (AQT 2134/17-22)

Mr Lyons: In the first instance, the Member will be aware that fuel poverty is the responsibility of the Department for Communities, and there is a role for that Department to play, whether that be with home heating costs or other home energy issues.

As for what my Department has done, the Member should look at our energy strategy and the plans that we have in place that, in the

medium to long term, will help us get away from the difficulties in which we find ourselves. Why are we in the situation that we are in today with high prices? It is largely down to the events in eastern Europe and in Ukraine in particular. I want us to move away from foreign sources of fossil fuels and towards generating more of our energy in Northern Ireland. That is what the energy strategy moves us towards: taking advantage of the opportunities that will come from, for example, hydrogen but, at the same time, making sure that we use the energy in Northern Ireland as efficiently as possible. The cheapest form of energy is the one that we do not use. If we can save energy where possible, that will make a difference. We are trying to make energy more affordable and more secure, and we are trying to make sure that we use it as wisely as possible.

Miss Reilly: The Utility Regulator and the Consumer Council continually raise the point that home heating oil is not regulated in the same way as gas and electricity are, so prices can just go up. Are you looking at emergency measures to regulate the oil industry here?

Mr Lyons: I am fully aware of the issues with home heating oil and the difficulties that they cause. Regulation is a much more complex issue. The Member will be aware of the roles that others have to play. Clearly, there is a lot more competition in that market as well. What I want to do is to make sure that we are not dependent on those fuel sources in the future. That is the role that the Department for the Economy has to play.

Investment Constraints

T5. **Ms Sugden** asked the Minister for the Economy what his Department is doing to identify and address constraints on businesses that want to invest here, given that she recently met representatives of a business that wants to invest hundreds of millions of pounds in Northern Ireland but is discouraged by something that should be taken for granted, which is Northern Ireland's planning system, albeit planning is not within his remit but is affecting his remit. (AQT 2135/17-22)

Mr Lyons: The Member rightly identifies that it is a matter for the Department for Infrastructure but then asks me what I am going to do about it. Unfortunately, planning is outside my control. That having been said, one of the issues that are raised with me time and time again is that our planning system is often seen as not fit for purpose and, in many ways, a turn-off for investors because of the time that the process

takes. There are issues that need to be addressed at council level, as well as some at a Northern Ireland-wide level. The issue is the direct responsibility of the Minister for Infrastructure, so I recommend that the Member take it up with her.

Ms Sugden: Minister, that is an unacceptable answer. It is your responsibility to speak to your Executive colleagues where issues are affecting everyone in Northern Ireland, including businesses, which, again, are under your direct remit. How are you working with your Government colleagues to address those issues? Investors are saying that they do not want to bring hundreds of millions of pounds to Northern Ireland, yet you say that that is not within your remit. That is not acceptable, Minister.

Mr Lyons: What the Member has just said is rather silly. I have outlined how I recognise that it is a problem. She does not seem, however — there she goes, shaking her head. She does not seem to understand that certain Departments are responsible for certain issues. I cannot step in to direct hospitals what to do; I cannot step in to other Departments. They have their own remits, and the Member is aware of that.

Planning is absolutely an issue of concern to the economy. I have highlighted the issues, raised the concerns and talked about the change that we need to see. The Member needs to recognise, however, that Ministers are not responsible for all areas of work in Northern Ireland. Different Ministers are responsible for different areas, and I would have thought that that was fairly straightforward.

3.30 pm

RHI Scheme: Solutions

T6. **Dr Aiken** asked the Minister for the Economy to outline the solutions that he had for the RHI scheme and to state which one of the two he would opt for, given that, during the earlier debate, the Minister of Finance was pretty derogatory about the Department for the Economy, commenting that it had not come up with any solutions to the RHI scheme. (AQT 2136/17-22)

Mr Lyons: I am surprised to hear that comment from the Minister of Finance, because he knows full well that, on a number of occasions, my predecessors and I have brought options to the Executive and sought to have that

conversation. Unfortunately, it did not get onto the agenda.

Dr Aiken: Thank you very much, Minister. Of the two solutions that you put forward, which is your preferred option?

Mr Lyons: It is interesting that the Member thinks that only two solutions were put on the table. I have been clear from the start that I want to find a solution that works for taxpayers and scheme participants and that deals with the potential legal and financial risks to which we could expose ourselves.

Mr Deputy Speaker (Mr McGlone): Members, time is up, so take your ease while we move to the next item of business.

Mr O'Toole: On a point of order, Mr Deputy Speaker. During Question Time, the Minister asked for an apology from me for something. I am not sure what it was for, but I put on record my delight at hearing that he has no objections to Invest NI's selling Northern Ireland's unique dual market access at the crossroads of the UK and EU market of half a billion people. I look forward, should the Minister still be in post in the new mandate, to his beating that drum and helping us to sell that benefit.

Mr Deputy Speaker (Mr McGlone): The Member will be aware that that was not a point of order, of course. *[Laughter.]* Members, please take your ease while we move to the next item of business.

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

Private Members' Business

Defamation Bill: Final Stage

Mr Deputy Speaker (Mr Beggs): The next item on the Order Paper is the Final Stage of the Deformation — the Defamation Bill.

Mr Nesbitt: I am trying to reform the Bill, not the pronouncement. I beg to move

That the Defamation Bill [NIA 25/17-22] do now pass.

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

Mr Nesbitt: I understand that Mark H Durkan still hopes to introduce a private Member's Bill and to get it through all its stages in the remaining five days of the mandate. This Bill is the opposite. It is certainly not built for speed. It has been 3,106 days since Lord Black of Brentwood came to the Building to launch my consultation on the Defamation Bill. As this is the Bill's Final Stage, I thank him and some others. I thank the Lords Lexden and Empey for keeping the issue alive in the Palace of Westminster. I thank Jeff Dudgeon, Brian Garrett and Austen Morgan, who helped to shape the Bill, which, of course, flows from the Defamation Act 2013 in England and Wales. I thank the former members of the Northern Ireland Law Commission, particularly Judena Leslie and Dr Andrew Scott. Judena was chief executive, and Andrew was the academic who consulted deeply on the issue and then wrote the report that was published in 2016. I also thank Dr Mark Hanna from the school of law at Queen's University Belfast for his assistance recently.

I will not risk the wrath of the Speaker, who said in his written encouragement yesterday that it is not the norm for Members to name officials in the House. Therefore, there are about nine or 10 officials from the Bill Office, the Office of the Legislative Counsel (OLC) and the Department of Finance whom I will not name, but I thank them. I thank the Minister for allowing that engagement, which I found extremely useful. There is one official whom I particularly thank for his expert knowledge of the life and times of Kenny Rogers. That is an in-joke that you will have to ask him for an explanation for.

There have been a lot of developments over the past 102 months, including developments with regard to the passage of the Bill, not least at Consideration Stage, when the House decided that it did not wish to support my redefinition of the test of defamation as being one that caused serious harm. I accept the will of the Committee and the House in that regard. I also accept that Dr Scott, who has been monitoring the 2013 Act in England and Wales, has come to the conclusion that it has not delivered as was particularly intended.

Another development of late is the so-called SLAPP: the strategic lawsuit against public participation. SLAPPs have no legal definition at this stage, but, broadly, it is where somebody of wealth and potential influence brings forward a defamation case that, they understand, has absolutely no merit in law in order to frustrate publication that might be in the public interest. Given that the House has agreed, through the Bill, to place a duty on the Department to keep under review not only the workings of the Bill but developments in the realm of defamation, I hope that the Minister will confirm that SLAPPs will be part of that review.

The biggest impact of the 2013 Act in England and Wales — Dr Scott referred to this in his evidence to the Committee — is non-jury trials. It was described by Dr Scott in October of last year as having highly beneficial consequences. He said:

"The importance of this change — the move to judge-only trials — cannot be overstated."

I hope that, in agreeing to remove the presumption of jury trials in this jurisdiction, we will make it speedier, more easily understood and less expensive for plaintiffs to take cases of defamation.

My biggest regret is that we are not doing anything about the internet, where reputations are trashed minute by minute if not second by second, but I understand that I have failed to persuade the House of my proposals. Again, I hope that that will be part of the review that the departmental officials in Finance will undertake over the next couple of years. We also look to what other jurisdictions will be doing in this area because it is not just an issue for us, and it is not just a national issue. It is an international issue with which it is very difficult to grapple.

Dr Scott said that my Bill was far from perfect and was not a panacea, but it was a decent first step in the right direction. That is how I commend it to the House today. I am pleased that, with the Bill, I have achieved, I think, two

things. The first is, hopefully, getting defamation law on the statute book if the House agrees today. The second is getting the issue of defamation on our political agenda for the next mandate. I leave my remarks there.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Bill sponsor for his opening remarks and for the oral and written briefing information that was provided to the Committee during Committee Stage. I thank the Minister for the information that his officials provided to the Committee.

As was indicated during the Consideration Stage debate, it is to a Member's credit that they bring a private Member's Bill to the Assembly. It is a lengthy and demanding process, all 3,106 days of it, and it can prove to be quite testing for the Member involved. The issues in the Bill were certainly important and included free speech; a free press; the excesses of social media commentary; and the protection of reputation. The Bill underwent quite a lot of changes during its passage. I think that all Members will welcome the conversion of common law precedents into statute and the requirement for a further review of those matters. The removal of the presumption against jury trial for defamation actions was a little more controversial, but all the debates have been useful and illuminating and certainly helped to inform the Assembly's consideration of the Bill. I will conclude by congratulating Mike on what is likely to be a successful conclusion of this legislative journey.

Mr McHugh: I welcome the opportunity to contribute to the Final Stage debate on the Defamation Bill. From the outset, Sinn Féin has been clear that we wanted to see reform in the area of defamation, and a number of factors made that all the more pressing. First, we have all witnessed how online defamation has become a serious problem over the past number of years. Social media platforms are awash with anonymous trolls hiding behind fake profiles who wish to harm and defame others with impunity. Our current defamation laws date back to the 1990s, and it is clear that they are ineffectual in dealing with those issues. Secondly, England and Wales reformed their defamation laws in 2013, resulting in widely varying libel laws among jurisdictions. The fact that eight years have passed since the 2013 Act presented us with an opportunity to analyse those reforms and to see what has worked and what has not. Thirdly, two reports have been published that are relevant to the discussion. The first one is from Professor Andrew Scott, and the second is from the Irish Government and was released a number of weeks ago.

The Minister indicated his intention to introduce a Bill once he had carried out a proper analysis to review all the evidence from England, and with the benefit of the two reports, to inform legislation that would meet the needs of people here. The sponsor initially proposed the Bill a number of years ago. I understand that he has a background in journalism and that he has experience in the subject. While it is fair to say that the Bill sponsor has been patient, I cannot help but feel that the Bill is still being rushed, even after that passage of time. The initial draft was a straight replica of the Defamation Act 2013. From our point of view, there are a number of issues with that Act that we do not believe should be introduced here.

3.45 pm

There was much discussion about the serious harm threshold and how it raised the bar and made it more difficult for the man in the street to defend his reputation.

The 2013 Act has not had an impact on the growing issue of online defamation, and it could be argued that things have moved on since then and that the provisions for operators of websites are outdated.

We also highlighted our opposition to the removal of juries from defamation cases. We need to be very careful, particularly in this jurisdiction, when we begin to roll back from affording citizens the right to have a jury of their peers, rather than a judge alone, to decide their guilt or innocence. People have confidence in the justice system when they see that fairness is being demonstrated.

The Bill sponsor tabled an amendment that called for a review of defamation law within two years. That is welcome because, unfortunately, we do not have the luxury of time in this mandate to consider carefully all the available evidence from England or to digest the report recently published in the South, both of which would have informed a state-of-the-art and up-to-date Bill that met the needs of citizens and achieved the right balance between freedom of expression and the right to defend one's name.

Sinn Féin, along with others, was not convinced by a number of the clauses in the initial Bill. Some of those were removed at Consideration Stage. The Bill that we are voting on today has radically changed from the one that was initially presented to the House, and we believe that it has changed for the better.

The Bill will bring positive changes in a number of areas. The common law defences of fair

comment and justification will be made into statutory defences of truth and honest opinion. There will be a statutory defence for matters that are in the public interest. The Bill will provide protection for academics and scientists. Any publications of an academic nature will be privileged, provided that they are peer-reviewed.

The Bill deals with any potential libel tourism that may arise in the future. After the 2013 Act, there was a fear that the North would become a libel hotspot, with throngs of wealthy individuals from abroad taking cases here to take advantage of our stronger libel laws. Although that did not happen, we do not see the harm in preventing it from happening in the future.

For the reasons stated, we remain opposed to the move away from jury trials. However, as it seems that a majority in the House is in favour of clause 7, we will not, despite our reservations, oppose the Bill's passage. The area of defamation law is fluid, and I have no doubt that it will not be long before we are back here debating defamation again. With that, I conclude my remarks.

Mr O'Toole: I start by declaring an interest as the chair of the all-party group on press freedom and media sustainability, which has done some work in this mandate, although not as much in recent months as we would have liked. Hopefully, it will be re-established in the new mandate.

I am pleased that the Defamation Bill has moved to Final Stage, and I sincerely and wholeheartedly commend and congratulate my colleague on the all-party group Mike Nesbitt, who has championed this for a decade. The Bill is testament to his consistency and to his dedication to bring about reform in this area. It has been clear for a number of years that Northern Ireland's defamation regime was not fit for purpose, and, basically, that was the finding of Dr Scott's review. Once the Defamation Act 2013 went through in England and Wales and there were reforms in the Republic and in Scotland, it was fairly clear that we had become an outlier, frankly, in that we had a defamation law regime that relied almost exclusively on the common law and on interpretations of the common law that, according to an overwhelming amount of anecdotal evidence, academic testimony and industry experience — this is a critical part — had come to have a chilling effect on the operation of a free media in Northern Ireland.

This is the important point when we come to discuss these matters: virtually every media

organisation that I have spoken to — our all-party group took evidence from some last year on the state of local media and areas for reform — talked about the effect of Northern Ireland's defamation law regime. Those organisations ranged from the small local weekly titles, selling a few thousand copies in rural areas of the region, to the BBC, which is one of the biggest journalism organisations in the world. A senior news executive from the BBC who gave evidence to the Finance Committee on the Defamation Bill was clear that Northern Ireland is a particular area of concern and that the law has a chilling effect on BBC reporting. That is not just on the reporting of a small weekly newspaper, although that is important too, because those newspapers hold to account all of us in the Chamber and in courtrooms and council chambers and, indeed, those local businesses that are engaging in sharp practices, but on what is, by some measures, the largest media organisation in the world. The BBC said that Northern Ireland's defamation law regime has a chilling impact on its reporting or that it is an area in which it is particularly aware of the risks to its reporting.

It was vital that we did something. The argument has been made that the Bill was a rushed job. Mr Nesbitt spoke previously and again today about how it took nearly a decade to get to this Final Stage, so that argument simply does not stand up. Indeed, the idea that we might be legislating in haste is answered in part by the review clause that is now in the Bill, which will allow the Assembly — we can assume and hope that people come back here to do their jobs after the election — and the Finance Department to review how it is working. I very much echo Mr Nesbitt's call for the review to look at what happens in the South of Ireland, because, as in many other areas, there is both an east-west and a North/South component to defamation law. We are a media market that consumes content from across the water and from across the border, as it were, so we need to ensure that our defamation law interacts properly with that. Another area that has been mentioned is strategic lawsuits against public participation. That is really important. We now have the review clause, and that has answered some of the concerns on that.

I would rather that the serious harm test had not come out. It has, but there are still many positive things, such as putting truth and honest opinion defences in statute. Creating a higher threshold for jury trial in defamation proceedings has been talked about, including by Dr Scott and Mark Hanna, as being particularly critical to removing the baleful impact that our current defamation law regime

has on the free press and freedom of expression.

It is important to make again another point that I have repeatedly made in the debates on the Bill. Something that has come out as we have debated the Bill is how much we do not and cannot know, because the overwhelming amount of our defamation law has been in the common law and a huge amount of custom and practice in how defamation law operates is about conversations that happen before writs are issued. Those conversations happen between libel lawyers and legal departments, or, even before we get to that stage, between editors and journalists. That is perhaps the most chilling bit of all. I was made aware of a conversation between an editor and a journalist after which an important piece of reporting did not happen because of caution that was, frankly, not unrelated to the defamation law regime that we have in this place. We are doing something today to make that a little bit more manageable so that the balance is weighted in favour of freedom of expression and a free media. Given the issues that we know that our defamation law regime has created in this place for those areas, that is a positive step forward.

As I said, the Bill does not totally remove the right to jury trial for defamation law cases. It makes the threshold higher. It is important that we do not conflate jury trials in this matter with jury trials in criminal matters.

They are fundamentally different, and the average punter in the street would recognise that they are fundamentally different. There is, of course, a range of areas of civil and commercial law where it is very unlikely that the matters will ever get near a jury. The reform is not unprecedented.

In closing, I am very pleased that the Bill will pass into law. Of the things that I have done over the past couple of years as a legislator in the Assembly, my work on this Bill has been really important. Mr Nesbitt can be proud of the Bill and I very much hope that it secures safe passage.

Mr Muir: At the outset, like Matthew O'Toole, I declare membership of the all-party group on press freedom and media sustainability. I will speak as the finance spokesperson for the Alliance Party. I am pleased to be able to give my support and my party's support for the Defamation Bill.

In too many areas, Northern Ireland lags behind the progress on these islands. Defamation law reform has been one of those areas. The

opportunity to implement a legislative consent motion on the Defamation Bill that was passing through Westminster in 2012 was missed and rejected by the then Finance Minister, DUP MLA and also MP, Sammy Wilson. It is not surprising that the DUP voted against that Bill in Westminster. The DUP, alongside Sinn Féin, has played a significant part in diluting the content of this Bill. If people feel that this Bill is rushed, I would like to see a Bill that is proceeding slowly.

The removal of the serious harm test at Consideration Stage was very disappointing. The Bill that is before us is a vastly watered-down version of what was originally presented to the House in June of last year. It is disheartening that such a significant change to defamation law was rejected by the House. Previous engagement with the Bill sponsor suggested that he may have been open to tabling, at Further Consideration Stage, amendments to the Bill that would mirror anti-SLAPP mechanisms, which were recommended as part of the review of Ireland's defamation laws. That mechanism would have offered greater protection to weaker parties who are faced with groundless and exaggerated lawsuits from wealthy individuals. With the removal of the serious harm test at Consideration Stage, I am disappointed that that mechanism is not part of the Bill.

While I welcome the improvement to our defamation laws, I reiterate that we still have a long way to go to combat the abhorrent online abuse that we see so regularly on social media and other online platforms. I look forward to learning more about the Westminster online safety legislation and how best we can make significant and much wanted and needed change in that area.

One of the more significant changes that the Bill, if passed, will bring about is the removal of the presumption in favour of a jury trial in defamation cases. The presumption of a jury trial raises both the cost and complexity of defamation cases. I hope that reform of that regulation means that presumption of a jury trial will no longer hold back individuals from seeking justice.

As I have already stated, I am disappointed that the Bill had vital elements of reform removed during its passage through the Assembly. This was an opportunity to make significant change to defamation law in Northern Ireland, yet certain parties — namely the DUP, Sinn Féin and the TUV — voted them down. As Committee evidence showed, on a number of occasions, defamation cases have been used

by wealthy individuals to intimidate those with limited access to resource or finance. This was an opportunity to create fairer access to justice for all, yet the Bill, as it stands, does not contain the reform that could change the narrative in that area.

Alliance will, however, support the Bill in the hope that a small change is better than no change at all. I urge all other parties to support the Bill as we take much needed action to update our defamation laws.

Mr Deputy Speaker (Mr Beggs): I call the Minister of Finance, Conor Murphy, to respond to the debate.

Mr C Murphy (The Minister of Finance): The Defamation Bill that has reached its Final Stage is the product of scrutiny by the Finance Committee and, latterly, of cooperation between the Bill sponsor, Mike Nesbitt, and my officials, who were supported by the Office of the Legislative Counsel. While there have been disagreements on aspects of policy, the Bill is, nevertheless, legally coherent thanks to that work.

I made no secret of the fact that, when I learned that the Bill's sponsor sought to bring a private Member's Bill to the House, I felt that it would be preferable not to simply copy a law from 2013 in England and Wales. Practice and policy in that area of law has moved on from 2013. We live in an age where people can be defamed every second due to social media. Therefore, we need to adapt our laws to meet that challenge. The Bill does not deal with these issues, but I accept that there are parts of it that will be useful.

4.00 pm

Some of the content that I had concerns about from the start, most significantly the serious harm test, have been addressed. I remain concerned, however, about the removal of jury trials. Mr O'Toole said that it is not a removal but a raising of the threshold. However, the actual experience in England and Wales since 2013 is that there has not been a single jury trial in relation to defamation since the legislation was passed, so, in effect, it has had the same outcome. In my view, ordinary people whose reputation is destroyed as a result of falsehoods would be better served if their case were judged by their peers.

However, I do not intend to oppose the Bill. My preference and current intention is to develop bespoke legislation, to be introduced in the next

mandate. That will draw on up-to-date research, including the recently published review of defamation law in the South of Ireland.

Mr Nesbitt raised the issue of strategic lawsuits against public participation — SLAPPs, as they have come to be known. I know that he was keen to have something in the Bill to deal with them, and I am sure that that can be considered in the context of the departmental review that appears in clause 11 of the Bill. I accept that they have the potential to be a relevant development in law, and I note the recommendations of the Dublin Government. I understand that the issue may be looked at elsewhere in these islands.

I am sure that the Department will properly consider SLAPPs as it commences a review of the law over the forthcoming period. Indeed, my officials have already begun that process. They have held discussions with counterparts elsewhere and will take particular note of the call for evidence that has just launched in England and Wales, as well as continuing their liaison with the officials in Dublin responsible for the consideration of SLAPPs there.

Despite my concern about the shift away from jury trials, I do not intend to oppose the Bill. My continued preference is that this law should be an interim law for defamation and that my Department will review the law, in line with the requirement placed on it in this Bill, with a view to developing further legislation for consideration in the next mandate.

Mr Nesbitt: I thank all the Members who contributed to the debate, particularly the Minister.

I accept the sensitivities with regard to jury trials, which the Minister and Mr McHugh both referenced. However, it is fair to say that not that many defamation cases go to trial in this jurisdiction and, of those that do, even fewer have a jury trial. Indeed, there are occasions when the judge dismisses the jury because it has become such a complex legal argument; but we shall see.

Currently, we are the only jurisdiction in the United Kingdom that has jury trials for defamation cases. As we know, the Justice Minister of the Government of Ireland, Helen McEntee, recommends to the Cabinet in the Republic of Ireland that they bring forward legislation to remove jury trials.

I thank everyone who spoke, including the Chair.

Mr McHugh has concerns about jury trials, and I agree with him that defamation is now on the political agenda, and it will stay there in the next mandate because it is an ever-changing and fluid area of work that we need to be looking at.

Mr O'Toole has embarrassed me for, yet again, having failed to declare my membership of the all-party group on press freedom and media sustainability. I apologise to the House for the omission. He mentioned his regret with regard to serious harm, as did Mr Muir. I, too, would have preferred serious harm to stay in the Bill, but it was the will of the House that it be removed. The Lady Chief Justice's office is looking at pre-trial protocols with regard to defamation cases. There is also the opportunity to look at alternative dispute resolutions. Perhaps the loss of the serious harm test will not be as impactful as some Members may think. It is an open question.

I leave it there. I do not think that we should let the perfect be the enemy of the good, and this legislation represents an advance in balancing these competing rights: the right to freedom of expression and the right to protect your reputation against unwarranted and untrue attack.

If I may, Mr Deputy Speaker, this will probably be my last contribution to the House in this mandate. There is, obviously, no certainty that it will not be my last contribution to the House ever.

I am thinking of every MLA, past and present, from over the past 11 years. To them, I reach out in solidarity and friendship. To everybody who is standing on 5 May, I wish godspeed. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Defamation Bill [NIA 25/17-22] do now pass.

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

Standing Order 42(1) - Abortion Services (Safe Access Zones) Bill: Suspension

Ms Bailey: I beg to move

That Standing Order 42(1) be suspended in respect of the Final Stage of the Abortion Services (Safe Access Zones) Bill [NIA 35/17-22].

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

Ms Bailey: The motion to suspend Standing Order 42(1) is purely to do with the scheduling that has been agreed by all party Whips at the Business Committee to allow Bills to complete their passage within the time remaining in the mandate.

I have been working on this Bill since I was first elected to the House in 2016. Now, in the last week of the mandate, I ask that Standing Order 42(1) be suspended to allow the Bill's Final Stage to take place one day early. I hope that Members will support that request, as they have every other such request to date.

Mr Deputy Speaker (Mr Beggs): No other Members have indicated that they wish to speak. Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

Question put a second time.

Some Members: Aye.

Some Members: No.

Mr Deputy Speaker (Mr Beggs): I remind Members that only those who are entitled to vote should come to the Chamber. I also remind Members that, as per Standing Order 112, proxy voting arrangements are in place. Members who have authorised another

Member to vote on their behalf are not entitled to vote in person or to enter the Lobbies. I ask that Members maintain social distancing during the vote.

The Assembly divided:

Ayes 59; Noes 29.

AYES

NATIONALIST:

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

UNIONIST:

Dr Aiken, Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart, Ms Sugden, Mr Swann.

OTHER:

Ms Armstrong, Ms Bailey, Mr Blair, Ms Bradshaw, Mr Carroll, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle, Mr Muir, Miss Woods.

Tellers for the Ayes: Ms McLaughlin and Miss Woods.

NOES

UNIONIST:

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Rankin, Mr Robinson, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Allister and Mr Harvey.

<i>Total Votes</i>	<i>88</i>	<i>Total Ayes</i>	<i>59</i>	<i>[67.0%]</i>
<i>Nationalist Votes</i>	<i>38</i>	<i>Nationalist Ayes</i>	<i>38</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>10</i>	<i>[25.6%]</i>
<i>Other Votes</i>	<i>11</i>	<i>Other Ayes</i>	<i>11</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

Mr Wells: On a point of order —

Ms Bailey: On a point of order —

Mr Deputy Speaker (Mr Beggs): As cross-community support to suspend Standing Order 42(1) for the Abortion Services (Safe Access Zones) Bill has not been granted, the Final Stage of the Bill cannot proceed today.

Mr Wells: On a point of order, Mr Deputy Speaker. In November 1982, I made my maiden speech in the Chamber, and, here we are, 40 years later, and I am making my last speech in the Chamber as a DUP MLA. I was the last person in the Public Gallery when the Assembly collapsed in 1976. I was the last person to speak in the Assembly before it collapsed in 1986. I was the last person in the Building before it burned down in 1995, and I was the last person to speak in one of the debates when the Assembly collapsed in the 2000s. When I was making that point in the Assembly one day, Danny Kennedy stood up and asked, "Could the honourable Member reassure me that he was not the last passenger on the Titanic?", because, every time I speak last, this place seems to be doomed.

Mr Deputy Speaker, I thank you for your indulgence and for your patience with me over many years. Unfortunately, Mr McGlone has just left the Chamber; I was about to thank him. I have enjoyed my 27 and a half years in this Building. It will be a very difficult transition for me to move on to other things, but I am grateful that you have allowed me to make a totally bogus point of order just to record my appreciation for your support.

Mr Deputy Speaker (Mr Beggs): As the Member — a former Deputy Speaker — is aware, that is clearly not a point of order. I am pleased that the Assembly is to meet on Thursday and that this is not the final sitting of the Northern Ireland Assembly in this mandate. Anyway, the Member has put his views on the record.

Ms Bailey: On a point of order, Mr Deputy Speaker. I am glad to speak just to prove Mr Wells wrong: he will not be the last Member to speak in the House. Therefore, there is hope that we are not doomed just yet.

It is extremely disappointing that Members saw fit to vote the previous motion down, because the Business Committee and every party Whip

supported the suspension of Standing Order 42(1). They agreed among themselves that they would allow that to be suspended to let business happen in the Chamber, so I want to put this on record: shame on those who agreed to support that and chose this as the one and only Bill that they would vote down. I will see you on Thursday. Scundered for you.

Mr Deputy Speaker (Mr Beggs): The scheduling of business is a matter for the Business Committee, and I have been advised that, should the Bill's Final Stage be added to the Order Paper for Thursday's sitting, it would be unnecessary to suspend Standing Order 42(1), as suspending that Standing Order overrules the requirement that there must be five working days between the Further Consideration Stage and Final Stage of a Bill. That will be a matter for the Business Committee.

Adjourned at 4.27 pm.

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